

(3) the term “originating agency” means, with respect to a record, the department, agency, or entity of the United States (or any officer or employee thereof of acting in his official capacity) that originates, develops, publishes, issues, or otherwise prepares that record or receives that record from outside the United States Government; and

(4) the term “record” includes any written material (including any document, memorandum, correspondence, statistical data, book, or other papers), map, photograph, machine readable material, or other documentary material, regardless of physical form or characteristics, made or received by an agency of the United States Government under Federal law or in connection with the transaction of public business and preserved or appropriate for preservation by that agency or its legitimate successor as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities of the Government or because of the informational value in them, and such term does not include library or museum material made or acquired and preserved solely for reference or exhibition purposes, any extra copy of a document preserved only for convenience of reference, or any stocks of publications or of processed documents.

(Aug. 1, 1956, ch. 841, title IV, § 407, as added Pub. L. 102-138, title I, § 198(a), Oct. 28, 1991, 105 Stat. 690.)

#### Statutory Notes and Related Subsidiaries

##### AUTHORITY OF SECRETARY OF STATE

Except as otherwise provided, Secretary of State to have and exercise any authority vested by law in any official or office of Department of State and references to such officials or offices deemed to refer to Secretary of State or Department of State, as appropriate, see section 2651a of this title and section 161(d) of Pub. L. 103-236, set out as a note under section 2651a of this title.

### CHAPTER 54—PRIVATE ORGANIZATION ASSISTANCE

#### SUBCHAPTER I—THE ASIA FOUNDATION

Sec.	
4401.	Findings.
4402.	Grants; authorization; purposes; terms and conditions; deposit of interest.
4403.	Funding.

#### SUBCHAPTER II—NATIONAL ENDOWMENT FOR DEMOCRACY

4411.	Findings; statement of purposes.
4412.	Grants to the Endowment.
4413.	Eligibility of the Endowment for grants.
4414.	Requirements relating to the Endowment and its grantees.
4415.	Freedom of information.
4416.	Retention of interest.

#### SUBCHAPTER I—THE ASIA FOUNDATION

#### § 4401. Findings

The Congress finds that—

(1) The Asia Foundation, a private nonprofit corporation incorporated in 1954 in the State of California, has long been active in pro-

moting Asian-American friendship and cooperation and in lending encouragement and assistance to Asians in their own efforts to develop more open, more just, and more democratic societies;

(2) The Asia Foundation’s commitment to strengthening indigenous Asian institutions which further stable national development, constructive social change, equitable economic growth, and cooperative international relationships is fully consistent with and supportive of long-term United States interests in Asia;

(3) The Asia Foundation, as a private organization, is able to conduct programs in response to Asian initiatives that would be difficult or impossible for an official United States instrumentality, and it is in a position in Asia to respond quickly and flexibly to meet new opportunities;

(4) in recognition of the valuable contributions of The Asia Foundation to long-range United States foreign policy interests, the United States Government has, through a variety of agencies, provided financial support for The Asia Foundation; and

(5) it is in the interest of the United States, and the further strengthening of Asian-American friendship and cooperation, to establish a more permanent mechanism for United States Government financial support for the ongoing activities of The Asia Foundation, while preserving the independent character of the Foundation.

(Pub. L. 98-164, title IV, § 402, Nov. 22, 1983, 97 Stat. 1038.)

#### Statutory Notes and Related Subsidiaries

##### SHORT TITLE

Pub. L. 98-164, title IV, § 401, Nov. 22, 1983, 97 Stat. 1038, provided that: “This title [enacting this subchapter] may be cited as ‘The Asia Foundation Act.’”

For short title of title V of Pub. L. 98-164, which enacted subchapter II of this chapter, as the “National Endowment for Democracy Act”, see section 501 of Pub. L. 98-164, set out as a Short Title note under section 4411 of this title.

#### § 4402. Grants; authorization; purposes; terms and conditions; deposit of interest

(a) The Secretary of State shall make an annual grant to The Asia Foundation with the funds made available under section 4403 of this title. Such grants shall be in general support of the Foundation’s programs and operations. The terms and conditions of grants pursuant to this section shall be set forth in a grant agreement between the Secretary of State and The Asia Foundation.

(b) If funds made available to The Asia Foundation pursuant to this subchapter or pursuant to any other provision of law are, with the permission of the head of the Federal agency making the funds available, invested by the Foundation or any of its subgrantees pending disbursement, the resulting interest is not required to be deposited in the United States Treasury if that interest is used for the purposes for which the funds were made available.

(Pub. L. 98-164, title IV, § 403, Nov. 22, 1983, 97 Stat. 1038.)