

members, including assets, investments, bank accounts, and other business interests; and

“(B) an identification of the most significant senior foreign political figures in Belarus, as determined by their closeness to Alyaksandr Lukashenka.

“(2) WAIVER.—The Director of National Intelligence may waive, in whole or in part, the reporting requirement under paragraph (1)(A) if the Director submits to the appropriate congressional committees—

“(A) a written justification stating that the waiver is in the national interest of the United States; and

“(B) a detailed explanation of the reasons therefor.

“(3) FORM.—The report required under this subsection shall be transmitted in unclassified form, but may contain a classified annex.

“SEC. 9. DEFINITIONS.

“In this Act:

“(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ‘appropriate congressional committees’ means—

“(A) the Committee on Foreign Relations of the Senate;

“(B) the Committee on Banking, Housing, and Urban Affairs of the Senate;

“(C) the Committee on Appropriations of the Senate;

“(D) the Committee on Foreign Affairs of the House of Representatives;

“(E) the Committee on Financial Services of the House of Representatives; and

“(F) the Committee on Appropriations of the House of Representatives.

“(2) OSCE.—The term ‘OSCE’ means the Organization for Security and Cooperation in Europe.

“(3) SENIOR LEADERSHIP OF THE GOVERNMENT OF BELARUS.—The term ‘senior leadership of the Government of Belarus’ includes—

“(A) the President, Prime Minister, Deputy Prime Ministers, government ministers, Chairmen of State Committees, governors, heads of state enterprises, and members of the Presidential Administration of Belarus;

“(B) any official of the Government of Belarus who—

“(i) is personally and substantially involved in the suppression of freedom in Belarus, including judges, prosecutors, members of the security and intelligence services, and heads of professional associations and educational institutions; or

“(ii) is otherwise engaged in public corruption, electoral fraud, online censorship, or restrictions on independent media and journalists in Belarus; and

“(C) any other individual determined by the Secretary of State (or the Secretary’s designee) to be personally and substantially involved in the formulation or execution of the policies of the Government of Belarus that are in contradiction of internationally recognized human rights standards.”

[Pub. L. 109-480, §4(c)(2), Jan. 12, 2007, 120 Stat. 3668, provided that: “The amendment made by paragraph (1) [amending section 4(d)(1) of Pub. L. 108-347, set out in the note above] shall not be construed to affect the availability of funds appropriated pursuant to the authorization of appropriations under section 4(d) of the Belarus Democracy Act of 2004 [Pub. L. 108-347] (as redesignated) before the date of the enactment of this Act [Jan. 12, 2007].”]

PRESIDENTIAL REPORT ON FUNDING FOR NEW INDEPENDENT STATES OF FORMER SOVIET UNION

Pub. L. 103-306, title II, Aug. 23, 1994, 108 Stat. 1617, provided in part that: “(o) The report required by subsection (d) under the heading ‘Assistance for the New Independent States of the Former Soviet Union’, contained in Public Law 102-391 [set out below], shall be updated at least annually and shall also contain a list-

ing of all grants and contracts issued from funds appropriated annually for the new independent states of the former Soviet Union, to include for each grant and contract (1) a description of its purpose, (2) its amount, and (3) the country where the grant or contract funds are to be expended.”

Pub. L. 102-391, title III, Oct. 6, 1992, 106 Stat. 1650, provided in part that: “(d) REPORTS.—The President shall submit a report to the Committees on Appropriations containing the amount of funds obligated and expended for each project and subproject funded from amounts appropriated under this heading for the new independent states of the former Soviet Union. The report required by this subsection shall be submitted to the Committees on Appropriations no later than January 1, 1993, and an update of this report shall be submitted by the President to those Committees no later than July 1, 1993.”

§ 5812. Program coordination, implementation, and oversight

(a) Coordination

The President shall designate, within the Department of State, a coordinator who shall be responsible for—

(1) designing an overall assistance and economic cooperation strategy for the independent states of the former Soviet Union;

(2) ensuring program and policy coordination among agencies of the United States Government in carrying out the policies set forth in this Act (including the amendments made by this Act and chapter 12 of part I of the Foreign Assistance Act of 1961 [22 U.S.C. 2296 et seq.]);

(3) pursuing coordination with other countries and international organizations with respect to assistance to independent states;

(4) ensuring that United States assistance programs for the independent states are consistent with this Act (including the amendments made by this Act and chapter 12 of part I of the Foreign Assistance Act of 1961 [22 U.S.C. 2296 et seq.]);

(5) ensuring proper management, implementation, and oversight by agencies responsible for assistance programs for the independent states; and

(6) resolving policy and program disputes among United States Government agencies with respect to United States assistance for the independent states.

(b) Export promotion activities

Consistent with subsection (a), coordination of activities related to the promotion of exports of United States goods and services to the independent states of the former Soviet Union shall continue to be primarily the responsibility of the Secretary of Commerce, in the Secretary’s role as Chair of the Trade Promotion Coordination Committee.

(c) International economic activities

Consistent with subsection (a), coordination of activities relating to United States participation in international financial institutions and relating to organization of multilateral efforts aimed at currency stabilization, currency convertibility, debt reduction, and comprehensive economic reform programs shall continue to be primarily the responsibility of the Secretary of the Treasury, in the Secretary’s role as Chair of

the National Advisory Council on International Monetary and Financial Policies and as the United States Governor of the international financial institutions.

**(d) Accountability for funds**

Any agency managing and implementing an assistance program for the independent states of the former Soviet Union shall be accountable for any funds made available to it for such program.

(Pub. L. 102-511, title I, §102, Oct. 24, 1992, 106 Stat. 3322; Pub. L. 106-113, div. B, §1000(a)(2) [title V, §596(c)], Nov. 29, 1999, 113 Stat. 1535, 1501A-126.)

**Editorial Notes**

REFERENCES IN TEXT

This Act, referred to in subsec. (a)(2), (4), is Pub. L. 102-511, Oct. 24, 1992, 106 Stat. 3320, as amended, known as the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992 and also as the FREEDOM Support Act. For complete classification of this Act to the Code, see Short Title note set out under section 5801 of this title and Tables.

The Foreign Assistance Act of 1961, referred to in subsec. (a)(2), (4), is Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, as amended. Chapter 12 of part I of the Act is classified generally to part XII [§2296 et seq.] of subchapter I of chapter 32 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables.

AMENDMENTS

1999—Subsec. (a)(2), (4). Pub. L. 106-113 substituted “this Act and chapter 12 of part I of the Foreign Assistance Act of 1961)” for “this Act)”.

**Statutory Notes and Related Subsidiaries**

RUSSIAN AND UKRAINIAN BUSINESS MANAGEMENT  
EDUCATION

Pub. L. 106-113, div. B, §1000(a)(7) [div. A, title IV, subtitle B], Nov. 29, 1999, 113 Stat. 1536, 1501A-448, provided that:

“SEC. 421. PURPOSE.

“The purpose of this subtitle is to establish a training program in Russia and Ukraine for nationals of those countries to obtain skills in business administration, accounting, and marketing, with special emphasis on instruction in business ethics and in the basic terminology, techniques, and practices of those disciplines, to achieve international standards of quality, transparency, and competitiveness.

“SEC. 422. DEFINITIONS.

“In this subtitle:

“(1) DISTANCE LEARNING.—The term ‘distance learning’ means training through computers, interactive videos, teleconferencing, and videoconferencing between and among students and teachers.

“(2) ELIGIBLE ENTERPRISE.—The term ‘eligible enterprise’ means—

“(A) in the case of Russia—

“(i) a business concern operating in Russia that employs Russian nationals in Russia; or

“(ii) a private enterprise that is being formed or operated by former officers of the Russian armed forces in Russia; and

“(B) in the case of Ukraine—

“(i) a business concern operating in Ukraine that employs Ukrainian nationals in Ukraine; or

“(ii) a private enterprise that is being formed or operated by former officers of the Ukrainian armed forces in Ukraine.

“(3) ELIGIBLE NATIONAL.—The term ‘eligible national’ means the employee of an eligible enterprise who is employed in the program country.

“(4) PROGRAM.—The term ‘program’ means the program of technical assistance established under section 423.

“(5) PROGRAM COUNTRY.—The term ‘program country’ means—

“(A) Russia in the case of any eligible enterprise operating in Russia that receives technical assistance under the program; or

“(B) Ukraine in the case of any eligible enterprise operating in Ukraine that receives technical assistance under the program.

“SEC. 423. AUTHORIZATION FOR TRAINING PROGRAM AND INTERNSHIPS.

“(a) TRAINING PROGRAM.—

“(1) IN GENERAL.—The President is authorized to establish a program of technical assistance to provide the training described in section 421 to eligible enterprises.

“(2) IMPLEMENTATION.—Training shall be carried out by United States nationals having expertise in business administration, accounting, and marketing or by eligible nationals who have been trained under the program. Such training may be carried out—

“(A) in the offices of eligible enterprises, at business schools or institutes, or at other locations in the program country, including facilities of the armed forces of the program country, educational institutions, or in the offices of trade or industry associations, with special consideration given to locations where similar training opportunities are limited or nonexistent; or

“(B) by ‘distance learning’ programs originating in the United States or in European branches of United States institutions.

“(b) INTERNSHIPS WITH UNITED STATES DOMESTIC BUSINESS CONCERNS.—Authorized program costs may include the travel expenses and appropriate in-country business English language training, if needed, of eligible nationals who have completed training under the program to undertake short-term internships with business concerns in the United States.

“SEC. 424. APPLICATIONS FOR TECHNICAL ASSISTANCE.

“(a) PROCEDURES.—

“(1) IN GENERAL.—Each eligible enterprise that desires to receive training for its employees and managers under this subtitle shall submit an application to the clearinghouse under subsection (c), at such time, in such manner, and accompanied by such additional information as may reasonably be required.

“(2) JOINT APPLICATIONS.—A consortium of eligible enterprises may file a joint application under the provisions of paragraph (1).

“(b) CONTENTS.—An application under subsection (a) may be approved only if the application—

“(1) is for an individual or individuals employed in an eligible enterprise or enterprises applying under the program;

“(2) describes the level of training for which assistance under this subtitle is sought;

“(3) provides evidence that the eligible enterprise meets the general policies adopted for the administration of this subtitle;

“(4) provides assurances that the eligible enterprise will pay a share of the costs of the training, which share may include in-kind contributions; and

“(5) provides such additional assurances as are determined to be essential to ensure compliance with the requirements of this subtitle.

“(c) CLEARINGHOUSE.—A clearinghouse shall be established or designated in each program country to manage and execute the program in that country. The clearinghouse shall screen applications, provide information regarding training and teachers, monitor performance of the program, and coordinate appropriate post-program follow-on activities.

“SEC. 425. RESTRICTIONS NOT APPLICABLE.

“Prohibitions on the use of foreign assistance funds for assistance for the Russian Federation or for

Ukraine shall not apply with respect to the funds made available to carry out this subtitle.

“SEC. 426. AUTHORIZATION OF APPROPRIATIONS.

“(a) IN GENERAL.—There is authorized to be appropriated \$10,000,000 for the fiscal year 2000 and \$10,000,000 for the fiscal year 2001 to carry out this subtitle.

“(b) AVAILABILITY OF FUNDS.—Amounts appropriated under subsection (a) are authorized to remain available until expended.”

RESTRICTION ON ASSISTANCE TO AZERBAIJAN

Pub. L. 107–115, title II [(g)(2)–(6)], Jan. 10, 2002, 115 Stat. 2129, provided that:

“(2) The President may waive section 907 of the FREEDOM Support Act [Pub. L. 102–511, set out below] if he determines and certifies to the Committees on Appropriations that to do so—

“(A) is necessary to support United States efforts to counter international terrorism; or

“(B) is necessary to support the operational readiness of United States Armed Forces or coalition partners to counter international terrorism; or

“(C) is important to Azerbaijan’s border security; and

“(D) will not undermine or hamper ongoing efforts to negotiate a peaceful settlement between Armenia and Azerbaijan or be used for offensive purposes against Armenia.

“(3) The authority of paragraph (2) may only be exercised through December 31, 2002.

“(4) The President may extend the waiver authority provided in paragraph (2) on an annual basis on or after December 31, 2002 if he determines and certifies to the Committees on Appropriations in accordance with the provisions of paragraph (2).

“(5) The Committees on Appropriations shall be consulted prior to the provision of any assistance made available pursuant to paragraph (2).

“(6) Within 60 days of any exercise of the authority under paragraph (2) the President shall send a report to the appropriate congressional committees specifying in detail the following—

“(A) the nature and quantity of all training and assistance provided to the Government of Azerbaijan pursuant to paragraph (2);

“(B) the status of the military balance between Azerbaijan and Armenia and the impact of United States assistance on that balance; and

“(C) the status of negotiations for a peaceful settlement between Armenia and Azerbaijan and the impact of United States assistance on those negotiations.”

[Functions of President under subsecs. (g)(4) and (6) of title II of Pub. L. 107–115, set out above, delegated to Secretary of State by section 1–100(a)(13) of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, as amended, set out as a note under section 2381 of this title.]

Pub. L. 102–511, title IX, §907, Oct. 24, 1992, 106 Stat. 3357, provided that: “United States assistance under this or any other Act (other than assistance under title V of this Act [22 U.S.C. 5851 et seq.]) may not be provided to the Government of Azerbaijan until the President determines, and so reports to the Congress, that the Government of Azerbaijan is taking demonstrable steps to cease all blockades and other offensive uses of force against Armenia and Nagorno-Karabakh.”

SUPPORT FOR MACROECONOMIC STABILIZATION IN INDEPENDENT STATES OF FORMER SOVIET UNION

Pub. L. 102–511, title X, §1004, Oct. 24, 1992, 106 Stat. 3360, provided that:

“(a) IN GENERAL.—In order to promote macroeconomic stabilization and the integration of the independent states of the former Soviet Union into the international financial system, enhance the opportunities for trade, improve the climate for foreign investment, and strengthen the process of transformation of the former socialist economies into free enterprise systems and thereby progressively enhance the well-being

of the citizens of these states, the United States should in appropriate circumstances take a leading role in organizing and supporting multilateral efforts at macroeconomic stabilization and debt rescheduling, conditioned on the appropriate development and implementation of comprehensive economic reform programs.

“(b) CURRENCY STABILIZATION.—In furtherance of the purposes and consistent with the conditions described in subsection (a), the Congress expresses its support for United States participation, in sums of up to \$3,000,000,000, in a currency stabilization fund or funds for the independent states of the former Soviet Union.

“(c) STUDY OF THE NEED FOR AND FEASIBILITY OF A CURRENCY STABILIZATION FUND FOR UKRAINE.—The Secretary of the Treasury shall instruct the United States Executive Director of the International Monetary Fund to use the voice and vote of the United States to urge the Fund to conduct a study of the need for and feasibility of a currency stabilization fund for Ukraine, and, if it is found that such a fund is needed and is feasible, which considers and makes recommendations with respect to the economic and policy conditions required for the success of such a fund.”

REPORT ON DEBT OF FORMER SOVIET UNION HELD BY COMMERCIAL FINANCIAL INSTITUTIONS

Pub. L. 102–511, title X, §1007, Oct. 24, 1992, 106 Stat. 3361, directed Secretary of the Treasury, using information available from the International Monetary Fund, the International Bank for Reconstruction and Development, and other appropriate international financial institutions, to report to Congress, not later than one year after Oct. 24, 1992, on the debt incurred by the former Soviet Union that is held by commercial financial institutions outside the independent states of the former Soviet Union that are obligated on such debt.

Executive Documents

EX. ORD. NO. 12884. DELEGATION OF FUNCTIONS UNDER FREEDOM SUPPORT ACT AND RELATED PROVISIONS OF FOREIGN OPERATIONS, EXPORT FINANCING AND RELATED PROGRAMS APPROPRIATIONS ACT

Ex. Ord. No. 12884, Dec. 1, 1993, 58 F.R. 64099, as amended by Ex. Ord. No. 13030, §3, Dec. 12, 1996, 61 F.R. 66187; Pub. L. 105–277, div. G, subdiv. A, title XIV, §1422(a)(4), Oct. 21, 1998, 112 Stat. 2681–792; Ex. Ord. No. 13118, §10(1), Mar. 31, 1999, 64 F.R. 16598, provided:

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the FREEDOM Support Act (Public Law 102–511) (the “Act”) [22 U.S.C. 5801 et seq.], the Foreign Assistance Act of 1961, as amended (the “Foreign Assistance Act”) [22 U.S.C. 2151 et seq.], the Foreign Operations, Export Financing and Related Programs Appropriations Act, 1993 (Public Law 102–391) [see Tables for classification], and section 301 of title 3, United States Code, it is hereby ordered as follows:

SECTION 1. *Secretary of State.* (a) There are delegated to the Secretary of State the functions conferred upon the President by:

(1) section 907 of the Act [set out above];

(2) paragraphs (1), (2), (3), and (5) of section 498A(b) of the Foreign Assistance Act [22 U.S.C. 2295a(b)(1), (2), (3), (5)];

(3) paragraph (1) of section 498A(C) of the Foreign Assistance Act [22 U.S.C. 2295a(c)(1)] and the requirement to make reports under that section regarding determinations under that paragraph; and

(4) section 599B of Public Law 102–391 [106 Stat. 1697].

(b) The Secretary of State may at any time exercise any function delegated to the Coordinator under this order or otherwise assigned to the Coordinator.

SEC. 2. *Coordinator.* There are delegated to the Coordinator designated in accordance with section 102 of the Act [22 U.S.C. 5812] the functions conferred upon the President by:

(a) [former] section 104 of the Act [22 U.S.C. 5814], and the Coordinator is authorized to assign responsibility

for particular aspects of the reports described in that section to the heads of appropriate agencies;

(b) section 301 of the Act [22 U.S.C. 5821], insofar as it relates to determinations and directives;

(c) section 498A(a), section 498B(c), and section 498B(g) of the Foreign Assistance Act [22 U.S.C. 2295a(a), 2295b(c), (g)]; and

(d) paragraph (2) of section 498A(c) of the Foreign Assistance Act [22 U.S.C. 2295a(c)(2)] and the requirement to make reports under that section regarding determinations under that paragraph.

SEC. 3. *Secretary of State-Additional Functions.* There are delegated to the Secretary of State the functions conferred upon the President by:

(a) sections 301(a) and 307 of the Act [22 U.S.C. 5821(a), 5827], except insofar as provided otherwise in section 2(b) of this order;

(b) section 498 and section 498C(b)(2) of the Foreign Assistance Act [22 U.S.C. 2295, 2295c(b)(2)];

(c) paragraph (3) of section 498A(c) of the Foreign Assistance Act [22 U.S.C. 2295a(c)(3)] and the requirement to make reports under that section regarding determinations under that paragraph;

(d) subsection (d) under the heading “Assistance for the New Independent States of the Former Soviet Union” contained in Title II of Public Law 102-391 [106 Stat. 1650]; and

(e) section 592 of Public Law 102-391 [106 Stat. 1691], except to the extent otherwise provided in section 5(b) of this order.

SEC. 4. *Secretary of Agriculture.* There are delegated to the Secretary of Agriculture the functions conferred upon the President by section 807(d) of the Act [22 U.S.C. 2452 note].

SEC. 5. *Other Agencies.* The functions conferred upon the President by:

(a) sections 498B(h) and 498B(i) of the Foreign Assistance Act [22 U.S.C. 2295b(h), (i)] are delegated to the head of the agency that is responsible for administering the particular program or activity with respect to which the authority is to be exercised; and

(b) the third proviso in section 592 of Public Law 102-391 [106 Stat. 1691] are delegated to the head of each agency that is responsible for administering relevant programs or activities.

SEC. 6. *General.* (a) the [sic] functions described in sections 4 and 5 of this order shall be exercised subject to the authority of the Coordinator under section 102(a) of the Act [22 U.S.C. 5812(a)] or otherwise.

(b) As used in this order, the word “function” includes any duty, obligations, power, authority, responsibility, right, privilege, discretion, or activity.

(c) Functions delegated under this order shall be construed as excluded from the functions delegated under section 1-102(a) of Executive Order No. 12163, as amended [22 U.S.C. 2381 note].

(d) Any officer to whom functions are delegated or otherwise assigned under this order may, to the extent consistent with law, redelegate such functions and authorize their successive redelegation.

WILLIAM J. CLINTON.

[Section 3 of Ex. Ord. No. 12884, set out above, was to cease to be effective pursuant to Pub. L. 105-277, div. G, subdiv. A, title XIV, §1422(a)(4), Oct. 21, 1998, 112 Stat. 2681-792.]

#### WAIVER OF RESTRICTION ON ASSISTANCE TO AZERBAIJAN

Determination of President of the United States, No. 2005-18, Jan. 13, 2005, 70 F.R. 3853, provided:

Memorandum for the Secretary of State

Pursuant to the authority contained in title II of the Kenneth M. Ludden Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2002 (Public Law 107-115) [see title II [(g)(2)-(6)] of Pub. L. 107-115, set out as a note above], I hereby determine and certify that extending the waiver of section 907 of the FREEDOM Support Act of 1992 (Public Law 102-511) [set out as a note above]:

• is necessary to support United States efforts to counter international terrorism;

• is necessary to support the operational readiness of United States Armed Forces or coalition partners to counter international terrorism;

• is important to Azerbaijan’s border security; and

• will not undermine or hamper ongoing efforts to negotiate a peaceful settlement between Armenia and Azerbaijan or be used for offensive purposes against Armenia.

Accordingly, I hereby extend the waiver of section 907 of the FREEDOM Support Act.

You are authorized and directed to notify the Congress of this determination and to arrange for its publication in the Federal Register.

GEORGE W. BUSH.

Prior waivers of section 907 of Pub. L. 102-511 were contained in the following:

Determination of President of the United States, No. 2004-18, Dec. 30, 2003, 69 F.R. 2057.

Determination of President of the United States, No. 2003-12, Jan. 17, 2003, 68 F.R. 3803.

Determination of President of the United States, No. 2002-06, Jan. 25, 2002, 67 F.R. 5921.

### §5813. Report on overall assistance and economic cooperation strategy

#### (a) Requirement for submission

As soon as practicable after October 24, 1992, the coordinator designated pursuant to section 5812(a) of this title shall submit to the Congress a report on the overall assistance and economic cooperation strategy for the independent states of the former Soviet Union that is required to be developed pursuant to paragraph (1) of that section.

#### (b) Assistance plan

The report submitted pursuant to subsection (a) shall include a plan specifying—

(1) the amount of the funds authorized to be appropriated for fiscal year 1993 by chapter 11 of part I of the Foreign Assistance Act of 1961 [22 U.S.C. 2295 et seq.] proposed to be allocated for each of the categories of activities authorized by section 498 of that Act [22 U.S.C. 2295] and to carry out section 5821 of this title (relating to American Business Centers), section 5823 of this title (relating to export promotion activities and capital projects), and subchapter III of this chapter (relating to the Democracy Corps);

(2) the amount of other funds made available for fiscal year 1993 to carry out the Foreign Assistance Act of 1961 [22 U.S.C. 2151 et seq.] proposed to be allocated for assistance under that Act for the independent states of the former Soviet Union; and

(3) the amount of funds available for fiscal year 1993 under the Foreign Assistance Act of 1961 [22 U.S.C. 2151 et seq.] that are proposed to be made to each agency to carry out activities for the independent states under that Act or this Act.

(Pub. L. 102-511, title I, §103, Oct. 24, 1992, 106 Stat. 3323.)

#### Editorial Notes

##### REFERENCES IN TEXT

The Foreign Assistance Act of 1961, referred to in subsec. (b), is Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, as amended, which is classified principally to chapter 32 (§2151 et seq.) of this title. Chapter 11 of part I of the