

SUBCHAPTER VI—PROTECTION OF NATIONAL SECURITY INFORMATION AND ACTIVITIES

§ 8161. Protection of certain information

(a) Locations and facilities of direct national security significance

No current or former Department of Defense or Department of Energy location, site, or facility of direct national security significance shall be declared or be subject to IAEA inspection under the Additional Protocol.

(b) Information of direct national security significance

No information of direct national security significance regarding any location, site, or facility associated with activities of the Department of Defense or the Department of Energy shall be provided under the Additional Protocol.

(c) Restricted data

Nothing in this chapter shall be construed to permit the communication or disclosure to the IAEA or IAEA employees of restricted data controlled by the provisions of the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.), including in particular “Restricted Data” as defined under paragraph (1) of section 11 y. of such Act (42 U.S.C. 2014(y)).

(d) Classified information

Nothing in this Act shall be construed to permit the communication or disclosure to the IAEA or IAEA employees of national security information and other classified information.

(Pub. L. 109–401, title II, §261, Dec. 18, 2006, 120 Stat. 2751.)

Editorial Notes

REFERENCES IN TEXT

The Atomic Energy Act of 1954, referred to in subsec. (c), is act Aug. 1, 1946, ch. 724, as added by act Aug. 30, 1954, ch. 1073, §1, 68 Stat. 919, which is classified principally to chapter 23 (§2011 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 2011 of Title 42 and Tables.

This Act, referred to in subsec. (d), is Pub. L. 109–401, Dec. 18, 2006, 120 Stat. 2726, which enacted this chapter and chapter 87 (§8001 et seq.) of this title and amended section 2652c of this title and section 2153 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Tables.

§ 8162. IAEA inspections and visits

(a) Certain individuals prohibited from obtaining access

No national of a country designated by the Secretary of State under section 2371 of this title as a government supporting acts of international terrorism shall be permitted access to the United States to carry out an inspection activity under the Additional Protocol or a related safeguards agreement.

(b) Presence of United States Government personnel

IAEA inspectors shall be accompanied at all times by United States Government personnel when inspecting sites, locations, facilities, or

activities in the United States under the Additional Protocol.

(c) Vulnerability and related assessments

The President shall conduct vulnerability, counterintelligence, and related assessments not less than every 5 years to ensure that information of direct national security significance remains protected at all sites, locations, facilities, and activities in the United States that are subject to IAEA inspection under the Additional Protocol.

(Pub. L. 109–401, title II, §262, Dec. 18, 2006, 120 Stat. 2751.)

SUBCHAPTER VII—REPORTS

§ 8171. Report on initial United States declaration

Not later than 60 days before submitting the initial United States declaration to the IAEA under the Additional Protocol, the President shall submit to Congress a list of the sites, locations, facilities, and activities in the United States that the President intends to declare to the IAEA, and a report thereon.

(Pub. L. 109–401, title II, §271, Dec. 18, 2006, 120 Stat. 2752.)

§ 8172. Report on revisions to initial United States declaration

Not later than 60 days before submitting to the IAEA any revisions to the United States declaration submitted under the Additional Protocol, the President shall submit to Congress a list of any sites, locations, facilities, or activities in the United States that the President intends to add to or remove from the declaration, and a report thereon.

(Pub. L. 109–401, title II, §272, Dec. 18, 2006, 120 Stat. 2752.)

§ 8173. Content of reports on United States declarations

The reports required under section 8171 of this title and section 8172 of this title shall present the reasons for each site, location, facility, and activity being declared or being removed from the declaration list and shall certify that—

(1) each site, location, facility, and activity included in the list has been examined by each agency with national security equities with respect to such site, location, facility, or activity; and

(2) appropriate measures have been taken to ensure that information of direct national security significance will not be compromised at any such site, location, facility, or activity in connection with an IAEA inspection.

(Pub. L. 109–401, title II, §273, Dec. 18, 2006, 120 Stat. 2752.)

§ 8174. Report on efforts to promote the implementation of additional protocols

Not later than 180 days after the entry into force of the Additional Protocol, the President shall submit to the appropriate congressional committees a report on—

(1) measures that have been or should be taken to achieve the adoption of additional protocols to existing safeguards agreements signed by non-nuclear-weapon State Parties; and

(2) assistance that has been or should be provided by the United States to the IAEA in order to promote the effective implementation of additional protocols to existing safeguards agreements signed by non-nuclear-weapon State Parties and the verification of the compliance of such parties with IAEA obligations, with a plan for providing any needed additional funding.

(Pub. L. 109-401, title II, §274, Dec. 18, 2006, 120 Stat. 2752.)

§ 8175. Notice of IAEA notifications

The President shall notify Congress of any notifications issued by the IAEA to the United States under Article 10 of the Additional Protocol.

(Pub. L. 109-401, title II, §275, Dec. 18, 2006, 120 Stat. 2753.)

SUBCHAPTER VIII—AUTHORIZATION OF APPROPRIATIONS

§ 8181. Authorization of appropriations

There are authorized to be appropriated such sums as may be necessary to carry out this chapter.

(Pub. L. 109-401, title II, §281, Dec. 18, 2006, 120 Stat. 2753.)

CHAPTER 89—ADVANCING DEMOCRATIC VALUES

Sec.	
8201.	Findings.
8202.	Statement of policy.
8203.	Definitions.

SUBCHAPTER I—ACTIVITIES TO ENHANCE THE PROMOTION OF DEMOCRACY

8211.	Democracy promotion at the Department of State.
8212.	Democracy Fellowship Program.
8213.	Investigations of violations of international humanitarian law.

SUBCHAPTER II—STRATEGIES AND REPORTS ON HUMAN RIGHTS AND THE PROMOTION OF DEMOCRACY

8221.	Strategies, priorities, and annual report.
8222.	Translation of human rights reports.

SUBCHAPTER III—ADVISORY COMMITTEE ON DEMOCRACY PROMOTION AND THE INTERNET WEBSITE OF THE DEPARTMENT OF STATE

8231.	Advisory Committee on Democracy Promotion.
8232.	Sense of Congress regarding the Internet website of the Department of State.

SUBCHAPTER IV—TRAINING IN DEMOCRACY AND HUMAN RIGHTS; INCENTIVES

8241.	Training in democracy promotion and the protection of human rights.
8242.	Sense of Congress regarding ADVANCE Democracy Award.
8243.	Personnel policies at the Department of State.

SUBCHAPTER V—COOPERATION WITH DEMOCRATIC COUNTRIES

8251.	Cooperation with democratic countries.
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Sec.

SUBCHAPTER VI—FUNDING FOR PROMOTION OF DEMOCRACY

8261.	The United Nations Democracy Fund.
8262.	United States democracy assistance programs.

§ 8201. Findings

Congress finds the following:

(1) The United States Declaration of Independence, the United States Constitution, and the United Nations Universal Declaration of Human Rights declare that all human beings are created equal and possess certain rights and freedoms, including the fundamental right to participate in the political life and government of their respective countries.

(2) The development of democracy constitutes a long-term challenge that goes through unique phases and paces in individual countries as such countries develop democratic institutions such as a thriving civil society, a free media, and an independent judiciary, and must be led from within such countries, including by nongovernmental and governmental reformers.

(3) Individuals, nongovernmental organizations, and movements that support democratic principles, practices, and values are under increasing pressure from some governments of nondemocratic countries (as well as, in some cases, from governments of democratic transition countries), including by using administrative and regulatory mechanisms to undermine the activities of such individuals, organizations, and movements.

(4) Democratic countries have a number of instruments available for supporting democratic reformers who are committed to promoting effective, nonviolent change in nondemocratic countries and who are committed to keeping their countries on the path to democracy.

(5) United States efforts to promote democracy and protect human rights can be strengthened to improve assistance for such reformers, including through an enhanced role for United States diplomats when properly trained and given the right incentives.

(6) The promotion of democracy requires a broad-based effort with cooperation between all democratic countries, including through the Community of Democracies.

(Pub. L. 110-53, title XXI, §2102, Aug. 3, 2007, 121 Stat. 526.)

Statutory Notes and Related Subsidiaries

SHORT TITLE

Pub. L. 110-53, title XXI, §2101, Aug. 3, 2007, 121 Stat. 526, provided that: "This title [enacting this chapter and amending provisions set out as a note under section 2151n of this title] may be cited as the 'Advance Democratic Values, Address Nondemocratic Countries, and Enhance Democracy Act of 2007' or the 'ADVANCE Democracy Act of 2007'."

Executive Documents

DEEPENING U.S. GOVERNMENT EFFORTS TO COLLABORATE WITH AND STRENGTHEN CIVIL SOCIETY

Memorandum of President of the United States, Sept. 23, 2014, 79 F.R. 58237, provided: