

(2) its domestic media which provide balanced, accurate, and comprehensive news and information, is firmly established and widely accessible to the national audience, thus making redundant broadcasts by Radio Free Europe or Radio Liberty.

At such time as a particular nation meets both of these conditions, RFE/RL should phase out broadcasting to that nation.

(Pub. L. 103-236, title III, §312, Apr. 30, 1994, 108 Stat. 444; Pub. L. 106-113, §1000(a)(7) [div. A, title V, §503], Nov. 29, 1999, 113 Stat. 1536, 1501A-451.)

AMENDMENTS

1999—Pub. L. 106-113 amended section catchline and text generally, substituting present provisions for provisions which set forth sense of Congress that funding of Radio Free Europe and Radio Liberty be privatized not later than Dec. 31, 1999, directed President to submit analysis and recommendation for achieving this objective with his annual budget submission, and directed Board for International Broadcasting to submit to appropriate congressional committees not later than 120 days after Apr. 30, 1994, report on steps being taken to transfer RFE/RL Research Institute, and periodic progress reports until such transfer would be achieved.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 6544 of this title.

§ 6212. Requirement for authorization of appropriations

(a) Limitation on obligation and expenditure of funds

Notwithstanding any other provision of law, for the fiscal year 1994 and for each subsequent fiscal year, any funds appropriated for the purposes of broadcasting subject to the direction and supervision of the Board shall not be available for obligation or expenditure—

(1) unless such funds are appropriated pursuant to an authorization of appropriations; or

(2) in excess of the authorized level of appropriations.

(b) Subsequent authorization

The limitation under subsection (a) of this section shall not apply to the extent that an authorization of appropriations is enacted after such funds are appropriated.

(c) Application

The provisions of this section—

(1) may not be superseded, except by a provision of law which specifically repeals, modifies, or supersedes the provisions of this section; and

(2) shall not apply to, or affect in any manner, permanent appropriations, trust funds, and other similar accounts which are authorized by law and administered under or pursuant to this chapter.

(Pub. L. 103-236, title III, §313, Apr. 30, 1994, 108 Stat. 444.)

CONTINUED AVAILABILITY OF FUNDS FOLLOWING REPEAL OF BOARD FOR INTERNATIONAL BROADCASTING ACT OF 1973

Pub. L. 103-317, title V, Aug. 26, 1994, 108 Stat. 1771, provided in part: “That on the date upon which the Board for International Broadcasting Act of 1973 (22 U.S.C. 2871, et seq.) is repealed, as provided for by sec-

tion 310(e) of the Foreign Relations Authorization Act, fiscal years 1994 and 1995 (Public Law 103-236; 108 Stat. 442) [22 U.S.C. 6209(e)], funds made available for expenses of the Board for International Broadcasting shall be made available until expended only for expenses necessary to enable the Broadcasting Board of Governors to carry out the authorities provided in section 305(a) of Public Law 103-236 [22 U.S.C. 6204(a)], including the appointment of staff personnel as authorized by section 305(a)(11) of Public Law 103-236: *Provided further*, That such amounts appropriated to the Board for International Broadcasting in fiscal year 1994 as are certified by the Office of Management and Budget to the Congress as gains due to the fluctuation of foreign currency, may be used in fiscal year 1995 and thereafter either to offset foreign currency losses or to offset unfunded RFE/RL costs associated with the implementation of Public Law 103-236 [see Tables for classification]: *Provided further*, That obligated but unexpended balances appropriated in fiscal year 1990 to fund planned transmitter modernization expenses may be expended in fiscal year 1995 for unfunded RFE/RL costs associated with the implementation of Public Law 103-236”.

§ 6213. Definitions

For the purposes of this chapter—

(1) the term “appropriate congressional committees” means the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives;

(2) the term “RFE/RL, Incorporated” includes—

(A) the corporation having the corporate title described in section 6206(b)(3)¹ of this title; and

(B) any alternative grantee described in section 6206(e)² of this title; and

(3) the term “salary or other compensation” includes any deferred compensation or pension payments, any payments for expenses for which the recipient is not obligated to itemize, and any payments for personnel services provided to an employee of RFE/RL, Incorporated.

(Pub. L. 103-236, title III, §314, Apr. 30, 1994, 108 Stat. 445.)

CHANGE OF NAME

Committee on Foreign Affairs of House of Representatives treated as referring to Committee on International Relations of House of Representatives by section 1(a) of Pub. L. 104-14, set out as a note preceding section 21 of Title 2, The Congress.

§ 6214. Relocation costs

Notwithstanding any other provision of law, funds derived from the sale of real property assets of RFE/RL in Munich, Germany, may be retained, obligated, and expended to meet one-time costs associated with the consolidation of United States Government broadcasting activities in accordance with this chapter, including the costs of relocating RFE/RL offices and operations.

(Pub. L. 103-236, title III, §315(d), as added Pub. L. 103-415, §1(l), Oct. 25, 1994, 108 Stat. 4303.)

¹ So in original. There is no section “6206(b)(3)”.

² So in original. Probably should be section “6207(d)”.

CHAPTER 72—NUCLEAR PROLIFERATION PREVENTION

SUBCHAPTER I—SANCTIONS FOR NUCLEAR PROLIFERATION

- Sec.
6301. Imposition of procurement sanction on persons engaging in export activities that contribute to proliferation.
 (a) Determination by President.
 (b) Consultation with and actions by foreign government of jurisdiction.
 (c) Sanction.
 (d) Advisory opinions.
 (e) Termination of sanction.
 (f) Waiver.
 6302. Role of international financial institutions.
 6303. Prohibition on assisting nuclear proliferation through provision of financing.
 (a) “Prohibited activity” defined.
 (b) Prohibition.
 (c) Presidential determination and order with respect to United States and foreign persons.
 (d) Sanctions.
 (e) Consultation with and actions by foreign government of jurisdiction.
 (f) Termination of sanctions.
 (g) Waiver.
 (h) Enforcement action.
 (i) “Knowingly” defined.
 (j) Scope of application.
 6304. Reporting on demarches.
 6305. Definitions.

SUBCHAPTER II—INTERNATIONAL ATOMIC ENERGY AGENCY

6321. Bilateral and multilateral initiatives.
 6322. IAEA internal reforms.
 6323. Reporting requirement.
 (a) Report required.
 (b) Contents of report.
 6324. Definitions.

SUBCHAPTER I—SANCTIONS FOR NUCLEAR PROLIFERATION

§ 6301. Imposition of procurement sanction on persons engaging in export activities that contribute to proliferation

(a) Determination by President

(1) In general

Except as provided in subsection (b)(2) of this section, the President shall impose the sanction described in subsection (c) of this section if the President determines in writing that, on or after the effective date of this subchapter, a foreign person or a United States person has materially and with requisite knowledge contributed, through the export from the United States or any other country of any goods or technology (as defined in section 6305(2) of this title), to the efforts by any individual, group, or non-nuclear-weapon state to acquire unsafeguarded special nuclear material or to use, develop, produce, stockpile, or otherwise acquire any nuclear explosive device.

(2) Persons against which the sanction is to be imposed

The sanction shall be imposed pursuant to paragraph (1) on—

- (A) the foreign person or United States person with respect to which the President

makes the determination described in that paragraph;

(B) any successor entity to that foreign person or United States person;

(C) any foreign person or United States person that is a parent or subsidiary of that person if that parent or subsidiary materially and with requisite knowledge assisted in the activities which were the basis of that determination; and

(D) any foreign person or United States person that is an affiliate of that person if that affiliate materially and with requisite knowledge assisted in the activities which were the basis of that determination and if that affiliate is controlled in fact by that person.

(3) Other sanctions available

The sanction which is required to be imposed for activities described in this subsection is in addition to any other sanction which may be imposed for the same activities under any other provision of law.

(4) Definition

For purposes of this subsection, the term “requisite knowledge” means situations in which a person “knows”, as “knowing” is defined in section 78dd-2 of title 15.

(b) Consultation with and actions by foreign government of jurisdiction

(1) Consultations

If the President makes a determination described in subsection (a)(1) of this section with respect to a foreign person, the Congress urges the President to initiate consultations immediately with the government with primary jurisdiction over that foreign person with respect to the imposition of the sanction pursuant to this section.

(2) Actions by government of jurisdiction

In order to pursue such consultations with that government, the President may delay imposition of the sanction pursuant to this section for up to 90 days. Following these consultations, the President shall impose the sanction unless the President determines and certifies in writing to the Congress that that government has taken specific and effective actions, including appropriate penalties, to terminate the involvement of the foreign person in the activities described in subsection (a)(1) of this section. The President may delay the imposition of the sanction for up to an additional 90 days if the President determines and certifies in writing to the Congress that that government is in the process of taking the actions described in the preceding sentence.

(3) Report to Congress

Not later than 90 days after making a determination under subsection (a)(1) of this section, the President shall submit to the Committee on Foreign Relations and the Committee on Governmental Affairs of the Senate and the Committee on Foreign Affairs of the House of Representatives a report on the status of consultations with the appropriate