

ed Pub. L. 108–31, § 3, June 17, 2003, 117 Stat. 776, related to microenterprise development grant assistance.

§ 2152b. Transferred

Editorial Notes

CODIFICATION

Section, Pub. L. 87–195, pt. I, § 132, as added Pub. L. 106–309, title I, § 107(a), Oct. 17, 2000, 114 Stat. 1086, which related to United States Microfinance Loan Facility, was renumbered section 257 of Pub. L. 87–195 by Pub. L. 108–484, § 5(a), (b), Dec. 23, 2004, 118 Stat. 3927, and transferred to section 2213 of this title.

§ 2152c. Programs to encourage good governance

(a) Establishment of programs

(1) In general

The President is authorized to establish programs that combat corruption, improve transparency and accountability, and promote other forms of good governance in countries described in paragraph (2).

(2) Countries described

A country described in this paragraph is a country that is eligible to receive assistance under subchapter I of this chapter (including part IV of subchapter II of this chapter) or the Support for East European Democracy (SEED) Act of 1989 [22 U.S.C. 5401 et seq.].

(3) Priority

In carrying out paragraph (1), the President shall give priority to establishing programs in countries that received a significant amount of United States foreign assistance for the prior fiscal year, or in which the United States has a significant economic interest, and that continue to have the most persistent problems with public and private corruption. In determining which countries have the most persistent problems with public and private corruption under the preceding sentence, the President shall take into account criteria such as the Transparency International Annual Corruption Perceptions Index, standards and codes set forth by the International Bank for Reconstruction and Development and the International Monetary Fund, and other relevant criteria.

(4) Relation to other laws

(A) In general

Assistance provided for countries under programs established pursuant to paragraph (1) may be made available notwithstanding any other provision of law that restricts assistance to foreign countries. Assistance provided under a program established pursuant to paragraph (1) for a country that would otherwise be restricted from receiving such assistance but for the preceding sentence may not be provided directly to the government of the country.

(B) Exception

Subparagraph (A) does not apply with respect to—

- (i) section 2371 of this title or any comparable provision of law prohibiting assistance to countries that support international terrorism; or

- (ii) section 907 of the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992.

(b) Specific projects and activities

The programs established pursuant to subsection (a) shall include, to the extent appropriate, projects and activities that—

- (1) support responsible independent media to promote oversight of public and private institutions;

- (2) implement financial disclosure among public officials, political parties, and candidates for public office, open budgeting processes, and transparent financial management systems;

- (3) support the establishment of audit offices, inspectors general offices, third party monitoring of government procurement processes, and anti-corruption agencies;

- (4) promote responsive, transparent, and accountable legislatures and local governments that ensure legislative and local oversight and whistle-blower protection;

- (5) promote legal and judicial reforms that criminalize corruption and law enforcement reforms and development that encourage prosecutions of criminal corruption;

- (6) assist in the development of a legal framework for commercial transactions that fosters business practices that promote transparent, ethical, and competitive behavior in the economic sector, such as commercial codes that incorporate international standards and protection of intellectual property rights;

- (7) promote free and fair national, state, and local elections;

- (8) foster public participation in the legislative process and public access to government information; and

- (9) engage civil society in the fight against corruption.

(c) Conduct of projects and activities

Projects and activities under the programs established pursuant to subsection (a) may include, among other things, training and technical assistance (including drafting of anti-corruption, privatization, and competitive statutory and administrative codes), drafting of anti-corruption, privatization, and competitive statutory and administrative codes, support for independent media and publications, financing of the program and operating costs of non-governmental organizations that carry out such projects or activities, and assistance for travel of individuals to the United States and other countries for such projects and activities.

(d) Repealed. Pub. L. 112–74, div. I, title VII, § 7034(n), Dec. 23, 2011, 125 Stat. 1217

(e) Funding

Amounts made available to carry out the other provisions of subchapter I of this chapter (including part IV of subchapter II of this chapter) and the Support for East European Democracy (SEED) Act of 1989 [22 U.S.C. 5401 et seq.] shall be made available to carry out this section.

(Pub. L. 87–195, pt. I, § 133, as added Pub. L. 106–309, title II, § 205(a), Oct. 17, 2000, 114 Stat.