

(F) long delays in processing applications and granting approvals for licenses to operate; and

(G) restrictions on foreign institutions' participation in Ministry of Finance policy advisory councils.

**(b) Designation of certain persons as primary dealers prohibited**

**(1) General rule**

Neither the Board of Governors of the Federal Reserve System nor the Federal Reserve Bank of New York may designate, or permit the continuation of any prior designation of, any person of a foreign country as a primary dealer in government debt instruments if such foreign country does not accord to United States companies the same competitive opportunities in the underwriting and distribution of government debt instruments issued by such country as such country accords to domestic companies of such country.

**(2) Certain prior acquisitions excepted**

Paragraph (1) shall not apply to the continuation of the prior designation of a company as a primary dealer in government debt instruments if—

(A) such designation occurred before July 31, 1987; and

(B) before July 31, 1987—

(i) control of such company was acquired from a person (other than a person of a foreign country) by a person of a foreign country; or

(ii) in conjunction with a person of a foreign country, such company informed the Federal Reserve Bank of New York of the intention of such person to acquire control of such company.

**(c) Exception for countries having or negotiating bilateral agreements with United States**

Subsection (b) shall not apply to any person of a foreign country if—

(1) that country, as of January 1, 1987, was negotiating a bilateral agreement with the United States under the authority of section 2112(b)(4)(A) of title 19; or

(2) that country has a bilateral free trade area agreement with the United States which entered into force before January 1, 1987.

**(d) "Person of a foreign country" defined**

For purposes of this section, a person is a "person of a foreign country" if that person, or any other person which directly or indirectly owns or controls that person, is a resident of that country, is organized under the laws of that country, or has its principal place of business in that country.

**(e) Effective date**

This section shall take effect 12 months after August 23, 1988.

(Pub. L. 100-418, title III, § 3502, Aug. 23, 1988, 102 Stat. 1386.)

SUBCHAPTER IV—FINANCIAL REPORTS

**§ 5351. Short title**

This subchapter may be cited as the "Financial Reports Act of 1988".

(Pub. L. 100-418, title III, § 3601, Aug. 23, 1988, 102 Stat. 1387.)

**§ 5352. Quadrennial reports on foreign treatment of United States financial institutions**

Not less frequently than every 4 years, beginning December 1, 1990, the Secretary of the Treasury, in conjunction with the Secretary of State, the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, the Federal Deposit Insurance Corporation, the Securities and Exchange Commission, and the Department of Commerce, shall report to the Congress on (1) the foreign countries from which foreign financial services institutions have entered into the business of providing financial services in the United States, (2) the kinds of financial services which are being offered, (3) the extent to which foreign countries deny national treatment to United States banking organizations and securities companies, and (4) the efforts undertaken by the United States to eliminate such discrimination. The report shall focus on those countries in which there are significant denials of national treatment which impact United States financial firms. The report shall also describe the progress of discussions pursuant to section 5353 of this title.

(Pub. L. 100-418, title III, § 3602, Aug. 23, 1988, 102 Stat. 1387.)

**§ 5353. Fair trade in financial services**

**(a) Discussions**

When advantageous the President or his designee shall conduct discussions with the governments of countries that are major financial centers, aimed at:

(1) ensuring that United States banking organizations and securities companies have access to foreign markets and receive national treatment in those markets;

(2) reducing or eliminating barriers to, and other distortions of, international trade in financial services;

(3) achieving reasonable comparability in the types of financial services permissible for financial service companies; and

(4) developing uniform supervisory standards for banking organizations and securities companies, including uniform capital standards.

**(b) Consultation before discussions**

Before entering into those discussions, the President or his designee shall consult with the committees of jurisdiction in the Senate and the House of Representatives.

**(c) Recommendations**

After completing those discussions and after consultation with the committees of jurisdiction, the President shall transmit to the Congress any recommendations that have emerged from those discussions. Any recommendations for changes in United States financial laws or practices shall be accompanied by a description of the changes in foreign financial laws or practices that would accompany action by the Congress, and by an explanation of the benefits that would accrue to the United States from adoption of the recommendations.

**(d) Construction of section**

Nothing in this section may be construed as prior approval of any legislation which may be necessary to implement any recommendations resulting from discussions under this section.

(Pub. L. 100-418, title III, §3603, Aug. 23, 1988, 102 Stat. 1387.)

**Executive Documents**

## DELEGATION OF FUNCTIONS

Functions of President under this section delegated to Secretary of the Treasury by section 1 of Ex. Ord. No. 12781, Nov. 20, 1991, 56 F.R. 59203, set out as a note under section 301 of Title 3, The President.

**§ 5354. Banks loan loss reserves**

The Federal Reserve Board shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Banking, Finance and Urban Affairs of the House of Representatives a report on the issues raised by including loan loss reserves as part of banks' primary capital for regulatory purposes by March 31, 1989. Such report shall include a review of the treatment of loan loss reserves and the composition of primary capital of banks in other major industrialized countries, and shall include an analysis as to whether loan loss reserves should continue to be counted as primary capital for regulatory purposes.

(Pub. L. 100-418, title III, §3604, Aug. 23, 1988, 102 Stat. 1388.)

**Statutory Notes and Related Subsidiaries**

## CHANGE OF NAME

Committee on Banking, Finance and Urban Affairs of House of Representatives treated as referring to Committee on Banking and Financial Services 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. Committee on Banking and Financial Services of House of Representatives abolished and replaced by Committee on Financial Services of House of Representatives, and jurisdiction over matters relating to securities and exchanges and insurance generally transferred from Committee on Energy and Commerce of House of Representatives by House Resolution No. 5, One Hundred Seventh Congress, Jan. 3, 2001.

**CHAPTER 63—SUPPORT FOR EAST EUROPEAN DEMOCRACY (SEED)**

- Sec.  
5401. Support for East European Democracy (SEED) Program.  
5402. Scope of authority.

## SUBCHAPTER I—STRUCTURAL ADJUSTMENT

5411. Multilateral support for structural adjustment in Poland and Hungary.  
5412. Stabilization assistance for Poland.  
5413. Agricultural assistance.  
5414. Debt-for-equity swaps and other special techniques.

## SUBCHAPTER II—PRIVATE SECTOR DEVELOPMENT

5421. Enterprise Funds for Poland and Hungary.  
5422. Labor market transition in Poland and Hungary.  
5423. Technical training for private sector development in Poland and Hungary.

- Sec.  
5424. Peace Corps programs in Poland and Hungary.  
5425. Use of Polish currency generated by agricultural assistance.  
5426. United States policy of private financial support for Polish and Hungarian credit unions.

## SUBCHAPTER III—EDUCATIONAL, CULTURAL, AND SCIENTIFIC ACTIVITIES

5441. Educational and cultural exchanges and sister institutions programs with Poland and Hungary.  
5442. Poland-Hungary scholarship partnership.  
5443. Science and technology exchange with Poland and Hungary.

## SUBCHAPTER IV—OTHER ASSISTANCE PROGRAMS

5451. Assistance in support of democratic institutions in Poland and Hungary.  
5452. Environmental initiatives for Poland and Hungary.  
5453. Medical supplies, hospital equipment, and medical training for Poland.

## SUBCHAPTER V—ADDITIONAL SEED PROGRAM ACTIONS

5461. Policy coordination of SEED Program.  
5462. SEED Information Center System.  
5463. Encouraging voluntary assistance for Poland and Hungary.  
5464. Economic and commercial officers at United States embassies and missions in Poland and Hungary.

## SUBCHAPTER VI—REPORTS TO CONGRESS

5471. Report on initial steps taken by United States and on Poland's requirement for agricultural assistance.  
5472. Report on confidence building measures by Poland and Hungary.  
5473. Report on environmental problems in Poland and Hungary.  
5474. Annual SEED Program report.  
5475. Omitted.  
5476. Notifications to Congress regarding assistance.

## SUBCHAPTER VII—MISCELLANEOUS PROVISIONS

5491. Suspension of SEED assistance.  
5492. Declaration of the Republic of Hungary.  
5493. Administrative expenses of Agency for International Development.  
5494. Relation of provisions of this chapter to certain provisions of appropriations acts.  
5495. Certain uses of excess foreign currencies.

**§ 5401. Support for East European Democracy (SEED) Program****(a) SEED Program**

The United States shall implement, beginning in fiscal year 1990, a concerted Program of Support for East European Democracy (which may also be referred to as the "SEED Program"). The SEED Program shall be comprised of diverse undertakings designed to provide cost-effective assistance to those countries of Eastern Europe that have taken substantive steps toward institutionalizing political democracy and economic pluralism.

**(b) Objectives of SEED assistance**

The President should ensure that the assistance provided to East European countries pursuant to this chapter is designed—