courts and magistrate judges may issue all proper remedial process, mesne and final, to carry into full effect such award, arbitration, or decree, and to enforce obedience thereto by imprisonment in the jail or other place of confinement in the district in which the United States may lawfully imprison any person arrested under the authority of the United States, until such award, arbitration or decree is complied with, or the parties are otherwise discharged therefrom, by the consent in writing of such consul, vice consul, or commercial agent, or his successor in office, or by the authority of the foreign government appointing such consul, vice consul, or commercial agent. The expenses of the said imprisonment and maintenance of the prisoners, and the cost of the proceedings, shall be borne by such foreign government, or by its consul, vice consul, or commercial agent requiring such imprisonment. The marshals of the United States shall serve all such process, and do all other acts necessary and proper to carry into effect the premises, under the authority of the said courts and magistrate judges.

(Mar. 3, 1911, ch. 231, § 271, 36 Stat. 1163; Pub. L. 90–578, title IV, § 402(b)(2), Oct. 17, 1968, 82 Stat. 1118; Pub. L. 101–650, title III, § 321, Dec. 1, 1990, 104 Stat. 5117.)

CODIFICATION

Section was formerly classified to section 393 of Title 28 prior to the general revision and enactment of Title 28, Judiciary and Judicial Procedure, by act June 25, 1948, ch. 646, § 1, 62 Stat. 869.

CHANGE OF NAME

''United States magistrate judges'', ''magistrate judge'', and ''magistrate judges'' substituted in text for ''United States magistrates'', ''magistrate'', and ''magistrates'', respectively, pursuant to section 321 of Pub. L. 101–650, set out as a note under section 631 of Title 28, Judiciary and Judicial Procedure. Previously, ''magistrate'' substituted for ''commissioner'' pursuant to Pub. L. 90–578. See chapter 43 (§ 631 et seq.) of Title 28.

§ 259. Repealed. Aug. 10, 1956, ch. 1041, § 53, 70A Stat. 641

Section, act May 31, 1939, ch. 161, 53 Stat. 795, authorized Secretary of Army to sell supplies to aircraft operated by any foreign military or air attaché accredited to United States. See sections 4626, 4629, 9626, and 9629 of Title 10, Armed Forces.

CHAPTER 7—INTERNATIONAL BUREAUS, CONGRESSES, ETC.

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262. President's participation in international congresses restricted.
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(b) Jurisdiction described.
(c) Statutory construction.
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262b. Commitments for United States contributions to international organizations; limitations; consultation with Congressional committees.
262c. Commitments for United States contributions to international financial institutions fostering economic development in less developed countries; continuation of participation.
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(b) Funding commitments to international financial institutions; availability of funds subject to appropriations.
262d. Human rights and United States assistance policies with international financial institutions.
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(b) Policy considerations for Executive Directors of institutions in implementation of duties.
(c) Reporting requirements.
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(e) Criteria for determination of gross violations of internationally recognized human rights standards.
(f) Opposition by United States Executive Directors of institutions to financial or technical assistance to violating countries.
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262e. Comparability of salaries and benefits of employees of international financial institutions with employees of American private business and governmental service.
262f. Promotion of development and utilization of light capital technologies and United States assistance policies with international financial institutions.
262g. Human nutrition in developing countries and United States assistance policies with international financial institutions; declaration of policy.
262g–1. Targeting assistance to specific populations.
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262j. Use of renewable resources for energy production.
(a) Promotion, etc., by United States in connection with international financial institutions.
(b) ''Renewable resource'' defined.
262k. Financial assistance to international financial institutions; considerations and criteria.
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(c) Project proposals relating to mining, smelting, refining, and fabricating of minerals and metal products.
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(b) ''International financial institution'' defined.
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(b) Evaluation by major shareholder governments prior to bank action on assistance proposals.
(c) Identification of proposals likely to have adverse impact; transmittal to Congress.
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262m–4. Environmental educational and training programs for mid-level bank managers and officials of borrowing countries.
262m–5. Environmental impact statements; factors considered; promotion of activities by United States Executive Directors.
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(b) Access to assessments in all member countries.
(c) Consideration of assessment.
(d) Development of procedures for systematic environmental assessment.
(e) Use of United States personnel.
(f) Reports.
(g) ''Multilateral development bank'' defined.
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262n–1. Increase in income and employment in developing countries; enhancement of purchasing power; diversification away from single crop or product economies.
262n–2. Financing projects for production of export commodities, products, or minerals in surplus in world markets discouraged; instructions by Secretary of the Treasury to United States Executive Directors.
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(b) Loan programs to reduce economic dependence on illicit narcotics.
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(b) Initiation of discussions to facilitate debt-for-development swaps for human welfare and environmental conservation.

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(b) Initiation of discussions to facilitate financing of human welfare and natural resource programs in sub-Saharan Africa in connection with debt reduction and conversion.
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276c–1. Reports of expenditures by members of American groups or delegations and employees; consolidated reports by Congressional committees; public inspection.
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276bb. Acceptance of funds and property from Mrs. Kermit Roosevelt; purpose and use; disbursement and investment of fund.
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277d–11. Authorization of appropriations; availability of prior appropriations; use of moneys received.
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277d–26. Lower Colorado River emergency flood control works; agreements with Mexico for joint construction, operation and maintenance.
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277d–29. Rio Grande canalization project; flood and sediment control; agreements authorized; control gates; costs; authorization of appropriations.
277d–30. Lower Rio Grande drainage conveyance canal projects; agreements with Mexico for construction, operation, and maintenance; division of costs; non-Federal assurances of one-half of Federal costs.
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277d–34. American-Mexican Boundary Treaty, authorization for carrying out treaty provisions; investigations; land acquisition, purposes; damages, repair or compensation.
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(b) Content of agreements.
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282. Acceptance of membership by United States in International Finance Corporation.

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§ 261. Policy as to settlement of disputes and disarmament

It is declared to be the policy of the United States to adjust and settle its international disputes through mediation or arbitration, to the end that war may be honorably avoided. It looks with apprehension and disfavor upon a general increase of armament throughout the world, but it realizes that no single nation can disarm, and that without a common agreement upon the subject every considerable power must maintain a relative standing in military strength.

(Aug. 29, 1916, ch. 417, 39 Stat. 618.)

SHORT TITLE OF 1977 AMENDMENT

Section 1 of Pub. L. 95–118, as added by Pub. L. 97–35, title XIII, § 1361(a), Aug. 13, 1981, 95 Stat. 745, provided that: ''This Act [enacting sections 262c, 262d, 262e to 262g–3, 282i, 284n, 285s, 285t, 286e–1f, and 290g–10 of this title, repealing sections 283y, 284m, and 290g–9 of this title, and enacting provisions set out as notes under 262c and 282i of this title] may be cited as the 'International Financial Institutions Act'.''

§ 262. President's participation in international congresses restricted

The Executive shall not extend or accept any invitation to participate in any international congress, conference, or like event, without first having specific authority of law to do so.

(Mar. 4, 1913, ch. 149, 37 Stat. 913.)

§ 262–1. Restriction relating to United States accession to any new international criminal tribunal

(a) Prohibition

The United States shall not become a party to any new international criminal tribunal, nor give legal effect to the jurisdiction of such a tribunal over any matter described in subsection (b) of this section, except pursuant to—

(1) a treaty made under Article II, section 2, clause 2 of the Constitution of the United States on or after October 21, 1998; or

(2) any statute enacted by Congress on or after October 21, 1998.

(b) Jurisdiction described

The jurisdiction described in this section is jurisdiction over—

(1) persons found, property located, or acts or omissions committed, within the territory of the United States; or

(2) nationals of the United States, wherever found.

(c) Statutory construction

Nothing in this section precludes sharing information, expertise, or other forms of assistance with such tribunal.

(d) "New international criminal tribunal" defined

The term ''new international criminal tribunal'' means any permanent international criminal tribunal established on or after October 21, 1998, and does not include—

(1) the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law in the Territory of the Former Yugoslavia, as established by United Nations Security Council Resolution 827 of May 25, 1993; or

(2) the International Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighboring States, as established by United Nations Security Council Resolution 955 of November 8, 1994.

(Pub. L. 105–277, div. G, subdiv. B, title XXV, § 2502, Oct. 21, 1998, 112 Stat. 2681–836.)

RESTRICTION RELATING TO UNITED STATES ACCESSION TO THE INTERNATIONAL CRIMINAL COURT

Pub. L. 106–113, div. B, § 1000(a)(7) [div. A, title VII, § 705], Nov. 29, 1999, 113 Stat. 1536, 1501A–460, provided that:

''(a) PROHIBITION.—The United States shall not become a party to the International Criminal Court except pursuant to a treaty made under Article II, section 2, clause 2 of the Constitution of the United States on or after the date of enactment of this Act [Nov. 29, 1999].

''(b) PROHIBITION.—None of the funds authorized to be appropriated by this or any other Act may be obligated for use by, or for support of, the International Criminal Court unless the United States has become a party to the Court pursuant to a treaty made under Article II, section 2, clause 2 of the Constitution of the United States on or after the date of enactment of this Act.

''(c) INTERNATIONAL CRIMINAL COURT DEFINED.—In this section, the term 'International Criminal Court' means the court established by the Rome Statute of the International Criminal Court, adopted by the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court on July 17, 1998.''

PROHIBITION ON EXTRADITION OR TRANSFER OF UNITED STATES CITIZENS TO THE INTERNATIONAL CRIMINAL COURT

Pub. L. 106–113, div. B, § 1000(a)(7) [div. A, title VII, § 706], Nov. 29, 1999, 113 Stat. 1536, 1501A–461, provided that:

''(a) PROHIBITION ON EXTRADITION.—None of the funds authorized to be appropriated or otherwise made available by this or any other Act may be used to extradite a United States citizen to a foreign country that is under an obligation to surrender persons to the International Criminal Court unless that foreign country confirms to the United States that applicable prohibitions on reextradition apply to such surrender or gives other satisfactory assurances to the United States that the country will not extradite or otherwise transfer that citizen to the International Criminal Court.

''(b) PROHIBITION ON CONSENT TO EXTRADITION BY THIRD COUNTRIES.—None of the funds authorized to be appropriated or otherwise made available by this or any other Act may be used to provide consent to the extradition or transfer of a United States citizen by a foreign country to a third country that is under an obligation to surrender persons to the International Criminal Court, unless the third country confirms to the United States that applicable prohibitions on reextradition apply to such surrender or gives other satisfactory assurances to the United States that the third country will not extradite or otherwise transfer that citizen to the International Criminal Court.

''(c) DEFINITION.—In this section, the term 'International Criminal Court' has the meaning given the term in section 705(c) of this Act [set out above].''

§ 262a. Contributions to international organizations; consent of State Department; reports to Congress; limitations as to certain organizations

All financial contributions by the United States to the normal operations of the international organizations covered by this Act, which member states are obligated to support annually, shall be limited to the amounts provided in this Act: *Provided*, That contributions for special projects not regularly budgeted by such international organizations shall not be subject to the above limitation.

All financial contributions by the United States to international organizations in which the United States participates as a member shall be made by or with the consent of the Department of State regardless of the appropriation from which any such contribution is made. The Secretary of State shall report annually to the Congress on the extent and disposition of such contributions.

(Sept. 21, 1950, ch. 976, § 2, 64 Stat. 903.)

REFERENCES IN TEXT

This Act, referred to in text, is act Sept. 21, 1950, ch. 976, 64 Stat. 903, which enacted section 262a of this title, and amended sections 269b, 272a, 279a, 280b, 290b of this title. For complete classification of this Act to the Code, see Tables.

The international organizations covered by this Act, referred to in text, are the Inter-American Children's Institute, the International Labor Organization, the United Nations Food and Agriculture Organization, the South Pacific Commission, and the World Health Organization.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2226 of this title.

§ 262b. Commitments for United States contributions to international organizations; limitations; consultation with Congressional committees

No representative of the United States Government in any international organization hereafter shall make any commitment requiring the appropriation of funds for a contribution by the United States in excess of 33⅓ per centum of the budget of any international organization for which the appropriation for the United States contribution is contained in this Act: *Provided*, That in exceptional circumstances necessitating a contribution by the United States in excess of 33⅓ per centum of the budget, a commitment requiring a United States appropriation of a larger proportion may be made after consultation by United States representatives in the organiza-

tion or other appropriate officials of the Department of State with the Committees on Appropriations of the Senate and House of Representatives: *Provided*, *however*, That this section shall not apply to the United States representatives to the Inter-American organizations, Caribbean Commission and the Joint Support program of the International Civil Aviation Organization.

(Oct. 22, 1951, ch. 533, title VI, § 602, 65 Stat. 599; Aug. 5, 1953, ch. 328, title I, 67 Stat. 368.)

REFERENCES IN TEXT

This Act, referred to in text, is act Oct. 22, 1951, ch. 533, title VI, 65 Stat. 599, popularly known as the Departments of State, Justice, Commerce and Judiciary Appropriation Act of 1952. For complete classification of this Act to the Code, see Tables.

CODIFICATION

Section is comprised of first paragraph of section 602 of act Oct. 22, 1951. Second par. of such section 602 contained a fiscal year provision.

AMENDMENTS

1953—Act Aug. 5, 1953, inserted proviso that this section is not to apply to the United States representatives to the Caribbean Commission and the Joint Support program of the International Civil Aviation Organization.

SIMILAR PROVISIONS

Provisions similar to this section were contained in act July 10, 1952, ch. 651, title I, 66 Stat. 550.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 16 sections 773j, 3641, 5709.

§ 262c. Commitments for United States contributions to international financial institutions fostering economic development in less developed countries; continuation of participation

(a) Congressional findings

It is the sense of the Congress that—

(1) for humanitarian, economic, and political reasons, it is in the national interest of the United States to assist in fostering economic development in the less developed countries of this world;

(2) the development-oriented international financial institutions have proved themselves capable of playing a significant role in assisting economic development by providing to less developed countries access to capital and technical assistance and soliciting from them maximum self-help and mutual cooperation;

(3) this has been achieved with minimal risk of financial loss to contributing countries;

(4) such institutions have proved to be an effective mechanism for sharing the burden among developed countries of stimulating economic development in the less developed world; and

(5) although continued United States participation in the international financial institutions is an important part of efforts by the United States to assist less developed countries, more of this burden should be shared by other developed countries. As a step in that direction, in future negotiations, the United States should work toward aggregate contributions to future replenishments to international financial institutions covered by this Act not to exceed 25 per centum.

(b) Funding commitments to international financial institutions; availability of funds subject to appropriations

The Congress recognizes that economic development is a long-term process needing funding commitments to international financial institutions. It also notes that the availability of funds for the United States contribution to international financial institutions is subject to the appropriations process.

(Pub. L. 95–118, title I, § 101, Oct. 3, 1977, 91 Stat. 1067.)

REFERENCES IN TEXT

This Act, referred to in subsec. (a)(5), is Pub. L. 95–118, Oct. 3, 1977, 91 Stat. 1067, as amended, known as the International Financial Institutions Act, which enacted sections 262c, 262d, 262e to 262g–3, 262m to 262p–7, 262r to 262t, 282i, 284n, 285s, 285t, 286e–1f, and 290g–10 of this title, repealed sections 283y, 284m, and 290g–9 of this title, and enacted provisions set out as notes under sections 262c and 282i of this title. For complete classification of this Act to the Code, see Short Title of 1977 Amendment note set out under section 261 of this title and Tables.

EFFECTIVE DATE

Section effective Oct. 3, 1977, see section 1001 of Pub. L. 95–118, set out as a note under section 282i of this title.

FUTURE UNITED STATES CONTRIBUTIONS TO THE INTERNATIONAL FINANCIAL INSTITUTIONS

Pub. L. 96–536, § 101(b) [H.J. Res. 637, § 101(b); H.R. 4473, title I], Dec. 16, 1980, 94 Stat. 3167, provided in part that: ''It is the sense of the Congress that the United States share of contributions to future replenishments of the International Financial Institutions should not exceed the percentages enumerated below for each of the respective accounts within these institutions:

''Asian Development Bank:
''Paid-in capital, 16.3 percent;
''Callable capital, 16.3 percent;
''Asian Development Fund, 22.2 percent;
''African Development Bank:
''Special Fund, 18 percent;
''Inter-American Development Bank:
''Paid-in capital, 34.5 percent;
''Callable capital, 34.5 percent;
''Fund for Special Operations, 40 percent;
''International Bank for Reconstruction and Development:
''Paid-in capital, 24 percent;
''Callable capital, 24 percent;
''International Development Association, 25 percent;
''International Finance Corporation, 23 percent.''

Similar provisions were contained in the following appropriation acts:

Pub. L. 96–123, § 101(a) [incorporating Pub. L. 95–481, title III], Nov. 20, 1979, 93 Stat. 923.
Pub. L. 95–481, title III, Oct. 18, 1978, 92 Stat. 1599.
Pub. L. 95–148, title III, Oct. 31, 1977, 91 Stat. 1238.

STANDARDS FOR HUMAN NEEDS AND PROTECTION OF HUMAN RIGHTS; CONSULTATION FOR DEVELOPMENT OF CRITERIA; REPORT TO CONGRESS

Section 703 of Pub. L. 95–118 provided that:

''(a) The Secretary of State and the Secretary of the Treasury shall initiate a wide consultation designed to develop a viable standard for the meeting of basic human needs and the protection of human rights and a

mechanism for acting together to insure that the rewards of international economic cooperation are especially available to those who subscribe to such standards and are seen to be moving toward making them effective in their own systems of governance.

''(b) Not later than one year after the date of enactment of this Act [Oct. 3, 1977], the Secretary of State and the Secretary of the Treasury shall report to the President of the Senate and the Speaker of the House of Representatives on the progress made in carrying out this section.''

§ 262d. Human rights and United States assistance policies with international financial institutions

(a) Policy goals

The United States Government, in connection with its voice and vote in the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the African Development Fund, the Asian Development Bank, the African Development Bank, the European Bank for Reconstruction and Development, and the International Monetary Fund, shall advance the cause of human rights, including by seeking to channel assistance toward countries other than those whose governments engage in—

(1) a pattern of gross violations of internationally recognized human rights, such as torture or cruel, inhumane, or degrading treatment or punishment, prolonged detention without charges, or other flagrant denial to life, liberty, and the security of person; or

(2) provide refuge to individuals committing acts of international terrorism by hijacking aircraft.

(b) Policy considerations for Executive Directors of institutions in implementation of duties

Further, the Secretary of the Treasury shall instruct each Executive Director of the above institutions to consider in carrying out his duties:

(1) specific actions by either the executive branch or the Congress as a whole on individual bilateral assistance programs because of human rights considerations;

(2) the extent to which the economic assistance provided by the above institutions directly benefit the needy people in the recipient country;

(3) whether the recipient country—

(A) is seeking to acquire unsafeguarded special nuclear material (as defined in section 6305(8) of this title) or a nuclear explosive device (as defined in section 6305(4) of this title);

(B) is not a State Party to the Treaty on the Non-Proliferation of Nuclear Weapons; or

(C) has detonated a nuclear explosive device; and

(4) in relation to assistance for the Socialist Republic of Vietnam, the People's Democratic Republic of Laos, Russia and the other independent states of the former Soviet Union (as defined in section 5801 of this title), and Democratic Kampuchea (Cambodia), the responsiveness of the governments of such countries in providing a more substantial accounting of Americans missing in action.

(c) Reporting requirements

(1) The Secretary of the Treasury shall report annually on all loans considered by the Boards of Executive Directors of the institutions listed in subsection (a) of this section to the Chairman and ranking minority member of the Committee on Banking, Finance and Urban Affairs of the House of Representatives, or the designees of such Chairman and ranking minority member, and the Chairman and ranking minority member of the Committee on Foreign Relations of the Senate.

(2) Each report required by paragraph (1) shall—

(A) include a list of all loans considered by the Board[1] of Executive Directors of the institutions listed in subsection (a) of this section and shall specify with respect to each such loan—

(i) the institution involved;

(ii) the date of final action;

(iii) the borrower;

(iv) the amount;

(v) the project or program;

(vi) the vote of the United States Government;

(vii) the reason for United States Government opposition, if any;

(viii) the final disposition of the loan; and

(ix) if the United States Government opposed the loan, whether the loan meets basic human needs;

(B) indicate whether the United States has opposed any loan, financial assistance, or technical assistance to a country on human rights grounds;

(C) indicate whether the United States has voted in favor of a loan, financial assistance, or technical assistance to a country with respect to which the United States had, in the preceding 2 years, opposed a loan, financial assistance, or technical assistance on human rights grounds; and

(D) in cases where the United States changed its voting position from opposition to support or from support to opposition, on human rights grounds—

(i) indicate the policy considerations that were taken into account in the development of the United States voting position;

(ii) describe human rights conditions in the country involved;

(iii) indicate how the United States voted on all other loans, financial assistance, and technical assistance to such country during the preceding 2 years; and

(iv) contain information as to how the United States voting position relates to the overall United States Government policy on human rights in such country.

(d) Requirements of United States assistance through institutions for projects in recipient countries

The United States Government, in connection with its voice and vote in the institutions listed

[1] So in original. Probably should be ''Boards''.

in subsection (a) of this section, shall seek to channel assistance to projects which address basic human needs of the people of the recipient country.

(e) Criteria for determination of gross violations of internationally recognized human rights standards

In determining whether a country is in gross violation of internationally recognized human rights standards, as defined by the provisions of subsection (a) of this section, the United States Government shall give consideration to the extent of cooperation of such country in permitting an unimpeded investigation of alleged violations of internationally recognized human rights by appropriate international organizations including, but not limited to, the International Committee of the Red Cross, Amnesty International, the International Commission of Jurists, and groups or persons acting under the authority of the United Nations or the Organization of American States.

(f) Opposition by United States Executive Directors of institutions to financial or technical assistance to violating countries

The United States Executive Directors of the institutions listed in subsection (a) of this section are authorized and instructed to oppose any loan, any extension of financial assistance, or any technical assistance to any country described in subsection (a)(1) or (2) of this section, unless such assistance is directed specifically to programs which serve the basic human needs of the citizens of such country.

(g)[2] Consultative and additional reporting requirements

The Secretary of the Treasury or his delegate shall consult frequently and in a timely manner with the chairmen and ranking minority members of the Committee on Banking, Finance and Urban Affairs of the House of Representatives and of the Committee on Foreign Relations of the Senate to inform them regarding any prospective changes in policy direction toward countries which have or recently have had poor human rights records.

(g)[2] Violations of religious freedom

In determining whether the government of a country engages in a pattern of gross violations of internationally recognized human rights, as described in subsection (a) of this section, the President shall give particular consideration to whether a foreign government—

(1) has engaged in or tolerated particularly severe violations of religious freedom, as defined in section 6402 of this title; or

(2) has failed to undertake serious and sustained efforts to combat particularly severe violations of religious freedom when such efforts could have been reasonably undertaken.

(Pub. L. 95–118, title VII, § 701, Oct. 3, 1977, 91 Stat. 1069; Pub. L. 96–259, title V, § 501(a), (b), June 3, 1980, 94 Stat. 431, 432; Pub. L. 97–35, title XIII, § 1342(b), Aug. 13, 1981, 95 Stat. 743; Pub. L. 97–375, title II, § 211, Dec. 21, 1982, 96 Stat. 1826; Pub. L. 98–181, title X, § 1004, Nov. 30, 1983, 97 Stat. 1286; Pub. L. 101–240, title V, § 541(c), (d)(4), (e)(8), Dec. 19, 1989, 103 Stat. 2517–2519; Pub. L. 101–513, title V, § 562(b)(2), Nov. 5, 1990, 104 Stat. 2034; Pub. L. 102–511, title X, § 1008, Oct. 24, 1992, 106 Stat. 3361; Pub. L. 103–236, title VIII, § 823(b), Apr. 30, 1994, 108 Stat. 512; Pub. L. 105–292, title IV, § 422, Oct. 27, 1998, 112 Stat. 2810; Pub. L. 106–569, title XI, § 1103(g), Dec. 27, 2000, 114 Stat. 3031.)

[2] So in original. Two subsecs. (g) have been enacted.

AMENDMENTS

2000—Subsec. (c)(1). Pub. L. 106–569 substituted ''The Secretary of the Treasury shall report annually'' for ''Not later than 30 days after the end of each calendar quarter, the Secretary of the Treasury shall report quarterly''.

1998—Subsec. (g). Pub. L. 105–292 added subsec. (g) relating to violations of religious freedom.

1994—Subsec. (b)(3). Pub. L. 103–236 amended par. (3) generally. Prior to amendment, par. (3) read as follows: ''whether the recipient country has detonated a nuclear device or is not a State Party to the Treaty on Nonproliferation of Nuclear Weapons or both; and''.

1992—Subsec. (a). Pub. L. 102–511, § 1008(a), substituted ''the African Development Bank, the European Bank for Reconstruction and Development, and the International Monetary Fund,'' for ''and the African Development Bank,''.

Subsec. (b)(4). Pub. L. 102–511, § 1008(b), inserted ''Russia and the other independent states of the former Soviet Union (as defined in section 5801 of this title),'' after ''Laos,''.

1990—Subsec. (g). Pub. L. 101–513 struck out ''(2)'' before ''The Secretary'' and substituted ''of the Committee on Banking, Finance and Urban Affairs of the House of Representatives and of the Committee on Foreign Relations of the Senate'' for ''specified in paragraph (1)''.

1989—Subsec. (c). Pub. L. 101–240, § 541(c), amended subsec. (c) generally, substituting provisions relating to quarterly reports by Secretary of the Treasury not later than 30 days after end of each calendar quarter for provisions relating to annual reports by Secretaries of State and the Treasury, and quarterly reports by Secretary of the Treasury.

Subsec. (d). Pub. L. 101–240, § 541(e)(8), struck out at end ''The annual report required under subsection (c) of this section shall include a listing of categories of such assistance granted, with particular attention to categories that address basic human needs.''

Subsec. (g)(1). Pub. L. 101–240, § 541(d)(4), struck out par. (1) which related to quarterly reporting requirements by Secretary of the Treasury in consultation with Secretary of State.

1983—Subsec. (a)(1). Pub. L. 98–181 substituted ''pattern'' for ''consistent pattern''.

Subsec. (g)(1). Pub. L. 98–181 substituted ''Not later than thirty days after the end of each calendar quarter, the Secretary of the Treasury, in consultation with the Secretary of State, shall report.'' for ''The Secretary of the Treasury, in consultation with the Secretary of State, shall report quarterly''.

1982—Subsec. (c)(1). Pub. L. 97–375 inserted ''excluding section 262e of this title and''.

1981—Subsec. (a). Pub. L. 97–35 inserted reference to the African Development Bank.

1980—Subsec. (c). Pub. L. 96–259, § 501(a), designated existing provisions as par. (1) and added par. (2).

Subsec. (g). Pub. L. 96–259, § 501(b), added subsec. (g).

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.

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103–236 effective 60 days after Apr. 30, 1994, see section 831 of Pub. L. 103–236, set out as an Effective Date note under section 6301 of this title.

EFFECTIVE DATE OF 1989 AMENDMENT

Section 801 of Pub. L. 101–240 provided that: ''Except as otherwise provided in this Act, this Act and the amendments made by this Act [enacting sections 262m–7, 262p–4g to 262p–4k, 262r to 262r–2, 262s–1, 262t, 283z–5 to 283z–8, 286e–12, 286kk, and 2281 to 2286 of this title and section 3904a of Title 12, Banks and Banking, amending this section, sections 262m–7, 262p–1, 262p–5, 262s–2, 282b, 283b, 283cc, 284b, 285b, 286b, 286e–9, 286k–1, 286s, 290g–2, 290i–3, and 290k–5 of this title, and sections 635 and 635i–3 of Title 12, transferring former section 262q of this title to section 262s of this title and former section 4722 of Title 15, Commerce and Trade, to section 262s–2 of this title, repealing sections 262i, 262m–6, 276c–3, 283i, 286b–1, and 286b–2 of this title, enacting provisions set out as notes under sections 283z–6, 2151, and 2291 of this title and sections 635, 3901, and 3904a of Title 12, amending provisions set out as a note under section 262*l* of this title, and repealing provisions set out as notes under sections 262g–2 and 283 of this title] shall take effect on the date of the enactment of this Act [Dec. 19, 1989].''

EFFECTIVE DATE OF 1981 AMENDMENT

Amendment by Pub. L. 97–35 effective Aug. 13, 1981, see section 1372 of Pub. L. 97–35, set out as an Effective Date note under section 290i of this title.

EFFECTIVE DATE

Section effective Oct. 3, 1977, see section 1001 of Pub. L. 95–118, set out as a note under section 282i of this title.

CONSULTATIONS FOR ADOPTION OF AMENDMENT TO ARTICLES OF AGREEMENT RESPECTING HUMAN RIGHTS STANDARDS IN CONNECTION WITH ANY APPLICATION FOR ASSISTANCE

Pub. L. 95–118, title VII, § 705, as added by Pub. L. 96–259, title V, § 501(c), June 3, 1980, 94 Stat. 432, provided that: ''The President shall direct the United States Governor of the International Bank for Reconstruction and Development, the United States Governor of the International Finance Corporation, the United States Governor of the International Development Association, the United States Governor of the Inter-American Development Bank, the United States Governor of the Asian Development Bank, and the United States Governor of the African Development Fund, to consult with the other Governors of those institutions concerning adoption of an amendment to the Articles of Agreement of their respective institutions to establish human rights standards to be considered in connection with each application for assistance.''

AMENDMENT OF ARTICLES OF AGREEMENT OF INTERNATIONAL FINANCIAL INSTITUTIONS; ESTABLISHMENT OF HUMAN RIGHTS STANDARDS TO BE CONSIDERED IN CONNECTION WITH ASSISTANCE APPLICATION

Pub. L. 95–481, title VI, § 611, Oct. 18, 1978, 92 Stat. 1602, provided that: ''The President shall direct the United States Governor of the International Bank for Reconstruction and Development, the United States Governor of the International Finance Corporation, the United States Governor of the International Development Association, the United States Governor of the Inter-American Development Bank, the United States Governor of the Asian Development Bank, and the United States Governor of the African Development Fund, to propose and seek adoption of an amendment to the Articles of Agreement for their respective institutions to establish human rights standards to be considered in connection with each application for assistance.''

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 262r, 2799aa–1, 5605, 6302, 6445, 6713 of this title.

§ 262d–1. Congressional statement of policy of human rights and United States assistance policies with international institutions

It is the sense of the Congress that, where other means have proven ineffective in promoting international human rights, and except where the President determines that the cause of international human rights is served more effectively by actions other than voting against such assistance or where the assistance is directed to programs that serve the basic needs of the impoverished majority of the country in question, United States representatives to the International Bank for Reconstruction and Development, the International Development Association, the African Development Fund, the Asian Development Bank, and the Inter-American Development Bank should oppose loans and other financial or technical assistance to any country that persists in a systematic pattern of gross violations of fundamental human rights.

(Pub. L. 95–148, title V, § 507, Oct. 31, 1977, 91 Stat. 1240.)

§ 262e. Comparability of salaries and benefits of employees of international financial institutions with employees of American private business and governmental service

The President shall direct the United States Executive Directors of such international financial institutions to take all appropriate actions to keep the salaries and benefits of the employees of such institutions to levels comparable to salaries and benefits of employees of private business and the United States Government in comparable positions.

(Pub. L. 95–118, title VII, § 704, Oct. 3, 1977, 91 Stat. 1071.)

EFFECTIVE DATE

Section effective Oct. 3, 1977, see section 1001 of Pub. L. 95–118, set out as a note under section 282i of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 262r of this title.

§ 262f. Promotion of development and utilization of light capital technologies and United States assistance policies with international financial institutions

The United States Government, in connection with its voice and vote in the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the African Development Fund, the Asian Development Bank,

and the African Development Bank, shall promote the development and utilization of light capital technologies, otherwise known as intermediate, appropriate, or village technologies, by such international institutions as major facets of their development strategies, with major emphasis on the production and conservation of energy through light capital technologies.

(Pub. L. 95–118, title VIII, § 801, Oct. 3, 1977, 91 Stat. 1071; Pub. L. 97–35, title XIII, §§ 1342(c), 1371(b)(1), Aug. 13, 1981, 95 Stat. 743, 746.)

AMENDMENTS

1981—Pub. L. 97–35 redesignated subsec. (a) as entire section, inserted reference to African Development Bank, and struck out subsec. (b) which related to an annual report to Congress on progress toward achieving goals of this section.

EFFECTIVE DATE OF 1981 AMENDMENT

Amendment by Pub. L. 97–35 effective Aug. 13, 1981, see section 1372 of Pub. L. 97–35, set out as an Effective Date note under section 290i of this title.

EFFECTIVE DATE

Section effective Oct. 3, 1977, see section 1001 of Pub. L. 95–118, set out as a note under section 282i of this title.

§ 262g. Human nutrition in developing countries and United States assistance policies with international financial institutions; declaration of policy

The Congress declares it to be the policy of the United States, in connection with its voice and vote in the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the African Development Fund, the Asian Development Fund, and the Asian Development Bank, to combat hunger and malnutrition and to encourage economic development in the developing countries, with emphasis on assistance to those countries that are determined to improve their own agricultural production, by seeking to channel assistance for agriculturally related development to projects that would aid in fulfilling domestic food and nutrition needs and in alleviating hunger and malnutrition in the recipient country. The United States representatives to the institutions named in this section shall oppose any loan or other financial assistance for establishing or expanding production for export of palm oil, sugar, or citrus crops if such loan or assistance will cause injury to United States producers of the same, similar, or competing agricultural commodity.

(Pub. L. 95–118, title IX, § 901, Oct. 3, 1977, 91 Stat. 1071; Pub. L. 97–35, title XIII, § 1371(b)(2), Aug. 13, 1981, 95 Stat. 746.)

AMENDMENTS

1981—Pub. L. 97–35 redesignated subsec. (a) as entire section and struck out subsec. (b) which related to an annual report to Congress on the progress towards achieving the goals of this section.

EFFECTIVE DATE OF 1981 AMENDMENT

Amendment by Pub. L. 97–35 effective Aug. 13, 1981, see section 1372 of Pub. L. 97–35, set out as an Effective Date note under section 290i of this title.

EFFECTIVE DATE

Section effective Oct. 3, 1977, see section 1001 of Pub. L. 95–118, set out as a note under section 282i of this title.

§ 262g–1. Targeting assistance to specific populations

(a) Congressional findings

The Congress finds that there is a need for concerted international efforts to deal with the problems of malnutrition, low life expectancy, childhood disease, underemployment, and low productivity in developing countries.

(b) Assistance to poorest populations

The Congress notes with approval that the Inter-American Development Bank, under the terms of its Fifth Replenishment, has adopted the target that 50 percent of its lending benefit the poorest groups and has developed a usable methodology for determining the proportion of its lending which benefits such groups.

(Pub. L. 95–118, title XI, § 1101, as added Pub. L. 97–35, title XIII, § 1361(b), Aug. 13, 1981, 95 Stat. 745.)

EFFECTIVE DATE

Section effective Aug. 13, 1981, see section 1372 of Pub. L. 97–35, set out as a note under section 290i of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 262g–2 of this title.

§ 262g–2. Establishment of guidelines for international financial institutions

(a) Consultation with representatives of member countries

The Secretary of the Treasury shall consult with representatives of other member countries of the International Bank for Reconstruction and Development, the International Development Association, the Asian Development Bank, the African Development Fund, and the African Development Bank (if the United States becomes a member of that Bank), for the purpose of establishing guidelines within each of those institutions which specify that, in a manner consistent with the purposes and charters of those institutions, a specified proportion of the annual lending by each institution shall be designed to benefit needy people, primarily by financing sound, efficient, productive, self-sustaining projects designed to benefit needy people in developing countries, thus helping poor people improve their conditions of life.

(b) Congressional findings regarding implementation of objectives

The Congress finds that projects to construct basic infrastructure, to expand productive capacity (including private enterprise), and to address social problems can all meet the objectives of this section if they are designed and implemented properly. For the purposes of this title, ''needy people'' means those people living in ''absolute'' or ''relative'' poverty as determined under the standards employed by the International Bank for Reconstruction and Develop-

ment and the International Development Association.

(Pub. L. 95–118, title XI, § 1102, as added Pub. L. 97–35, title XIII, § 1361(b), Aug. 13, 1981, 95 Stat. 745.)

REFERENCES IN TEXT

This title, referred to in subsec. (b), is title XI (§§ 1101–1103) of Pub. L. 95–118, as added by Pub. L. 97–35, title XIII, § 1361(b), Aug. 13, 1981, 95 Stat. 745, which enacted sections 262g–1 and 262g–2 of this title and enacted a provision set out as a note below. For complete classification of title XI to the Code, see Tables.

EFFECTIVE DATE

Section effective Aug. 13, 1981, see section 1372 of Pub. L. 97–35, set out as a note under section 290i of this title.

REPORTS TO CONGRESS

Section 1103 of Pub. L. 95–118, as added by Pub. L. 97–35, title XIII, § 1361(b), Aug. 13, 1981, 95 Stat. 746, required reports on the progress being made toward achieving the goals of this section, prior to repeal by Pub. L. 101–240, title V, § 541(d)(4), Dec. 19, 1989, 103 Stat. 2518.

§ 262g–3. International negotiations on future replenishments of international financial institutions; consultation with appropriate Members of Congress

The Secretary of the Treasury or his designee shall consult with the Chairman and the Ranking Minority Member of—

(1) the Committee on Banking, Finance and Urban Affairs of the House of Representatives, the Committee on Appropriations of the House of Representatives, and the appropriate subcommittee of each such committee, and

(2) the Committee on Foreign Relations of the Senate, the Committee on Appropriations of the Senate, and the appropriate subcommittee of each such committee,

for the purpose of discussing the position of the executive branch and the views of the Congress with respect to any international negotiations being held to consider future replenishments or capital expansions of any multilateral development bank which may involve an increased contribution or subscription by the United States. Such consultation shall be made (A) not later than 30 days before the initiation of such international negotiations, (B) during the period in which such negotiations are being held, in a frequent and timely manner, and (C) before a session of such negotiations is held at which the United States representatives may agree to such a replenishment or capital expansion.

(Pub. L. 95–118, title XII, § 1201, as added Pub. L. 97–35, title XIII, § 1361(b), Aug. 13, 1981, 95 Stat. 746.)

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.

EFFECTIVE DATE

Section effective Aug. 13, 1981, see section 1372 of Pub. L. 97–35, set out as a note under section 290i of this title.

§ 262h. Opposition by United States Executive Directors of international financial institutions to assistance for production or extraction of export commodities or minerals in surplus on world markets

The Secretary of the Treasury shall instruct the United States Executive Directors of the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the International Monetary Fund, the Asian Development Bank, the Inter-American Investment Corporation, the African Development Bank, and the African Development Fund to use the voice and vote of the United States to oppose any assistance by such institutions, using funds appropriated or otherwise made available pursuant to any provision of law, for the production or extraction of any commodity or mineral for export, if—

(1) such commodity or mineral, as the case may be, is in surplus on world markets; and

(2) the export of such commodity or mineral, as the case may be, would cause substantial injury to the United States producers of the same, similar, or competing commodity or mineral.

(Pub. L. 99–472, § 22, Oct. 15, 1986, 100 Stat. 1210.)

SIMILAR PROVISIONS

Pub. L. 107–115, title V, § 514, Jan. 10, 2002, 115 Stat. 2142, provided that: ''The Secretary of the Treasury shall instruct the United States Executive Directors of the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the International Monetary Fund, the Asian Development Bank, the Inter-American Investment Corporation, the North American Development Bank, the European Bank for Reconstruction and Development, the African Development Bank, and the African Development Fund to use the voice and vote of the United States to oppose any assistance by these institutions, using funds appropriated or made available pursuant to this Act [see Tables for classification], for the production or extraction of any commodity or mineral for export, if it is in surplus on world markets and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity.''

Similar provisions were contained in the following appropriation acts:

Pub. L. 106–429, § 101(a) [title V, § 514], Nov. 6, 2000, 114 Stat. 1900, 1900A–25.

Pub. L. 106–113, div. B, § 1000(a)(2) [title V, § 514], Nov. 29, 1999, 113 Stat. 1535, 1501A–85.

Pub. L. 105–277, div. A, § 101(d) [title V, § 514(a)], Oct. 21, 1998, 112 Stat. 2681–150, 2681–173.

Pub. L. 105–118, title V, § 514, Nov. 26, 1997, 111 Stat. 2409.

Pub. L. 104–208, div. A, title I, § 101(c) [title V, § 514], Sept. 30, 1996, 110 Stat. 3009–121, 3009–143.

Pub. L. 104–107, title V, § 514, Feb. 12, 1996, 110 Stat. 725.

Pub. L. 103–306, title V, § 514, Aug. 23, 1994, 108 Stat. 1628.
Pub. L. 103–87, title V, § 514, Sept. 30, 1993, 107 Stat. 948.
Pub. L. 102–391, title V, § 521, Oct. 6, 1992, 106 Stat. 1661.
Pub. L. 101–513, title V, § 522, Nov. 5, 1990, 104 Stat. 2007.
Pub. L. 101–167, title V, § 522, Nov. 21, 1989, 103 Stat. 1221.
Pub. L. 100–461, title V, § 522, Oct. 1, 1988, 102 Stat. 2268–25.
Pub. L. 100–202, § 101(e) [title V, § 522], Dec. 22, 1987, 101 Stat. 1329–131, 1329–157.
Pub. L. 99–500, § 101(f) [title V, § 522], Oct. 18, 1986, 100 Stat. 1783–213, 1783–229, and Pub. L. 99–591, § 101(f) [title V, § 522], Oct. 30, 1986, 100 Stat. 3341–214, 3341–229.
Pub. L. 99–190, § 101(i) [title V, § 523], Dec. 19, 1985, 99 Stat. 1291, 1306.
Pub. L. 98–473, title I, § 101(1)[title V, § 524], Oct. 12, 1984, 98 Stat. 1884, 1899.
Pub. L. 98–151, § 101(b)(1) [incorporating Pub. L. 97–121, title V, § 522], Nov. 14, 1983, 97 Stat. 964.
Pub. L. 97–377, title I, § 101(b)(1) [incorporating Pub. L. 97–121, title V, § 522], Dec. 21, 1982, 96 Stat. 1831.
Pub. L. 97–121, title V, § 522, Dec. 29, 1981, 95 Stat. 1656.
Pub. L. 96–536, § 101(b) [H.J. Res. 637, § 101(b); H.R. 4473, title V, § 522A], Dec. 16, 1980, 94 Stat. 3167.
Pub. L. 96–123, § 101(a) [incorporating Pub. L. 95–481, title VI, § 609], Nov. 20, 1979, 93 Stat. 923.
Pub. L. 95–481, title VI, § 609, Oct. 18, 1978, 92 Stat. 1601.

§ 262i. Repealed. Pub. L. 101–240, title V, § 541(d)(6), Dec. 19, 1989, 103 Stat. 2518

Section, Pub. L. 96–259, title IV, § 401, June 3, 1980, 94 Stat. 431, related to communication and dissemination of information respecting export opportunity enhancement.

§ 262j. Use of renewable resources for energy production

(a) Promotion, etc., by United States in connection with international financial institutions

The United States Government, in connection with its voice and vote in the Inter-American Development Bank, the African Development Fund, and the Asian Development Bank, shall encourage such institutions—

(1) to promote the decentralized production of renewable energy;

(2) to identify renewable resources to produce energy in rural development projects and determine the feasibility of substituting them for systems using fossil fuel;

(3) to train personnel in developing technologies for getting energy from renewable resources;

(4) to support research into the use of renewable resources, including hydropower, biomass, solar photovoltaic, and solar thermal;

(5) to support an information network to make available to policymakers the full range of energy choices;

(6) to broaden their energy planning, analyses, and assessments to include consideration of the supply of, demand for, and possible uses of renewable resources; and

(7) to coordinate with the Agency for International Development and other aid organizations in supporting effective rural energy programs.

(b) "Renewable resource" defined

For purposes of this section, the term ''renewable resource'' means any energy resource which—

(1) meets the needs of rural communities;

(2) saves capital without wasting labor;

(3) is modest in scale and simple to install and maintain and which can be managed by local individuals;

(4) is acceptable and affordable; and

(5) does not damage the environment.

(Pub. L. 96–259, title VI, § 602, June 3, 1980, 94 Stat. 433; Pub. L. 97–375, title I, § 112, Dec. 21, 1982, 96 Stat. 1821.)

AMENDMENTS

1982—Subsec. (c). Pub. L. 97–375 struck out subsec. (c) which directed the Secretary of the Treasury, in consultation with the Director of the United States International Development Cooperation Agency, to report to Congress not later than six months after June 3, 1980, and annually thereafter on the progress toward achieving the goals set forth in this title.

CONGRESSIONAL STATEMENT OF FINDINGS RESPECTING USE OF RENEWABLE RESOURCES FOR ENERGY PRODUCTION IN POOR AND DEVELOPING COUNTRIES AND ROLE OF INTERNATIONAL FINANCIAL INSTITUTIONS

Section 601 of Pub. L. 96–259 provided that: ''The Congress finds that—

''(1) without an adequate supply of energy at affordable prices the world's poor will continue to be deprived of jobs, food, water, shelter, and clothing, and poor countries will continue to be economically and politically unstable;

''(2) dependence on increasingly expensive fossil fuel resources consumes too much of the capital available to poor countries with the result that funds are not available to meet the basic needs of poor people;

''(3) in many developing countries the cost of large central generators and long distance electrical distribution makes it unlikely that rural energy by means of a national grid will contribute to meeting the needs of poor people;

''(4) only one of eight rural inhabitants lives in an area which has access to electricity and even fewer rural inhabitants actually have or can afford electricity;

''(5) wood, animal and agricultural waste, and other 'noncommercial' fuels still supply about half the total energy in developing countries and all but a seventh in rural sectors;

''(6) growing dependence of the world's poor on wood for heating and cooking has forced the overcutting of forests and as a consequence erosion and loss of available agricultural land; and

''(7) recent initiatives by the international financial institutions to develop and utilize decentralized solar, hydro, biomass, geothermal, and wind energy should be significantly expanded to make renewable energy resources increasingly available to the world's poor on a wide scale.''

§ 262k. Financial assistance to international financial institutions; considerations and criteria

(a) Congressional declaration of intent

United States active participation in international financial institution activity is based on our national objective of furthering the economic and social development of the nations of the world, in particular the developing nations. The attainment of this national objective is most effectively realized through a world economic and financial system which is both free and stable. Therefore, it is the intent of the United States Congress that United States financial assistance to the international financial

institutions should be primarily directed to those projects that would not generate excess commodity supplies in world markets, displace private investment initiatives or foster departures from a market-oriented economy.

(b) Effect of country adjustment programs; minimization of projected adverse impacts; avoidance of government subsidization

The Secretary of the Treasury shall instruct the representatives of the United States to the international financial institutions described in subsection (d) of this section to take into account in their review of loans, credits, or other utilization of the resources of their respective institutions, the effect that country adjustment programs would have upon individual industry sectors and international commodity markets in order to—

(1) minimize any projected adverse impacts on such sector or markets of making such loans, credits, or utilization of resources; and

(2) avoid whenever possible government subsidization of production and exports of international commodities without regard to economic conditions in the markets for such commodities.

(c) Project proposals relating to mining, smelting, refining, and fabricating of minerals and metal products

More specifically, the following criteria should be considered as a basis for a vote by the respective United States Executive Director to each of the international financial institutions described in subsection (d) of this section against a project proposal involving the creation of new capacity or the expansion, improvement, or modification of mining, smelting, refining, and fabricating of minerals and metal products:

(1) Analysis shows that the risks, returns, and incentives of a project are such that it could be financed at reasonable terms by commercial lending services.

(2) Analysis by the United States Bureau of Mines indicates that surplus capacity in the industry for the primary product of the defined project would exist over half the period of the economic life of the project because of projected world demand and capacity conditions.

(3) United States imports of the commodity constitute less than 50 percent of the domestic production of the primary product in those cases where the United States is the substantial producer of such commodities.

(d) International financial institutions

The international financial institutions referred to in subsections (a) and (b) of this section are the International Monetary Fund, the International Bank for Reconstruction and Development, the International Development Association, the Inter-American Development Bank, the Asian Development Bank, and the African Development Bank.

(Pub. L. 99–88, title I, § 502, Aug. 15, 1985, 99 Stat. 330; Pub. L. 102–285, § 10(b), May 18, 1992, 106 Stat. 172.)

CHANGE OF NAME

''United States Bureau of Mines'' substituted for ''Bureau of Mines'' in subsec. (c)(2) pursuant to section 10(b) of Pub. L. 102–285, set out as a note under section 1 of Title 30, Mineral Lands and Mining.

COPPER MINING, SMELTING, AND REFINING

Section 501 of Pub. L. 99–88 provided that: ''The Secretary of the Treasury shall instruct the United States Executive Directors of the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the International Monetary Fund, the Asian Development Bank, the Inter-American Investment Corporation, the African Development Bank, and the African Development Fund to use the voice and vote of the United States to oppose any assistance by these institutions, using funds appropriated or made available pursuant to this Act or any other Act, for the production of any copper commodity for export or for the financing of the expansion, improvement, or modernization of copper mining, smelting, and refining capacity.''

§ 262k–1. Transparency of budgets

(a) Limitation

Beginning three years after September 30, 1996, the Secretary of the Treasury shall instruct the United States Executive Director of each international financial institution to use the voice and vote of the United States to oppose any loan or other utilization of the funds of their respective institution, other than to address basic human needs, for the government of any country which the Secretary of the Treasury determines—

(1) does not have in place a functioning system for reporting to civilian authorities audits of receipts and expenditures that fund activities of the armed forces and security forces;

(2) has not provided to the institution information about the audit process requested by the institution.

(b) "International financial institution" defined

For purposes of this section, the term ''international financial institution'' shall include the institutions identified in section 532(b) of this Act.

(Pub. L. 104–208, div. A, title I, § 101(c) [title V, § 576], Sept. 30, 1996, 110 Stat. 3009–121, 3009–168; Pub. L. 105–118, title V, § 572, Nov. 26, 1997, 111 Stat. 2430.)

REFERENCES IN TEXT

Section 532(b) of this Act, referred to in subsec. (b), is section 532(b) of Pub. L. 104–208, div. A, title I, § 101(c) [title V], Sept. 30, 1996, 110 Stat. 3009–121, 3009–152, which is not classified to the Code.

AMENDMENTS

1997—Subsec. (a)(1). Pub. L. 105–118, § 572(a), amended par. (1) generally. Prior to amendment, par. (1) read as follows: ''does not have in place a functioning system for a civilian audit of all receipts and expenditures that fund activities of the armed forces and security forces;''.

Subsec. (a)(2). Pub. L. 105–118, § 572(b), amended par. (2) generally. Prior to amendment, par. (2) read as follows: ''has not provided a summary of a current audit to the institution.''

§ 262k–2. Female genital mutilation

(a) Limitation

Beginning 1 year after September 30, 1996, the Secretary of the Treasury shall instruct the

United States Executive Director of each international financial institution to use the voice and vote of the United States to oppose any loan or other utilization of the funds of their respective institution, other than to address basic human needs, for the government of any country which the Secretary of the Treasury determines—

(1) has, as a cultural custom, a known history of the practice of female genital mutilation; and

(2) has not taken steps to implement educational programs designed to prevent the practice of female genital mutilation.

(b) "International financial institution" defined

For purposes of this section, the term ''international financial institution'' shall include the institutions identified in section 532(b) of this Act.

(Pub. L. 104–208, div. A, title I, § 101(c) [title V, § 579], Sept. 30, 1996, 110 Stat. 3009–121, 3009–170.)

REFERENCES IN TEXT

Section 532(b) of this Act, referred to in subsec. (b), is section 532(b) of Pub. L. 104–208, div. A, title I, § 101(c) [title V], Sept. 30, 1996, 110 Stat. 3009–121, 3009–152, which is not classified to the Code.

§ 262*l*. Omitted

CODIFICATION

Section, Pub. L. 102–391, title V, § 532, Oct. 6, 1992, 106 Stat. 1666, which related to involvement of Multilateral Development Banks in promoting environmental and energy initiatives and required reports to Congress on progress in meeting benchmarks in sustainable energy development, forest conservation, forced displacement of populations, and environmental impact assessment, was from the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1993, and was omitted from the Code as not repeated in subsequent appropriation acts. Similar provisions were contained in the following prior appropriation acts:

Pub. L. 101–513, title V, § 533, Nov. 5, 1990, 104 Stat. 2013, as amended by Pub. L. 102–27, title III, § 308, Apr. 10, 1991, 105 Stat. 152.

Pub. L. 101–167, title V, § 533, Nov. 21, 1989, 103 Stat. 1225.

Pub. L. 100–461, title V, § 535, Oct. 1, 1988, 102 Stat. 2268–28.

Pub. L. 100–202, § 101(e) [title V, § 537], Dec. 22, 1987, 101 Stat. 1329–131, 1329–161, as amended by Pub. L. 101–240, title V, § 541(d)(8), Dec. 19, 1989, 103 Stat. 2518.

Pub. L. 99–500, § 101(f) [title V, § 539], Oct. 18, 1986, 100 Stat. 1783–213, 1783–232, and Pub. L. 99–591, § 101(f) [title V, § 539], Oct. 30, 1986, 100 Stat. 3341–214, 3341–232.

Pub. L. 99–190, § 101(i) [title V, § 540], Dec. 19, 1985, 99 Stat. 1291, 1309.

§ 262m. Congressional findings and policies for multilateral development banks respecting environment, public health, natural resources, and indigenous peoples

The Congress finds that—

(1) United States assistance to the multilateral development banks should promote sustainable use of natural resources and the protection of the environment, public health, and the status of indigenous peoples in developing countries;

(2) multilateral development bank projects, policies, and loans have failed in some cases to provide adequate safeguards for the environment, public health, natural resources, and indigenous peoples;

(3) many development efforts of the multilateral development banks are more enduring and less costly if based on consultations with directly affected population groups and communities;

(4) developing country governments sometimes do not ensure that appropriate policies and procedures are in place to use natural resources sustainably or consult with affected population groups and communities, where costs could be reduced or benefits made more enduring; and

(5) in general, the multilateral development banks do not yet provide systematic and adequate assistance to their borrowers to encourage sustainable resource use and consultation with affected communities, where costs could be reduced or benefits made more enduring.

(Pub. L. 95–118, title XIII, § 1301, as added Pub. L. 100–202, § 101(e) [title I], Dec. 22, 1987, 101 Stat. 1329–131, 1329–134.)

CODIFICATION

Section 1301 of Pub. L. 95–118 is based on section 701 of title VII of H.R. 3750, One Hundredth Congress, as introduced Dec. 11, 1987, and enacted into law by Pub. L. 100–202.

§ 262m–1. Environmental performance of banks; mechanisms for improvement

The Secretary of the Treasury and the Secretary of State, in cooperation with the Administrator of the Agency for International Development, shall vigorously promote mechanisms to strengthen the environmental performance of these banks. These mechanisms shall include strengthening organizational, administrative, and procedural arrangements within the banks which will substantially improve management of assistance programs necessary to ensure the sustainable use of natural resources and the protection of indigenous peoples.

(Pub. L. 95–118, title XIII, § 1302, as added Pub. L. 100–202, § 101(e) [title I], Dec. 22, 1987, 101 Stat. 1329–131, 1329–134.)

CODIFICATION

Section 1302 of Pub. L. 95–118 is based on section 701 of title VII of H.R. 3750, One Hundredth Congress, as introduced Dec. 11, 1987, and enacted into law by Pub. L. 100–202.

DEFINITIONS

The definition in section 262p of this title applies to this section.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 262p of this title.

§ 262m–2. Environmental impact of assistance proposals

(a) Analysis by agencies, United States embassies and overseas missions of Agency for International Development; factors considered; affirmative investigation of adverse impacts; availability of information to public

(1) In the course of reviewing assistance proposals of the multilateral development banks,

the Administrator of the Agency for International Development, in consultation with the Secretary of the Treasury and the Secretary of State, shall ensure that other agencies and appropriate United States embassies and overseas missions of the Agency for International Development are instructed to analyze, where feasible, the environmental impacts of multilateral development loans well in advance of such loans' approval by the relevant institutions to determine whether the proposals will contribute to the sustainable development of the borrowing country.

(2) To the extent possible, such reviews shall address the economic viability of the project, adverse impacts on the environment, natural resources, public health, and indigenous peoples, and recommendations as to measures, including alternatives, that could eliminate or mitigate adverse impacts.

(3) If there is reason to believe that any such loan is particularly likely to have substantial adverse impacts, the Administrator of the Agency for International Development, in consultation with the Secretary of the Treasury and the Secretary of State, shall ensure that an affirmative investigation of such impacts is undertaken in consultation with relevant Federal agencies. If not classified under the national security system of classification, the information collected pursuant to this paragraph shall be made available to the public.

(b) Evaluation by major shareholder governments prior to bank action on assistance proposals

The Secretary of the Treasury shall instruct the Executive Directors representing the United States at the International Bank for Reconstruction and Development, the Inter-American Development Bank, the Asian Development Bank, and the African Development Bank to urge the management and other directors of each such bank, to provide sufficient time between the circulation of assistance proposals and bank action on those proposals, in order to permit their evaluation by major shareholder governments.

(c) Identification of proposals likely to have adverse impact; transmittal to Congress

Based on the information obtained during the evaluation referred to in subsection (a) of this section and other available information, the Administrator of the Agency for International Development, in consultation with the Secretary of the Treasury and the Secretary of State, shall identify those assistance proposals likely to have adverse impacts on the environment, natural resources, public health, or indigenous peoples. The proposals so identified shall be transmitted to the Committee on Appropriations and the Committee on Banking, Finance and Urban Affairs of the House of Representatives and the Committee on Appropriations and the Committee on Foreign Relations of the Senate, not later than June 30 and December 31 of each year following December 22, 1987.

(d) Reports to Executive Directors; elimination or mitigation of adverse impacts

The Secretary of the Treasury shall forward reports concerning information received under subsection (a) of this section to the Executive Director representing the United States in the appropriate bank with instructions to seek to eliminate or mitigate adverse impacts which may result from the proposal.

(Pub. L. 95–118, title XIII, § 1303, as added Pub. L. 100–202, § 101(e) [title I], Dec. 22, 1987, 101 Stat. 1329–131, 1329–134.)

CODIFICATION

Section 1303 of Pub. L. 95–118 is based on section 701 of title VII of H.R. 3750, One Hundredth Congress, as introduced Dec. 11, 1987, and enacted into law by Pub. L. 100–202.

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.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 262m–7, 262r–2 of this title.

§ 262m–3. Cooperative information exchange system

The Secretary of the Treasury, in consultation with the Secretary of State and the Administrator of the Agency for International Development, shall create a system for cooperative exchange of information with other interested member countries on assistance proposals of the multilateral development banks.

(Pub. L. 95–118, title XIII, § 1304, as added Pub. L. 100–202, § 101(e) [title I], Dec. 22, 1987, 101 Stat. 1329–131, 1329–134.)

CODIFICATION

Section 1304 of Pub. L. 95–118 is based on section 701 of title VII of H.R. 3750, One Hundredth Congress, as introduced Dec. 11, 1987, and enacted into law by Pub. L. 100–202.

§ 262m–4. Environmental educational and training programs for mid-level bank managers and officials of borrowing countries

The Secretary of the Treasury shall instruct the United States Executive Directors of the multilateral development banks to support the strengthening of educational programs within each multilateral development bank to improve the capacity of mid-level managers to initiate and manage environmental aspects of development activities, and to train officials of borrowing countries in the conduct of environmental analyses.

(Pub. L. 95–118, title XIII, § 1305, as added Pub. L. 100–202, § 101(e) [title I], Dec. 22, 1987, 101 Stat. 1329–131, 1329–134.)

CODIFICATION

Section 1305 of Pub. L. 95–118 is based on section 701 of title VII of H.R. 3750, One Hundredth Congress, as in-

troduced Dec. 11, 1987, and enacted into law by Pub. L. 100–202.

§ 262m–5. Environmental impact statements; factors considered; promotion of activities by United States Executive Directors

(a) The Secretary of the Treasury shall instruct the United States Executive Director of each multilateral development bank to vigorously and continuously urge that each bank identify and develop methods and procedures to insure that in addition to economic and technical considerations, unquantified environmental values be given appropriate consideration in decisionmaking, and include in the documents circulated to the Board of Executive Directors concerning each assistance proposal a detailed statement, to include assessment of the benefits and costs of environmental impacts and possible mitigating measures, on the environmental impact of the proposed action, any adverse environmental effects which cannot be avoided if the proposal is implemented, and alternatives to the proposed action.

(b) The Secretary of the Treasury shall instruct the United States Executive Director of each multilateral development bank to vigorously and continuously promote—

(1) increases in the proportion of loans supporting environmentally beneficial policies, projects, and project components;

(2) the establishment of environmental programs in appropriate policy-based loans for the purpose of improving natural resource management, environmental quality, and protection of biological diversity;

(3) increases in the proportion of staff with professional training and experience in ecology and related areas and in the areas of anthropological and sociological impact analysis to ensure systematic appraisal and monitoring of environmental and sociocultural impacts of projects and policies;

(4) active and systematic encouragement of participation by borrowing countries nongovernmental environmental, community and indigenous peoples' organizations at all stages of preparations for country lending strategies, policy based loans, and loans that may have adverse environmental or sociocultural impacts; and

(5) full availability to concerned or affected nongovernmental and community organization, early in the preparation phase and at all subsequent stages of planning of full documentary information concerning details of design and potential environmental and sociocultural impacts of proposed loans.

(Pub. L. 95–118, title XIII, § 1306, as added Pub. L. 100–202, § 101(e) [title I], Dec. 22, 1987, 101 Stat. 1329–131, 1329–134.)

CODIFICATION

Section 1306 of Pub. L. 95–118 is based on section 701 of title VII of H.R. 3750, One Hundredth Congress, as introduced Dec. 11, 1987, and enacted into law by Pub. L. 100–202.

§ 262m–6. Repealed. Pub. L. 101–240, title V, § 541(d)(4), Dec. 19, 1989, 103 Stat. 2518

Section, Pub. L. 95–118, title XIII, § 1307, as added Pub. L. 100–202, § 101(e) [title I], Dec. 22, 1987, 101 Stat. 1329–131, 1329–134, required annual reports to Congress on environmental policies.

§ 262m–7. Assessment of environmental impact of proposed multilateral development bank actions

(a) Assessment required before favorable vote on action

(1) In general

Beginning 2 years after December 19, 1989, the Secretary of the Treasury shall instruct the United States Executive Director of each multilateral development bank not to vote in favor of any action proposed to be taken by the respective bank which would have a significant effect on the human environment, unless for at least 120 days before the date of the vote—

(A) an assessment analyzing the environmental impacts of the proposed action and of alternatives to the proposed action has been completed by the borrower or the institution, and been made available to the board of directors of the institution; and

(B) except as provided in paragraph (2), such assessment or a comprehensive summary of such assessment has been made available to the multilateral development bank, affected groups, and local nongovernmental organizations.

(2) Exceptions and reports

(A) Exceptions

The requirement of paragraph (1)(B) shall not apply where the Secretary finds compelling reasons to believe that disclosure in any case described in paragraph (1) would jeopardize the confidential relationship between the borrower and the respective bank.

(B) Reports by Secretary

The Secretary shall submit a quarterly report in writing to the Committees specified in subsection (f)(1) of this section of the findings described in subparagraph (A).

(b) Access to assessments in all member countries

The Secretary of the Treasury shall seek the adoption of policies and procedures, through discussions and negotiations with the other member countries of the multilateral development banks and with the management of such banks, which result in access by governmental agencies and interested members of the public of such member countries, to environmental assessments or documentary information containing comprehensive summaries of such assessments which discuss the environmental impact of prospective projects and programs being considered by such banks. Such assessments or summaries should be made available to such governmental agencies and interested members of the public at least 120 days before scheduled board action, and public participation in review of the relevant environmental information should be encouraged.

(c) Consideration of assessment

The Secretary of the Treasury shall—

(1) ensure that an environmental impact assessment or comprehensive summary of such

assessment described in subsection (a) of this section accompanies loan proposals through the agency review process; and

(2) take into consideration recommendations from all other interested Federal agencies and interested members of the public.

(d) Development of procedures for systematic environmental assessment

The Secretary of the Treasury, in consultation with other Federal agencies, including the Environmental Protection Agency, the Department of State, and the Council on Environmental Quality, shall—

(1) instruct the United States Executive Director of each multilateral development bank to initiate discussions with the other executive directors of the respective bank and to propose that the respective bank develop and make available to member governments of, and borrowers from, the respective bank, within 18 months after December 19, 1989, a procedure for the systematic environmental assessment of development projects for which the respective bank provides financial assistance, taking into consideration the Guidelines and Principles for Environmental Impact Assessment promulgated by the United Nations Environmental Programme and other bilateral or multilateral assessment procedures; and

(2) in determining the position of the United States on any action proposed to be taken by a multilateral development bank, develop and prescribe procedures for the consideration of, among other things—

(A) the environmental impact assessment of the action described in subsection (a) of this section;

(B) interagency and public review of such assessment; and

(C) other environmental review and consultation of such action that is required by other law.

(e) Use of United States personnel

The Secretary of the Treasury, in consultation with the Secretary of State, the Secretary of the Interior, the Administrator of the Environmental Protection Agency, the Chairman of the Council on Environmental Quality, the Administrator of the Agency for International Development, and the Administrator of the National Oceanic and Atmospheric Administration, shall—

(1) make available to the multilateral development banks, without charge, appropriate United States Government personnel to assist in—

(A) training bank staff in environmental impact assessment procedures;

(B) providing advice on environmental issues;

(C) preparing environmental studies for projects with potentially significant environmental impacts; and

(D) preparing documents for public release, and developing procedures to provide for the inclusion of interested nongovernmental organizations in the environmental review process; and

(2) encourage other member countries of such banks to provide similar assistance.

(f) Reports

(1) In general

The Secretary of the Treasury shall submit to the Committees on Foreign Relations and Environment and Public Works of the Senate and the Committee on Banking, Finance and Urban Affairs of the House of Representatives—

(A) not later than the end of the 1-year period beginning on December 19, 1989, a progress report on the efficacy of efforts by the United States to encourage consistent and timely environmental impact assessment of actions proposed to be taken by the multilateral development banks and on the progress made by the multilateral development banks in developing and instituting environmental assessment policies and procedures; and

(B) not later than January 1, 1993, a detailed report on the matters described in subparagraph (A).

(2) Availability of reports

The reports required by paragraph (1) shall be made available to the member governments of, and the borrowers from, the multilateral development banks, and to the public.

(g) "Multilateral development bank" defined

For purposes of this section, the term ''multilateral development bank'' means any of the institutions named in section 262m–2(b) of this title, and the International Finance Corporation.

(Pub. L. 95–118, title XIII, § 1307, formerly § 1308, as added and renumbered § 1307, Pub. L. 101–240, title V, §§ 521, 541(f)(4), Dec. 19, 1989, 103 Stat. 2511, 2519; amended Pub. L. 105–118, title V, § 560(b), Nov. 26, 1997, 111 Stat. 2426.)

AMENDMENTS

1997—Subsec. (a)(1)(A). Pub. L. 105–118, § 560(b)(1), substituted ''borrower'' for ''borrowing country''.

Subsec. (a)(2)(A). Pub. L. 105–118, § 560(b)(2), struck out ''country'' after ''borrower''.

Subsec. (g). Pub. L. 105–118, § 560(b)(3), added subsec. (g).

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.

§ 262n. Congressional findings and policies respecting agricultural and commodity production

The Congress hereby finds the following:

(1) The financing of certain programs and projects by multilateral development banks has been of great concern insofar as the programs and projects have been detrimental to

the interests of American farmers and the agribusiness sector.

(2) An increase in rural income in developing countries will generally result in an increase in exports of United States agricultural and food products.

(Pub. L. 95–118, title XIV, § 1401, as added Pub. L. 100–202, § 101(e) [title I], Dec. 22, 1987, 101 Stat. 1329–131, 1329–134.)

CODIFICATION

Section 1401 of Pub. L. 95–118 is based on section 701 of title VII of H.R. 3750, One Hundredth Congress, as introduced Dec. 11, 1987, and enacted into law by Pub. L. 100–202.

DEFINITIONS

The definitions in section 262p–5 of this title apply to this section.

§ 262n–1. Increase in income and employment in developing countries; enhancement of purchasing power; diversification away from single crop or product economies

The Secretary of the Treasury, after consultations with the Secretary of Agriculture and the Secretary of the Interior (to the extent appropriate) on markets and prices for commodities, shall periodically instruct the United States Executive Director of each multilateral development bank to work with other executive directors of the respective bank to continue to—

(1) support activities which result in broad increases in income and employment and enhance purchasing power in developing countries, particularly among the rural poor; and

(2) encourage diversification away from single crop or product economies in developing countries to help reduce wide fluctuations in commodity prices and the adverse impact of abrupt changes in the terms of trade.

(Pub. L. 95–118, title XIV, § 1402, as added Pub. L. 100–202, § 101(e) [title I], Dec. 22, 1987, 101 Stat. 1329–131, 1329–134.)

CODIFICATION

Section 1402 of Pub. L. 95–118 is based on section 701 of title VII of H.R. 3750, One Hundredth Congress, as introduced Dec. 11, 1987, and enacted into law by Pub. L. 100–202.

DEFINITIONS

The definitions in section 262p–5 of this title apply to this section.

§ 262n–2. Financing projects for production of export commodities, products, or minerals in surplus in world markets discouraged; instructions by Secretary of the Treasury to United States Executive Directors

(a) The Secretary of the Treasury shall take all appropriate steps to discourage multilateral development banks from financing projects which will result in the production of commodities, products, or minerals for export that will be in surplus in world markets at the time such production begins.

(b) The Secretary of the Treasury shall instruct the United States Executive Directors of the multilateral development banks to use the voice and vote of the United States in the respective banks—

(1) to oppose financing by the respective bank of projects which produce, or will produce, commodities, products, or minerals for export if—

(A) the commodity, product, or mineral is subsidized in a manner which is inconsistent with Article XVI.3 of the GATT 1994 as defined in section 3501(1)(B) of title 19, or Article 3.1(a) of the Agreement on Subsidies and Countervailing Measures referred to in section 3511(d)(12) of title 19; and

(B) support from financial sources other than multilateral development banks does not accompany such financing; and

(2) to oppose financing by the respective bank for production of a commodity, product, or mineral for export which—

(A) is likely to be in surplus on world markets at the time such production begins; and

(B) when exported, is likely to cause injury to United States producers within the meaning of Article 15 of the Agreement on Subsidies and Countervailing Measures referred to in subparagraph (A).

(Pub. L. 95–118, title XIV, § 1403, as added Pub. L. 100–202, § 101(e) [title I], Dec. 22, 1987, 101 Stat. 1329–131, 1329–134; amended Pub. L. 106–36, title I, § 1002(b), June 25, 1999, 113 Stat. 133.)

CODIFICATION

Section 1403 of Pub. L. 95–118 is based on section 701 of title VII of H.R. 3750, One Hundredth Congress, as introduced Dec. 11, 1987, and enacted into law by Pub. L. 100–202.

AMENDMENTS

1999—Subsec. (b)(1)(A). Pub. L. 106–36, § 1002(b)(1), substituted ''GATT 1994 as defined in section 3501(1)(B) of title 19, or Article 3.1(a) of the Agreement on Subsidies and Countervailing Measures referred to in section 3511(d)(12) of title 19'' for ''General Agreement on Tariffs and Trade or Article 10 of the Agreement on Interpretation and Application of Articles VI, XVI, and XXIII of the General Agreement on Tariffs and Trade''.

Subsec. (b)(2)(B). Pub. L. 106–36, § 1002(b)(2), substituted ''Article 15 of the Agreement on Subsidies and Countervailing Measures referred to in subparagraph (A)'' for ''Article 6 of the Agreement on Interpretation and Application of Articles VI, XVI, and XXIII of the General Agreement on Tariffs and Trade''.

DEFINITIONS

The definitions in section 262p–5 of this title apply to this section.

§ 262n–3. Reduction of barriers to agricultural trade

The Secretary of the Treasury shall instruct the United States Executive Director at the International Monetary Fund to use aggressively the voice and vote of the United States to vigorously promote policies to encourage the opening of markets for agricultural commodities and products by requiring recipient countries to make efforts to reduce trade barriers.

(Pub. L. 95–118, title XIV, § 1404, as added Pub. L. 105–277, div. A, § 101(d) [title VI, § 611], Oct. 21, 1998, 112 Stat. 2681–150, 2681–228.)

DEFINITIONS

The definitions in section 262p–5 of this title apply to this section.

§ 262*o*. Negotiations concerning replenishment or increase in capital; annual reports on implementation of lending policy goals

(a) In any negotiations concerning replenishment or an increase in capital for any multilateral development bank, the Secretary of the Treasury shall propose, as a principal point for negotiations, the following institutional reforms:

(1) The establishment of a unified program within each multilateral development bank to assess the extent to which bank lending benefits the least advantaged members of society, particularly women and the poor, and to increase the extent to which such members benefit from future bank lending.

(2) The establishment of an office or other administrative procedures within each multilateral development bank to—

(A) provide in-country liaison services for nongovernmental organizations operating at the community level;

(B) monitor the impact of project and nonproject lending on local populations; and

(C) ensure compliance with loan conditionalities, especially loan conditionalities relating to the protection of the quality of life of the poor and the rights of aboriginal minorities.

(3) A major increase in the number of members of the professional staff of each regional multilateral development bank with training in environmental or social impact analysis or natural science, including—

(A) recruitment of additional permanent professional staff; and

(B) training programs for existing staff members in these subject areas.

(4) With respect to the International Bank for Reconstruction and Development, the establishment of a program for policy-based lending to promote the sustainable use of renewable resources and the protection of the environment in borrowing countries.

(5) An increase in the length of any review period established by any multilateral development bank for board review of staff recommendations by such time as would be sufficient to allow the governments of member countries to review and comment on the staff recommendations before any action is taken by the board of directors of such bank on the recommendations.

(b) The Secretary of the Treasury shall instruct the United States Executive Director of each multilateral development bank to request the management of such bank to prepare an annual report which identifies and describes the most exemplary lending practices or loan components implemented during the preceding year with respect to each of the following lending policy goals for each major borrowing country or country group:

(1) Benefit to the poor.

(2) Involvement of nongovernmental organizations and local and indigenous populations in loan design, implementation, planning, and monitoring.

(3) Integration of, consideration of, and concern for environmental quality and the sustainable use of natural resources into loan design, implementation, planning, and monitoring.

(4) Recognition of and support for the economic and social development of women.

(Pub. L. 95–118, title XV, § 1501, as added Pub. L. 100–202, § 101(e) [title I], Dec. 22, 1987, 101 Stat. 1329–131, 1329–134.)

CODIFICATION

Section 1501 of Pub. L. 95–118 is based on section 701 of title VII of H.R. 3750, One Hundredth Congress, as introduced Dec. 11, 1987, and enacted into law by Pub. L. 100–202.

DEFINITIONS

The definitions in section 262p–5 of this title apply to this section.

§ 262*o*–1. Military spending by recipient countries; military involvement in economies of recipient countries

(a) Consideration of commitment to achieving certain goals

(1)[1] In general

The Secretary of the Treasury shall instruct the United States Executive Directors of the international financial institutions (as defined in section 262r(c)(2) of this title) to promote growth in the international economy by taking into account, when considering whether to support or oppose loan proposals at these institutions, the extent to which the recipient government has demonstrated a commitment to achieving the following goals:

(A) to provide accurate and complete data on the annual expenditures and receipts of the armed forces;

(B) to establish good and publicly accountable governance, including an end to excessive military involvement in the economy; and

(C) to make substantial reductions in excessive military spending and forces.

(b) Steps to achieve goals required

The Secretary of the Treasury shall instruct the United States Executive Directors of the international financial institutions (as so defined) to promote a policy at each institution under which—

(1) the respective institution monitors closely and, through regular policy consultations with recipient governments, seeks to influence the composition of public expenditure in favor of funding growth and development priorities and away from unproductive expenditure, including excessive military expenditures;

(2) the respective institution supports lending operations which assist efforts of recipient governments to promote good governance, including public participation, and reduce military expenditures; and

(3) the allocation of resources and the extension of credit by the respective institution takes into account the performance of recipient governments in the areas of good governance, ending excessive military involvement

[1] So in original. No par. (2) has been enacted.

in the economy and reducing excessive military expenditures.

(Pub. L. 95–118, title XV, § 1502, as added Pub. L. 103–306, title V, § 526(d), Aug. 23, 1994, 108 Stat. 1633.)

DEFINITIONS

The definitions in section 262p–5 of this title apply to this section.

§ 262*o*–2. Advocacy of policies to enhance general effectiveness of International Monetary Fund

(a) In general

The Secretary of the Treasury shall instruct the United States Executive Director of the International Monetary Fund to use aggressively the voice and vote of the Executive Director to do the following:

(1) Vigorously promote policies to increase the effectiveness of the International Monetary Fund in structuring programs and assistance so as to promote policies and actions that will contribute to exchange rate stability and avoid competitive devaluations that will further destabilize the international financial and trading systems.

(2) Vigorously promote policies to increase the effectiveness of the International Monetary Fund in promoting market-oriented reform, trade liberalization, economic growth, democratic governance, and social stability through—

(A) establishing an independent monetary authority, with full power to conduct monetary policy, that provides for a non-inflationary domestic currency that is fully convertible in foreign exchange markets;

(B) opening domestic markets to fair and open internal competition among domestic enterprises by eliminating inappropriate favoritism for small or large businesses, eliminating elite monopolies, creating and effectively implementing anti-trust and anti-monopoly laws to protect free competition, and establishing fair and accessible legal procedures for dispute settlement among domestic enterprises;

(C) privatizing industry in a fair and equitable manner that provides economic opportunities to a broad spectrum of the population, eliminating government and elite monopolies, closing loss-making enterprises, and reducing government control over the factors of production;

(D) economic deregulation by eliminating inefficient and overly burdensome regulations and strengthening the legal framework supporting private contract and intellectual property rights;

(E) establishing or strengthening key elements of a social safety net to cushion the effects on workers of unemployment and dislocation; and

(F) encouraging the opening of markets for agricultural commodities and products by requiring recipient countries to make efforts to reduce trade barriers.

(3) Vigorously promote policies to increase the effectiveness of the International Monetary Fund, in concert with appropriate international authorities and other international financial institutions (as defined in section 262r(c)(2) of this title), in strengthening financial systems in developing countries, and encouraging the adoption of sound banking principles and practices, including the development of laws and regulations that will help to ensure that domestic financial institutions meet strong standards regarding capital reserves, regulatory oversight, and transparency.

(4) Vigorously promote policies to increase the effectiveness of the International Monetary Fund, in concert with appropriate international authorities and other international financial institutions (as defined in section 262r(c)(2) of this title), in facilitating the development and implementation of internationally acceptable domestic bankruptcy laws and regulations in developing countries, including the provision of technical assistance as appropriate.

(5) Vigorously promote policies that aim at appropriate burden-sharing by the private sector so that investors and creditors bear more fully the consequences of their decisions, and accordingly advocate policies which include—

(A) strengthening crisis prevention and early warning signals through improved and more effective surveillance of the national economic policies and financial market development of countries (including monitoring of the structure and volume of capital flows to identify problematic imbalances in the inflow of short and medium term investment capital, potentially destabilizing inflows of offshore lending and foreign investment, or problems with the maturity profiles of capital to provide warnings of imminent economic instability), and fuller disclosure of such information to market participants;

(B) accelerating work on strengthening financial systems in emerging market economies so as to reduce the risk of financial crises;

(C) consideration of provisions in debt contracts that would foster dialogue and consultation between a sovereign debtor and its private creditors, and among those creditors;

(D) consideration of extending the scope of the International Monetary Fund's policy on lending to members in arrears and of other policies so as to foster the dialogue and consultation referred to in subparagraph (C);

(E) intensified consideration of mechanisms to facilitate orderly workout mechanisms for countries experiencing debt or liquidity crises;

(F) consideration of establishing ad hoc or formal linkages between the provision of official financing to countries experiencing a financial crisis and the willingness of market participants to meaningfully participate in any stabilization effort led by the International Monetary Fund;

(G) using the International Monetary Fund to facilitate discussions between debtors and private creditors to help ensure that financial difficulties are resolved without inappropriate resort to public resources; and

(H) the International Monetary Fund accompanying the provision of funding to countries experiencing a financial crisis resulting from imprudent borrowing with efforts to achieve a significant contribution by the private creditors, investors, and banks which had extended such credits.

(6) Vigorously promote policies that would make the International Monetary Fund a more effective mechanism, in concert with appropriate international authorities and other international financial institutions (as defined in section 262r(c)(2) of this title), for promoting good governance principles within recipient countries by fostering structural reforms, including procurement reform, that reduce opportunities for corruption and bribery, and drug-related money laundering.

(7) Vigorously promote the design of International Monetary Fund programs and assistance so that governments that draw on the International Monetary Fund channel public funds away from unproductive purposes, including large ''show case'' projects and excessive military spending, and toward investment in human and physical capital as well as social programs to protect the neediest and promote social equity.

(8) Work with the International Monetary Fund to foster economic prescriptions that are appropriate to the individual economic circumstances of each recipient country, recognizing that inappropriate stabilization programs may only serve to further destabilize the economy and create unnecessary economic, social, and political dislocation.

(9) Structure International Monetary Fund programs and assistance so that the maintenance and improvement of core labor standards are routinely incorporated as an integral goal in the policy dialogue with recipient countries, so that—

(A) recipient governments commit to affording workers the right to exercise internationally recognized core worker rights, including the right of free association and collective bargaining through unions of their own choosing;

(B) measures designed to facilitate labor market flexibility are consistent with such core worker rights; and

(C) the staff of the International Monetary Fund surveys the labor market policies and practices of recipient countries and recommends policy initiatives that will help to ensure the maintenance or improvement of core labor standards.

(10) Vigorously promote International Monetary Fund programs and assistance that are structured to the maximum extent feasible to discourage practices which may promote ethnic or social strife in a recipient country.

(11) Vigorously promote recognition by the International Monetary Fund that macroeconomic developments and policies can affect and be affected by environmental conditions and policies, and urge the International Monetary Fund to encourage member countries to pursue macroeconomic stability while promoting environmental protection.

(12) Facilitate greater International Monetary Fund transparency, including by enhancing accessibility of the International Monetary Fund and its staff, fostering a more open release policy toward working papers, past evaluations, and other International Monetary Fund documents, seeking to publish all Letters of Intent to the International Monetary Fund and Policy Framework Papers, and establishing a more open release policy regarding Article IV consultations.

(13) Facilitate greater International Monetary Fund accountability and enhance International Monetary Fund self-evaluation by vigorously promoting review of the effectiveness of the Office of Internal Audit and Inspection and the Executive Board's external evaluation pilot program and, if necessary, the establishment of an operations evaluation department modeled on the experience of the International Bank for Reconstruction and Development, guided by such key principles as usefulness, credibility, transparency, and independence.

(14) Vigorously promote coordination with the International Bank for Reconstruction and Development and other international financial institutions (as defined in section 262r(c)(2) of this title) in promoting structural reforms which facilitate the provision of credit to small businesses, including microenterprise lending, especially in the world's poorest, heavily indebted countries.

(b) Coordination with other executive departments

To the extent that it would assist in achieving the goals described in subsection (a) of this section, the Secretary of the Treasury shall pursue the goals in coordination with the Secretary of State, the Secretary of Labor, the Secretary of Commerce, the Administrator of the Environmental Protection Agency, the Administrator of the Agency for International Development, and the United States Trade Representative.

(Pub. L. 95–118, title XV, § 1503, as added Pub. L. 105–277, div. A, § 101(d) [title VI, § 610(a)], Oct. 21, 1998, 112 Stat. 2681–150, 2681–224.)

ADDITIONAL PROVISIONS RELATING TO INTERNATIONAL MONETARY FUND

Pub. L. 106–113, div. B, § 1000(a)(5) [title V, § 504], Nov. 29, 1999, 113 Stat. 1536, 1501A–317, provided that:

''(a) PUBLICATION OF IMF OPERATIONAL BUDGETS.—The Secretary of the Treasury shall instruct the United States Executive Director at the International Monetary Fund to use the voice, vote, and influence of the United States to urge vigorously the International Monetary Fund to publish the operational budgets of the International Monetary Fund, on a quarterly basis, not later than one year after the end of the period covered by the budget.

''(b) REPORT TO THE CONGRESS SHOWING COSTS OF UNITED STATES PARTICIPATION IN THE INTERNATIONAL MONETARY FUND.—The Secretary of the Treasury shall prepare and transmit to the Committees on Banking and Financial Services [now Committee on Financial Services], on Appropriations, and on International Relations of the House of Representatives and the Committees on Banking, Housing, and Urban Affairs, on Foreign Relations, and on Appropriations of the Senate a quarterly report, which shall be made readily available to the public, on the costs or benefits of United

States participation in the International Monetary Fund and which shall detail the costs and benefits to the United States, as well as valuation gains or losses on the United States reserve position in the International Monetary Fund.

''(c) CONTINUATION OF FORGOING OF REIMBURSEMENT OF IMF FOR EXPENSES OF ADMINISTERING ESAF.—The Secretary of the Treasury shall instruct the United States Executive Director at the International Monetary Fund to use the voice, vote, and influence of the United States to urge vigorously the International Monetary Fund to continue to forgo reimbursements of the expenses incurred by the International Monetary Fund in administering the Enhanced Structural Adjustment Facility, until the Heavily Indebted Poor Countries Initiative (as defined in section 1623 of the International Financial Institutions Act [22 U.S.C. 262p–6]) is terminated.

''(d) NO GOLD SALES BY INTERNATIONAL MONETARY FUND WITHOUT PRIOR AUTHORIZATION BY THE CONGRESS.—(1) [Amended section 286c of this title.]

''(2) Not less than 30 days prior to the entrance by the United States into international negotiations for the purpose of reaching agreement on the disposition of Fund gold whereby resources of the Fund would be used for the special benefit of a single member, or of a particular segment of the membership of the Fund, the Secretary of the Treasury shall consult with the Committees on Banking and Financial Services [now Committee on Financial Services], on Appropriations, and on International Relations of the House of Representatives and the Committees on Foreign Relations, on Appropriations, and on Banking, Housing and Urban Affairs of the Senate.

''(e) ANNUAL REPORT BY GAO ON CONSISTENCY OF IMF PRACTICES WITH STATUTORY POLICIES.—The Comptroller General of the United States shall annually prepare and submit to the Congress of the United States a written report on the extent to which the practices of the International Monetary Fund are consistent with the policies of the United States, as expressly contained in Federal law applicable to the International Monetary Fund.''

DEFINITIONS

The definitions in section 262p–5 of this title apply to this section.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 262r–4 of this title.

§ 262p. Impact adjustment lending programs

(a) Establishment of guidelines; impact statements

The Secretary of the Treasury shall instruct the United States Executive Director of the International Bank for Reconstruction and Development and the International Development Association to initiate discussions with other directors of the respective institutions and to propose that—

(1) guidelines be established which reflect clear and tangible concern for the impact adjustment lending programs, and the activities in support of which such lending is made, have and will have on human welfare; and

(2) impact statements be required which assess the effect an adjustment lending program, and the activities in support of which such lending is made, will have on the poor of the country to which such lending is made.

(b) Proposed contents of impact statements

In the discussions referred to in subsection (a) of this section with respect to the impact statement described in paragraph (2) of such subsection, the United States Executive Director should propose that such impact statements—

(1) specify what the projected effects of the adjustment loan will be on the poor;

(2) explain what procedures have been or will be taken to strengthen the in-country capacity of the borrower to—

(A) monitor nutrition levels in a timely manner; and

(B) measure the impact an adjustment loan, and the policies and activities in support of which such loan is made, has on the living standards of the country's population, especially the poorest; and

(3) indicate specifically what steps the borrower will take to—

(A) mitigate any adverse effect the policies and activities in support of which an adjustment loan is made are expected to have on the living standards of the poor (including the use of the proceeds of any adjustment loan, project aid, or other compensatory measure to mitigate such effect); and

(B) maximize the extent of the participation of the poor in the economic benefits resulting from an adjustment loan.

(c) Report to member governments by United States Executive Director of International Bank for Reconstruction and Development and by International Development Association

The Secretary of the Treasury shall instruct the United States Executive Director of the International Bank for Reconstruction and Development and the International Development Association to request the management of the respective institutions to prepare a report for distribution to member governments no later than June 30, 1988, that—

(1) assesses the impact on the poor of structural adjustment in countries to which structural adjustment lending has been made; and

(2) specifies the steps that have been or will be taken by the respective institution to—

(A) mitigate any adverse effect of adjustment lending, and the activities in support of which such lending is made, on the living standards of the poor in the countries to which such loans are made; and

(B) ensure the participation of the poor in the economic benefits resulting from adjustment lending and the activities in support of which such lending is made.

(d) "Adjustment lending" defined

For purposes of this section and section 262m–1 of this title, the term ''adjustment lending'' means nonproject lending in support of structural macroeconomic reforms or sectoral economic reform.

(Pub. L. 95–118, title XVI, § 1601, as added Pub. L. 100–202, § 101(e) [title I], Dec. 22, 1987, 101 Stat. 1329–131, 1329–134.)

CODIFICATION

Section 1601 of Pub. L. 95–118 is based on section 701 of title VII of H.R. 3750, One Hundredth Congress, as introduced Dec. 11, 1987, and enacted into law by Pub. L. 100–202.

DEFINITIONS

The definitions in section 262p–5 of this title apply to this section.

§ 262p–1. Grassroots Collaboration Program

(a) Proposal for establishment; private involvement; projects or policies for alleviation of poverty and promotion of environmental protection

The Secretary of the Treasury shall instruct the United States Executive Director of the International Bank for Reconstruction and Development and the International Development Association to initiate discussions with other directors of such institutions and to propose the establishment of a Grassroots Collaboration Program to develop improved mechanisms for involving, directly or indirectly, nongovernmental organizations in the design, implementation, and monitoring of development projects financed by, or development policies established by, such bank or association in order to alleviate poverty and promote environmental protection, including—

(1) encouraging nongovernmental organizations in borrowing countries to participate in all stages of project planning and country strategy activities to—

(A) minimize any adverse impact of such projects or activities on the poor people of such country;

(B) minimize any adverse impact of such projects or activities on the environment of such country; and

(C) maximize the extent to which such projects or activities will benefit the poor people of such country;

(2) increasing the direct involvement of nongovernmental organizations in project design, implementation, or monitoring whenever such organizations have a distinct comparative advantage over other entities in providing such services by virtue of their grassroots involvement with poor people, especially women, in a borrowing country;

(3) providing microenterprise credit for small scale economic activities through nongovernmental organizations;

(4) supporting the enhancement of the institutional capacity of nongovernmental organizations in borrowing countries as development practitioners; and

(5) establishing or supporting jointly funded intermediary mechanisms with nongovernmental organizations to facilitate increased collaboration between such bank or association and nongovernmental organizations in borrowing countries.

(b) Implementation and financing of program

It is the sense of the Congress that the Grassroots Collaboration Program described in subsection (a) of this section should be implemented and financed as part of the normal operations of the International Bank for Reconstruction and Development and the International Development Association.

(c) Flexible financing; initial grant

To the extent the activities under the Grassroots Collaboration Program described in subsection (a) of this section need more flexible financing, it is the sense of the Congress that—

(1) such activities could be funded through a grant from the net income of the International Bank for Reconstruction and Development; and

(2) an initial grant of not less than $50,000,000 should be made for such activities with subsequent annual allocations of such additional amounts as may be necessary to allow the Grassroots Collaboration Program to maximize collaboration with nongovernmental organizations in the alleviation of poverty and the protection of the environment.

(d) Repealed. Pub. L. 101–240, title V, § 541(d)(4), Dec. 19, 1989, 103 Stat. 2518

(e) Annual reports to Congress

Each annual report to the Congress by the National Advisory Council on International Monetary and Financial Policies shall describe the status of the establishment and operation of the Grassroots Collaboration Program described in subsection (a) of this section, the activities under taken by the Program and the sum of the amounts expended by the Program.

(Pub. L. 95–118, title XVI, § 1602, as added Pub. L. 100–202, § 101(e) [title I], Dec. 22, 1987, 101 Stat. 1329–131, 1329–134; amended Pub. L. 101–240, title V, § 541(d)(4), Dec. 19, 1989, 103 Stat. 2518.)

CODIFICATION

Section 1602 of Pub. L. 95–118 is based on section 701 of title VII of H.R. 3750, One Hundredth Congress, as introduced Dec. 11, 1987, and enacted into law by Pub. L. 100–202.

AMENDMENTS

1989—Subsec. (d). Pub. L. 101–240 struck out subsec. (d) which related to initial reporting requirements by Secretary of the Treasury.

DEFINITIONS

The definitions in section 262p–5 of this title apply to this section.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 262p–4*l* of this title.

§ 262p–2. Instructions to United States Executive Directors for extension of credit

(a) International Bank for Reconstruction and Development; International Development Association; access of poor to formal sources of credit; identification and removal of barriers to extension of credit generally and to provisions of credit to microenterprises

The Secretary of the Treasury shall instruct the United States Executive Director of the International Bank for Reconstruction and Development and the International Development Association to initiate discussions with other directors of such Bank or Association and to propose that—

(1) in carrying on the activities of the Bank or Association, the Bank or Association take such steps as may be necessary to increase access for the poor people of a borrowing country to formal sources of credit; and

(2) the Bank or Association include a requirement in all appropriate project and non-

project agreements, as a condition for assistance under such agreements, that the borrowing country identify and remove unreasonable legal and regulatory barriers to—

(A) the establishment or operation of organizations which extend credit; and

(B) the provision of credit to microenterprises for small scale economic activities.

(b) African Development Bank and Asian Development Bank; provision of credit to microenterprises

The Secretary of the Treasury shall instruct the United States Executive Directors of the African Development Bank and the Asian Development Bank to initiate discussions with other directors of the respective banks and to propose that each such bank—

(1) examine the Program for the Financing of Small Projects of the Inter-American Development Bank and the steps taken by such bank to link the Program to the mainstream operation of the bank; and

(2) explore ways and means to establish similar programs within the respective banks to provide credit to microenterprises for small scale economic activities.

(c) Annual reports to Congress; inclusion of status of microenterprise credit promotion activities

Each annual report to the Congress by the National Advisory Council on International Monetary and Financial Policies shall describe the status of the microenterprise credit promotion activities of each of the institutions referred to in subsection (a) or (b) of this section.

(Pub. L. 95–118, title XVI, § 1603, as added Pub. L. 100–202, § 101(e) [title I], Dec. 22, 1987, 101 Stat. 1329–131, 1329–134.)

CODIFICATION

Section 1603 of Pub. L. 95–118 is based on section 701 of title VII of H.R. 3750, One Hundredth Congress, as introduced Dec. 11, 1987, and enacted into law by Pub. L. 100–202.

DEFINITIONS

The definitions in section 262p–5 of this title apply to this section.

§ 262p–3. Participation of women in economic, social and policy development activities

(a) Congressional declaration of policy

Congress hereby declares that it is the policy of the United States that multilateral development banks should—

(1) fully involve women in borrowing countries in the identification, planning, implementation, and evaluation of mainstream development activities financed by such banks;

(2) recognize and support women's direct and indirect roles in the economic development of their countries and communities;

(3) recognize and support women's direct and indirect roles in the education and social development of, the maintenance of the health of, and in the provision of adequate nutrition for, family members and communities, especially children;

(4) work to remove legal and customary barriers which impede the full participation of women in economic and social development, such as lack of access to credit, property rights, education, health care, and government services; and

(5) involve women's groups in borrowing countries in project identification and preparation in order to factor their assessments of women's economic and social needs into project design.

(b) Instructions by Secretary of the Treasury to United States Executive Directors

The Secretary of the Treasury shall instruct—

(1) the United States Executive Director of the International Bank for Reconstruction and Development and the International Development Association to support attempts to strengthen the role of the Women in Development division in policy development, project design and implementation, and evaluation; and

(2) the United States Executive Directors of the regional multilateral development banks to support exploring the establishment of a mechanism, or the strengthening of any existing mechanism, within each of the respective banks, to advise, advocate, and promote the full intergration[1] of women in the planning, design, implementation, and evaluation of lending activities both in borrowing countries and within the banks.

(c) Annual reports to Congress

Each annual report to the Congress by the National Advisory Council on International Monetary and Financial Policies shall describe the actions taken by the multilateral development banks to implement the policies established under this section.

(Pub. L. 95–118, title XVI, § 1604, as added Pub. L. 100–202, § 101(e) [title I], Dec. 22, 1987, 101 Stat. 1329–131, 1329–134.)

CODIFICATION

Section 1604 of Pub. L. 95–118 is based on section 701 of title VII of H.R. 3750, One Hundredth Congress, as introduced Dec. 11, 1987, and enacted into law by Pub. L. 100–202.

DEFINITIONS

The definitions in section 262p–5 of this title apply to this section.

§ 262p–4. Instructions to United States Executive Directors; indigenous people in borrowing country; determination of impact; protection of rights; consultation

The Secretary of the Treasury shall instruct the United States Executive Director of each multilateral development bank to initiate discussions with other executive directors of the respective bank and to propose that the bank take such steps as may be necessary—

(1) to determine, at the time an initial feasibility study is conducted with respect to a proposed project and to the fullest extent possible, the impact such project would have on indigenous people in the borrowing country;

(2) to ensure compliance with loan conditionalities relating to the protection of

[1] So in original. Probably should be ''integration''.

the rights of indigenous people to lands and resources; and

(3) to consult with indigenous people, and nongovernmental organizations representing indigenous people, at every phase of loan design, planning, implementation, and monitoring.

(Pub. L. 95–118, title XVI, § 1605, as added Pub. L. 100–202, § 101(e) [title I], Dec. 22, 1987, 101 Stat. 1329–131, 1329–134.)

CODIFICATION

Section 1605 of Pub. L. 95–118 is based on section 701 of title VII of H.R. 3750, One Hundredth Congress, as introduced Dec. 11, 1987, and enacted into law by Pub. L. 100–202.

DEFINITIONS

The definitions in section 262p–5 of this title apply to this section.

§ 262p–4a. Loan programs to reduce economic dependence on illicit narcotics

(a) Findings

The Congress finds that—

(1) the illicit narcotics epidemic currently afflicting the United States represents a direct threat to the well-being of every United States citizen;

(2) every effective means must be pursued to reduce the foreign production and subsequent importation into the United States of illicit narcotics;

(3) the multilateral development banks can play an integral role in efforts to control the production of illicit narcotics;

(4) producer country narcotics eradication programs will not be effective unless such programs provide an economic alternative to the production of narcotics;

(5) efforts to address the illicit narcotics epidemic through production control are doomed to failure unless greater effort is applied to curb use of and demand for illicit narcotics; and

(6) the appropriate role for the multilateral development banks in the ''War Against Drugs'' is through coordinating and financing alternative economic opportunities in producer and trafficking countries.

(b) Loan programs to reduce economic dependence on illicit narcotics

The Secretary of the Treasury shall instruct the United States Executive Director of the International Bank for Reconstruction and Development and the United States Executive Director of the Inter-American Development Bank to initiate discussions with other executive directors of such institutions and to advocate and support the creation, within such institutions, of specific country lending programs and policies (including crop substitution, creation of roads conducive to the expansion of markets for licit goods, other infrastructure development measures such as development projects generating employment, agricultural extension assistance, and region-specific development plans) which are particularly oriented to reducing or eliminating the economic dependence of regions of borrowing countries known to be areas in which illicit narcotics are produced or trafficked, on such production and trafficking.

(c) Coordination among assistance programs designed to reduce economic dependency on illicit narcotics

In addition, the Secretary of the Treasury should instruct the United States Executive Director of the International Bank for Reconstruction and Development and the United States Executive Director of the Inter-American Development Bank to encourage such institutions to provide coordination among other multilateral and bilateral assistance programs designed to reduce the economic dependence of regions of borrowing countries known to be areas in which illicit narcotics are produced or trafficked, on such production and trafficking.

(Pub. L. 95–118, title XVI, § 1606, as added Pub. L. 100–461, title V, § 555, Oct. 1, 1988, 102 Stat. 2268–36.)

CODIFICATION

Section 1606 of Pub. L. 95–118 is based on section 6 of H.R. 4645, One Hundredth Congress, as reported Sept. 28, 1988, and enacted into law by Pub. L. 100–461.

PRIOR PROVISIONS

A prior section 1606 of Pub. L. 95–118 was renumbered section 1622 and is classified to section 262p–5 of this title.

DEFINITIONS

The definitions in section 262p–5 of this title apply to this section.

§ 262p–4b. Directives regarding government-owned enterprises in countries receiving World Bank loans

(a) Finding

The Congress finds that a principal focus of United States Government policy in the multilateral development banks has been and should be to foster greater development of the private sector in member borrowing countries of such banks.

(b) Technical assistance to transform government-owned enterprises into privately owned enterprises

In order to assist and strengthen the advancement of ongoing efforts to have the International Bank for Reconstruction and Development play a key role in building a viable private sector in member borrowing countries of such bank, and to further assist such bank in its determination to facilitate the transfer of government-owned enterprises in such countries to private ownership, the Secretary of the Treasury shall instruct the United States Executive Director of such bank to vigorously encourage the provision of technical assistance to such countries (relying, where appropriate, on the expertise of the International Finance Corporation or the Multilateral Investment Guarantee Agency) to transform enterprises owned, in whole or part, by the governments of such countries into privately owned, self-sufficient enterprises. Such technical assistance may involve the valuation of the assets of such government-owned enterprises, the assessment of tender offers, and

the creation or strengthening of market-based mechanisms to facilitate such a transfer of ownership.

(c) Reports

(1) In general

The United States Executive Director of the International Bank for Reconstruction and Development shall submit 3 reports to the Congress on—

(A) the progress made in transforming government-owned enterprises into privately owned enterprises as described in subsection (b) of this section;

(B) the performance of the privately owned enterprises resulting from such transformation; and

(C) the contributions of development finance companies toward strengthening the private sector in member borrowing countries.

(2) Timing

The United States Executive Director of the International Bank for Reconstruction and Development shall submit to the Congress the first report required by paragraph (1) within 1 year after October 1, 1988, and shall submit additional reports 12 months, and 24 months, after the date the first report is submitted.

(Pub. L. 95–118, title XVI, § 1607, as added Pub. L. 100–461, title V, § 555, Oct. 1, 1988, 102 Stat. 2268–36.)

CODIFICATION

Section 1607 of Pub. L. 95–118 is based on section 7 of H.R. 4645, One Hundredth Congress, as reported Sept. 28, 1988, and enacted into law by Pub. L. 100–461.

DEFINITIONS

The definitions in section 262p–5 of this title apply to this section.

§ 262p–4c. Initiation of discussions to facilitate debt-for-development swaps for human welfare and environmental conservation

(a) Findings

The Congress finds that—

(1) voluntary debt-for-development swaps in heavily indebted developing nations can simultaneously facilitate reduction of the burden of external indebtedness and increase the resources available within the country for charitable, educational, and scientific purposes, including environmental conservation, education, human welfare, health, agricultural research and development, microenterprise credit, and development of indigenous nonprofit organizations; and

(2) heavily indebted developing countries may desire to facilitate such swaps to the maximum extent consistent with sound domestic economic management and minimization of inflationary impact.

(b) Initiation of discussions to facilitate debt-for-development swaps for human welfare and environmental conservation

(1) In general

The Secretary of the Treasury shall instruct the United States Executive Director of the International Bank for Reconstruction and Development to initiate discussions with the directors of such bank, the International Development Association, and the International Finance Corporation and propose that such institutions provide advice and assistance, as appropriate, to borrowing country governments desiring to facilitate debt-for-development swaps, on mechanisms (including trust funds) to accomplish this purpose, particularly in the context of debt rescheduling, which mechanisms result in sound management of the macroeconomic impact of such swaps on such countries, and preserve the value of the capital obtained through such swaps.

(2) Definitions

As used in this section:

(A) Debt-for-development swap

The term ''debt-for-development swap'' means the purchase of qualified debt by, or the donation of such debt to, an organization described in section 501(c)(3) of title 26 which is exempt from taxation under section 501(a) of title 26, and the subsequent transfer of such debt to an organization located in such foreign country in exchange for an undertaking by such tax-exempt organization, such foreign government, or such foreign organization to engage in a charitable, educational, or scientific activity.

(B) Qualified debt

The term ''qualified debt'' means—

(i) sovereign debt issued by a foreign government;

(ii) debt owed by private institutions in the country governed by such foreign government; and

(iii) debt owed by institutions in the country governed by such foreign government, which are owned, in part, by private persons and, in part, by public institutions.

(Pub. L. 95–118, title XVI, § 1608, as added Pub. L. 100–461, title V, § 555, Oct. 1, 1988, 102 Stat. 2268–36.)

CODIFICATION

Section 1608 of Pub. L. 95–118 is based on section 8 of H.R. 4645, One Hundredth Congress, as reported Sept. 28, 1988, and enacted into law by Pub. L. 100–461.

DEFINITIONS

The definitions in section 262p–5 of this title apply to this section.

§ 262p–4d. Initiation of discussions to facilitate financing of human welfare and natural resource programs in sub-Saharan Africa in connection with debt reduction and conversion

(a) Findings

The Congress finds that—

(1) the heavy burden of debt borne by sub-Saharan governments undermines efforts by such governments to finance projects and programs designed to promote charitable, educational, and scientific purposes, including education, human welfare, health, agricultural research

and development, and conservation, restoration and enhancement of the natural resource base; and

(2) the financing of programs to promote such charitable, educational, and scientific purposes should be facilitated in the context of reducing and converting sovereign debt of sub-Saharan governments, as encouraged in the final communique of the June 1988 economic summit conference in Toronto, Canada, through such means as—

(A) concessional interest rates;

(B) extended repayment periods; or

(C) partial or complete write-offs of debt service obligations.

(b) Initiation of discussions to facilitate financing of human welfare and natural resource programs in sub-Saharan Africa in connection with debt reduction and conversion

The Secretary of the Treasury shall instruct the United States Executive Director of the African Development Bank and the African Development Fund to initiate discussions with the directors of such institutions and propose that such institutions, jointly with the International Bank for Reconstruction and Development, the International Development Association, and the International Finance Corporation, as appropriate, provide advice and assistance to government creditors holding sovereign debt of any sub-Saharan government, and to sub-Saharan governments which desire to finance programs with local currencies obtained through debt reduction and conversion to promote charitable, educational, and scientific (including conservation and restoration of natural resources) purposes, as a condition of reducing or converting such sovereign debt.

(Pub. L. 95–118, title XVI, § 1609, as added Pub. L. 100–461, title V, § 555, Oct. 1, 1988, 102 Stat. 2268–36.)

CODIFICATION

Section 1609 of Pub. L. 95–118 is based on section 9 of H.R. 4645, One Hundredth Congress, as reported Sept. 28, 1988, and enacted into law by Pub. L. 100–461.

DEFINITIONS

The definitions in section 262p–5 of this title apply to this section.

§ 262p–4e. Extent to which borrowing country governments have honored debt-for-development swap agreements to be considered as factor in making loans to such borrowers

(a) In general

The Secretary of the Treasury shall instruct the United States Executive Director of the International Bank for Reconstruction and Development to initiate discussions with the directors of such bank and propose that such bank consider, as an important factor in making loans to borrowing country governments, the history of compliance by such governments with, and the extent to which such governments have honored, agreements entered into by such governments as part of any debt-for-development swap which requires such governments to set aside or otherwise limit the use of real property to conservation purposes.

(b) Definitions

As used in this section:

(1) Debt-for-development swap

The term ''debt-for-development swap'' means the purchase of qualified debt by, or the donation of such debt to, an organization described in section 501(c)(3) of title 26 which is exempt from taxation under section 501(a) of title 26, and the subsequent transfer of such debt to an organization located in such foreign country in exchange for an undertaking by such tax-exempt organization, such foreign government, or such foreign organization to engage in a charitable, educational, or scientific activity.

(2) Qualified debt

The term ''qualified debt'' means—

(A) sovereign debt issued by a foreign government;

(B) debt owed by private institutions in the country governed by such foreign government; and

(C) debt owed by institutions in the country governed by such foreign government which are owned, in part, by private persons and, in part, by public institutions.

(Pub. L. 95–118, title XVI, § 1610, as added Pub. L. 100–461, title V, § 555, Oct. 1, 1988, 102 Stat. 2268–36.)

CODIFICATION

Section 1610 of Pub. L. 95–118 is based on section 10 of H.R. 4645, One Hundredth Congress, as reported Sept. 28, 1988, and enacted into law by Pub. L. 100–461.

DEFINITIONS

The definitions in section 262p–5 of this title apply to this section.

§ 262p–4f. Assistance to countries to develop statistical assessment of well-being of poor

(a) Findings

The Congress finds that—

(1) improvement in the capacity of developing countries to measure and monitor regularly the nutritional and physical well-being of the poorest 40 percent of the population of each of such countries is essential to the development of policies to reduce absolute poverty;

(2) internationally accepted statistical indicators that measure reliably the extent of absolute poverty and identify the location and characteristics of the poor are being developed and refined to guide policy formulation and target assistance to the poor;

(3) such guidance by indicators is, however, not able to be used in some developing countries, especially the poorest countries, due to the woeful unavailability of statistical data;

(4) the International Bank for Reconstruction and Development and the International Development Association have the technical and financial capability to assist borrowing country governments to develop such statistical measurement capabilities for social indicators necessary for the design and monitoring of poverty-reduction policies for such governments;

(5) availability of social indicator data is also essential to the work of such institutions, particularly in monitoring the impact of structural adjustment lending on the poor; and

(6) availability of such indicators will also facilitate the measurement of progress in the alleviation of poverty by other donor agencies, public and private.

(b) Assistance to countries to develop statistical assessment of well-being of poor

The Secretary of the Treasury shall instruct the United States Executive Director of the International Bank for Reconstruction and Development and the International Development Association to advocate and support, as an immediate priority, assistance by such institutions to borrowing country governments to develop appropriate statistical measures for assessing the physical well-being of the poor, by sex and age, by using such indicators as mortality, health, education, and nutrition, as well as wealth and income, and maintain and publish such indicators on an ongoing basis.

(Pub. L. 95–118, title XVI, § 1611, as added Pub. L. 100–461, title V, § 555, Oct. 1, 1988, 102 Stat. 2268–36.)

CODIFICATION

Section 1611 of Pub. L. 95–118 is based on section 11 of H.R. 4645, One Hundredth Congress, as reported Sept. 28, 1988, and enacted into law by Pub. L. 100–461.

DEFINITIONS

The definitions in section 262p–5 of this title apply to this section.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 262p–4h of this title.

§ 262p–4g. Directives regarding government-owned enterprises in countries receiving IADB loans

(a) Finding

The Congress finds that a principal focus of United States Government policy in the multilateral development banks has been and should be to foster greater development of the private sector in member borrowing countries of such banks.

(b) Technical assistance to transform government-owned enterprises into privately owned enterprises

In order to assist and strengthen the advancement of ongoing efforts to have the Inter-American Development Bank play a key role in building a viable private sector in member borrowing countries of such bank, and to further assist such bank in its determination to facilitate the transfer of government-owned enterprises in such countries to private ownership, the Secretary of the Treasury shall instruct the United States Executive Director of such bank to vigorously encourage the provision of technical assistance to such countries to transform enterprises owned, in whole or in part, by the governments of such countries into privately owned, self-sufficient enterprises. Such technical assistance may involve the valuation of the assets of such government-owned enterprises, the assessment of tender offers, and the creation or strengthening of market-based mechanisms to facilitate such a transfer of ownership.

(Pub. L. 95–118, title XVI, § 1612, as added Pub. L. 101–240, title II, § 206, Dec. 19, 1989, 103 Stat. 2499.)

PRIOR PROVISIONS

A prior section 1612 of Pub. L. 95–118 was renumbered section 1622 and is classified to section 262p–5 of this title.

DEFINITIONS

The definitions in section 262p–5 of this title apply to this section.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 262r of this title.

§ 262p–4h. Discussions to increase productive economic participation of poor; reports

(a) In general

The Secretary of the Treasury shall instruct the United States Executive Director for each multilateral development bank to vigorously and continually advocate, in all replenishment negotiations and in discussion with other directors of such bank and with such bank, the following:

(1) A major objective of such bank's operations and financing in each borrowing country, as a long term priority, should be to increase the productive role of the poor in the economy of such country.

(2) Such bank should encourage and assist each borrowing country to develop sustainable national plans and strategies to eliminate the causes and alleviate the manifestations of poverty which keep the poor from leading economically and socially productive lives. Such plans and strategies should give attention to—

(A) the enhancement of human resources, including programs for basic nutrition, primary health services, basic education, and safe water and basic sanitation;

(B) access to income-generating activities, employment, and productive assets such as land and credit; and

(C) consultation with public sector social agencies and local non-governmental organizations.

(3) As an integral element of ongoing policy dialogue with each borrowing country to design structural adjustment plans and project lending programs, such bank should provide assistance consistent with achieving the objectives of the country's national plan for increasing the productive economic participation of the poor. Such dialogue should be conducted with government agencies working in social and economic sectors and with non-governmental groups in the borrowing country, especially those that have grassroots involvement with poor people.

(4) In an annual review document, such bank should describe the extent to which the goal of increasing the productive economic participation of the poor is being advanced or retarded and the steps that are being taken to over-

come obstacles to its fulfillment. Such review should be based on information contained in the bank's country implementation review documents and in the country strategy documents for each borrowing country. Such country strategy documents should describe the national strategy for productive economic participation of the poor and the steps the bank plans to take to assist the borrowing country during the period covered by the country strategy document.

(5) Such bank should assist countries in assessing and monitoring progress in achieving poverty alleviation goals and targets through measurement by appropriate social indicators.

(6) Such bank should adopt procedures and budgetary allocations for administrative purposes, and establish appropriate staffing levels, to ensure that adequate resources are available to implement the bank's program for enhancing the productive economic participation of the poor, in consultation with non-governmental groups.

(7) Such bank should adopt, as a separate and major criterion in the allocation of concessional financing resources, a preferential allocation to each country which undertakes significant efforts to enhance the productive economic participation of the poor.

(8) Such bank should require each country which receives structural adjustment assistance to have in place, after a reasonable phase-in period, a strategy to enhance the productive economic participation of the poor.

(b) Progress report

Before the end of the 1-year period beginning on December 19, 1989, the Secretary of the Treasury shall submit to the Committee on Banking, Finance and Urban Affairs and the Committee on Appropriations of the House of Representatives, and the Committee on Foreign Relations and the Committee on Appropriations of the Senate, a report on the following:

(1) The status of advocacy and progress being made to implement the objectives of subsection (a) of this section, describing the success to date, the obstacles encountered, and future expectations of progress.

(2) A description of the progress to date in achieving the purposes of section 262p–4f of this title, including the institutional capacity and effort devoted to assisting in the development of statistical measures to assess the well-being of the poor.

(3) A description and evaluation of the progress to date in developing effective mechanisms for involving non-governmental organizations, directly or indirectly, in the design, implementation, and monitoring of development projects, programs, and policies of the multilateral development banks.

(Pub. L. 95–118, title XVI, § 1613, as added Pub. L. 101–240, title V, § 501, Dec. 19, 1989, 103 Stat. 2505.)

PRIOR PROVISIONS

A prior section 1613 of Pub. L. 95–118 was renumbered section 1622 and is classified to section 262p–5 of this title.

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.

DEFINITIONS

The definitions in section 262p–5 of this title apply to this section.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 262r of this title.

§ 262p–4i. Multilateral development banks and debt-for-nature exchanges

(a) Directions to United States Executive Directors

The Secretary of the Treasury shall direct the United States Executive Directors of the multilateral development banks to—

(1) negotiate for the creation in each respective multilateral development bank, except where the Secretary of the Treasury determines that the provisions of this subsection have previously been met, of a department that will—

(A) be responsible for environmental protection and resource conservation, including support for restoration, protection, and sustainable use policies;

(B) develop and monitor strict environmental guidelines and policies to govern lending activities; and

(C) actively promote, coordinate and facilitate debt-for-nature exchanges and the restoration, protection, and sustainable use of tropical forests, renewable natural resources, endangered ecosystems and species in debtor countries;

(2) support and encourage the approval of multilateral development bank loans which include provisions that foster and facilitate the implementation of a sound and effective environmental policy in the borrowing country;

(3) encourage the banks to assist such countries in reducing and restructuring private debt through the use of a portion of a project or policy based environmental loan in ways which will enable such countries to buy back private debt at a rate of discount available for such debt, at auction in the secondary market or through negotiations with creditors holding such debt;

(4) seek to ensure that staff of each bank facilitate debtor countries' collaboration with local and international non-governmental or private organizations in implementing debt-for-nature exchanges; and

(5) seek to ensure that each bank adopts policy guidelines which to the maximum extent possible provide for—

(A) the inclusion of sustainable use policies in loan agreements negotiated with borrower members;

(B) the adoption of economic programs to foster sound environmental policies; and

(C) the provision of debtor countries' policy changes or significant increases in financial resources for use in at least 1 of the following—

(i) restoration, protection, or sustainable use of the world's oceans and atmosphere;

(ii) restoration, protection, or sustainable use of diverse animal and plant species;

(iii) establishment, restoration, protection, and maintenance of parks and reserves;

(iv) development and implementation of sound systems of natural resource management;

(v) development and support of local conservation programs;

(vi) training programs to strengthen conservation institutions and increase scientific, technical, and managerial capabilities of individuals and organizations involved in conservation efforts;

(vii) efforts to generate knowledge, increase understanding, and enhance public commitment to conservation;

(viii) design and implementation of sound programs of land and ecosystem management; and

(ix) promotion of regenerative approaches in farming, forestry, and watershed management.

(b) Negotiation of guidelines for restoration, protection, or sustainable use policies

The United States Executive Directors of the multilateral development banks shall seek to negotiate with the other executive directors to provide guidelines for restoration, protection, or sustainable use policies. Pending the outcome of such negotiations, the United States Executive Directors shall consider restoration, protection, or sustainable use policies to be those which—

(1) support development that maintains and restores the renewable natural resource base so that present and future needs of debtor countries' populations can be met, while not impairing critical ecosystems and not exacerbating global environmental problems;

(2) are environmentally sustainable in that resources are conserved and managed in an effort to remove pressure on the natural resource base and to make judicious use of the land so as to sustain growth and the availability of all natural resources;

(3) support development that does not exceed the limits imposed by local hydrological cycles, soil, climate, vegetation, and human cultural practices;

(4) promote the maintenance and restoration of soils, vegetation, hydrological cycles, wildlife, critical ecosystems (tropical forests, wetlands, and coastal marine resources), biological diversity and other natural resources essential to economic growth and human well-being and shall, when using natural resources, be implemented to minimize the depletion of such natural resources; and

(5) take steps, wherever feasible, to prevent pollution that threatens human health and important biotic systems and to achieve patterns of energy consumption that meet human needs and rely on renewable resources.

(c) Inclusion of certain items in guidelines

The United States Executive Directors shall endeavor to include the provisions of paragraphs (1) through (5) of subsection (b) of this section in the guidelines developed through the negotiations specified in this section.

(Pub. L. 95–118, title XVI, § 1614, as added Pub. L. 101–240, title V, § 512, Dec. 19, 1989, 103 Stat. 2508.)

PRIOR PROVISIONS

A prior section 1614 of Pub. L. 95–118 was renumbered section 1622 and is classified to section 262p–5 of this title.

DEFINITIONS

The definitions in section 262p–5 of this title apply to this section.

§ 262p–4j. Promotion of lending for environment

The Secretary of the Treasury shall instruct the United States Executive Director of the International Bank for Reconstruction and Development to initiate discussions with the other executive directors of such bank and the management of such bank and propose that, in order to reduce the future need for bank lending for reforestation and restoration of environmentally degraded areas, the bank establish a project and policy based environmental lending program (including a loan a portion of which could be used to reduce and restructure private debt), to be made available to interested countries with a demonstrated commitment to natural resource conservation, which would be based on—

(1) the estimated long-term economic return which could be expected from the sustainable use and protection of tropical forests, including the value of tropical forests for indigenous people and for science;

(2) the value derived from such services as—

(A) watershed management;

(B) soil erosion control;

(C) the maintenance and improvement of—

(i) fisheries;

(ii) water supply regulation for industrial development;

(iii) food;

(iv) fuel;

(v) fodder; and

(vi) building materials for local communities;

(D) the extraction of naturally occurring products from locally controlled protected areas; and

(E) indigenous knowledge of the management and use of natural resources; and

(3) the long-term benefits expected to be derived from maintaining biological diversity and climate stabilization.

(Pub. L. 95–118, title XVI, § 1615, as added Pub. L. 101–240, title V, § 512, Dec. 19, 1989, 103 Stat. 2510.)

DEFINITIONS

The definitions in section 262p–5 of this title apply to this section.

§ 262p–4k. Promotion of institution-building for nongovernmental organizations concerned with environment

The Secretary of the Treasury shall instruct the United States Executive Directors of the multilateral development banks to vigorously promote the adoption of policies and procedures which seek to—

(1) increase collaboration with, and, where necessary, strengthen, nongovernmental organizations in such countries which are concerned with environmental protection by providing appropriate assistance and support for programs and activities on environmental protection; and

(2) encourage international collaboration for information exchange and project enhancement with nongovernmental organizations in developing countries which are concerned with environmental protection and government agencies and private voluntary organizations in developed countries which are concerned with environmental protection.

(Pub. L. 95–118, title XVI, § 1616, as added Pub. L. 101–240, title V, § 512, Dec. 19, 1989, 103 Stat. 2510.)

DEFINITIONS

The definitions in section 262p–5 of this title apply to this section.

§ 262p–4*l*. Improvement of interaction between International Bank for Reconstruction and Development and nongovernmental organizations

(a) In general

The Secretary of the Treasury shall instruct the United States Executive Director of the International Bank for Reconstruction and Development to propose, and urge the Executive Board and the management of the bank to develop and implement[1] specific mechanisms designed to—

(1) substantially improve the ability of the staff of the bank to interact with nongovernmental organizations and other local groups that are affected by loans made by the bank to borrower countries; and

(2) delegate to the field offices of the bank in borrowing countries greater responsibility for decisions with respect to proposals for projects in such countries that are to be financed by the bank.

(b) Certain mechanisms urged

The mechanisms described in subsection (a) of this section shall include, at a minimum, the following measures:

(1) An instruction to the management of the bank to undertake efforts to appropriately train and significantly increase the number of bank professional staff (based in Washington, District of Columbia, as of November 5, 1990) assigned, on a rotating basis, to field offices of the bank in borrower countries.

(2) The assignment to at least 1 professional in each field office of the bank in a borrower country of responsibility for relations with local nongovernmental organizations, and for the preparation and submission to appropriate staff of the bank of a report on the impact of project loans to be made by the bank to the country, based on views solicited from local people who will be affected by such loans, which shall be included as part of the project appraisal report.

(3) The establishment of the Grassroots Collaboration Program described in section 262p–1(a) of this title.

(4) Before a project loan is made to a borrower country, the country is to be required to hold open hearings on the proposed project during project identification and project preparation.

(5) The establishment of assessment procedures which allow affected parties and nongovernmental organizations to review information describing a prospective project or policy loan design, in a timely manner, before the loan is submitted to the Executive Board for approval.

(Pub. L. 95–118, title XVI, § 1617, as added Pub. L. 101–513, title V, § 562(a)(2), Nov. 5, 1990, 104 Stat. 2032.)

PRIOR PROVISIONS

A prior section 1617 of Pub. L. 95–118 was renumbered section 1622 and is classified to section 262p–5 of this title.

DEFINITIONS

The definitions in section 262p–5 of this title apply to this section.

§ 262p–4m. Population, health, and nutrition programs

The Secretary of the Treasury shall instruct the United States Executive Director of the International Bank for Reconstruction and Development to urge the bank to support an increase in the amount the bank lends annually to support population, health, and nutrition programs of the borrower countries.

(Pub. L. 95–118, title XVI, § 1618, as added Pub. L. 101–513, title V, § 562(a)(2), Nov. 5, 1990, 104 Stat. 2033.)

DEFINITIONS

The definitions in section 262p–5 of this title apply to this section.

§ 262p–4n. Equal employment opportunities

The Secretary of the Treasury shall instruct the United States Executive Directors of the multilateral development banks and of the International Monetary Fund to use the voices and votes of the Executive Directors to urge their respective banks and the Fund to adopt a policy which provides, and implement procedures which ensure, that such banks and the Fund, and the affiliates of such banks and of the Fund, shall not discriminate against any person on the basis of race, ethnicity, gender, color, or religious affiliation in any determination related to employment.

(Pub. L. 95–118, title XVI, § 1619, as added Pub. L. 101–513, title V, § 562(b)(1), Nov. 5, 1990, 104 Stat. 2033.)

[1] So in original. Probably should be followed by a comma.

PRIOR PROVISIONS

A prior section 1619 of Pub. L. 95–118 was renumbered section 1622 and is classified to section 262p–5 of this title.

DEFINITIONS

The definitions in section 262p–5 of this title apply to this section.

§ 262p–4*o*. Respect for indigenous peoples

The Secretary of the Treasury shall direct the United States Executive Directors of the international financial institutions (as defined in section 262r(c)(2) of this title) and the United States representative to the council of the Global Environment Facility administered by the International Bank for Reconstruction and Development to use the voice and vote of the United States to bring about the creation and full implementation of policies designed to promote respect for and full protection of the territorial rights, traditional economies, cultural integrity, traditional knowledge and human rights of indigenous peoples.

(Pub. L. 95–118, title XVI, § 1620, as added Pub. L. 103–306, title V, § 526(e), Aug. 23, 1994, 108 Stat. 1633.)

PRIOR PROVISIONS

A prior section 1620 of Pub. L. 95–118 was renumbered 1622 and is classified to section 262p–5 of this title.

DEFINITIONS

The definitions in section 262p–5 of this title apply to this section.

§ 262p–4p. Encouragement of fair labor practices

(a) The Secretary of the Treasury shall direct the United States Executive Directors of the international financial institutions (as defined in section 262r(c)(2) of this title) to use the voice and vote of the United States to urge the respective institution—

(1) to adopt policies to encourage borrowing countries to guarantee internationally recognized worker rights (within the meaning of section 2467(4) of title 19) and to include the status of such rights as an integral part of the institution's policy dialogue with each borrowing country;

(2) in developing the policies referred to in paragraph (1), to use the relevant conventions of the International Labor Organization, which have set forth, among other things, the right of association, the right to organize and bargain collectively, a prohibition on the use of any form of forced or compulsory labor, and certain minimum labor standards that take into account differences in development levels among nations including a minimum age for the employment of children, acceptable conditions of work with respect to minimum wages, hours of work, and occupational safety and health; and

(3) to establish formal procedures to screen projects and programs funded by the institution for any negative impact in a borrowing country on the rights referred to in paragraph (1).

(b) The Secretary of the Treasury shall submit to the Committee on Banking, Finance and Urban Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate by the end of each fiscal year a report on the extent to which each borrowing country guarantees internationally recognized worker rights to its labor force and on progress toward achieving each of the goals described in subsection (a) of this section.

(Pub. L. 95–118, title XVI, § 1621, as added Pub. L. 103–306, title V, § 526(e), Aug. 23, 1994, 108 Stat. 1634; amended Pub. L. 104–188, title I, § 1954(b)(4), Aug. 20, 1996, 110 Stat. 1928.)

CODIFICATION

Another section 1621 of Pub. L. 95–118 is classified to section 262p–4q of this title.

AMENDMENTS

1996—Subsec. (a)(1). Pub. L. 104–188 substituted ''2467(4)'' for ''2462(a)(4)''.

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.

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104–188 applicable to articles entered on or after Oct. 1, 1996, with provisions relating to retroactive application, see section 1953 of Pub. L. 104–188, set out as an Effective Date note under section 2461 of Title 19, Customs Duties.

DEFINITIONS

The definitions in section 262p–5 of this title apply to this section.

§ 262p–4q. Opposition to assistance by international financial institutions to terrorist states

(a) In general

The Secretary of the Treasury shall instruct the United States executive director of each international financial institution to use the voice and vote of the United States to oppose any loan or other use of the funds of the respective institution to or for a country for which the Secretary of State has made a determination under section 2405(j) of title 50, Appendix, or section 2371 of this title.

(b) "International financial institution" defined

For purposes of this section, the term ''international financial institution'' includes—

(1) the International Bank for Reconstruction and Development, the International Development Association, and the International Monetary Fund;

(2) wherever applicable, the Inter-American Bank, the Asian Development Bank, the European Bank for Reconstruction and Development, the African Development Bank, and the African Development Fund; and

(3) any similar institution established after April 24, 1996.

(Pub. L. 95–118, title XVI, § 1621, as added Pub. L. 104–132, title III, § 327, Apr. 24, 1996, 110 Stat. 1257.)

CODIFICATION

Another section 1621 of Pub. L. 95–118 is classified to section 262p–4p of this title.

DEFINITIONS

The definitions in section 262p–5 of this title apply to this section.

§ 262p–4r. Use of authority of United States Executive Directors

(a) Action by the President

If the President determines that a particular foreign country has taken or has committed to take actions that contribute to efforts of the United States to respond to, deter, or prevent acts of international terrorism, the Secretary may, consistent with other applicable provisions of law, instruct the United States Executive Director of each international financial institution to use the voice and vote of the Executive Director to support any loan or other utilization of the funds of respective institutions for such country, or any public or private entity within such country.

(b) Use of voice and vote

The Secretary may instruct the United States Executive Director of each international financial institution to aggressively use the voice and vote of the Executive Director to require an auditing of disbursements at such institutions to ensure that no funds are paid to persons who commit, threaten to commit, or support terrorism.

(c) Definition

For purposes of this section, the term ''international financial institution'' means an institution described in section 262r(c)(2) of this title.

(Pub. L. 107–56, title III, § 360, Oct. 26, 2001, 115 Stat. 329.)

TERMINATION DATE

Provisions of title III of Pub. L. 107–56 to terminate effective on and after the first day of fiscal year 2005 if Congress enacts a joint resolution that such amendments no longer have the force of law, see section 303 of Pub. L. 107–56, set out as a Four-Year Congressional Review; Expedited Consideration note under section 5311 of Title 31, Money and Finance.

§ 262p–5. Definitions

For purposes of this title and titles XIV and XV—

(1) the term ''multilateral development bank'' means the International Bank for Reconstruction and Development, the International Development Association, and the regional multilateral development banks; and

(2) the term ''regional multilateral development bank'' means the Inter-American Development Bank, the African Development Bank, the African Development Fund, and the Asian Development Bank.

(Pub. L. 95–118, title XVI, § 1622, formerly § 1606, as added Pub. L. 100–202, § 101(e) [title I], Dec. 22, 1987, 101 Stat. 1329–131, 1329–134; renumbered § 1612, Pub. L. 100–461, title V, § 555, Oct. 1, 1988, 102 Stat. 2268–36; renumbered § 1613, renumbered § 1614, renumbered § 1617, Pub. L. 101–240, title II, § 206, title V, §§ 501, 512, Dec. 19, 1989, 103 Stat. 2499, 2505, 2508; renumbered § 1619, renumbered § 1620, Pub. L. 101–513, title V, § 562(a)(2), (b)(1), Nov. 5, 1990, 104 Stat. 2032, 2033; renumbered § 1622, Pub. L. 103–306, title V, § 526(e), Aug. 23, 1994, 108 Stat. 1633.)

REFERENCES IN TEXT

This title and titles XIV and XV, referred to in text, are titles XVI, XIV, and XV, respectively, of Pub. L. 95–118. Title XIV is classified to sections 262n to 262n–3 of this title, title XV is classified to sections 262*o* to 262*o*–2 of this title, and title XVI is classified to sections 262p to 262p–7 of this title. For complete classification of these titles to the Code, see Tables.

CODIFICATION

Section 1622, formerly § 1606, of Pub. L. 95–118 is based on section 701 of title VII of H.R. 3750, One Hundredth Congress, as introduced Dec. 11, 1987, and enacted into law by Pub. L. 100–202. Renumbering of section 1606 of Pub. L. 95–118 as section 1612 was based on section 6 of H.R. 4645, One Hundredth Congress, as reported Sept. 28, 1988, and enacted into law by Pub. L. 100–461.

§ 262p–6. Improvement of the Heavily Indebted Poor Countries Initiative

(a) Improvement of the HIPC Initiative

In order to accelerate multilateral debt relief and promote human and economic development and poverty alleviation in heavily indebted poor countries, the Congress urges the President to commence immediately efforts, with the Paris Club of Official Creditors, as well as the International Monetary Fund (IMF), the International Bank for Reconstruction and Development (World Bank), and other appropriate multilateral development institutions to accomplish the following modifications to the Heavily Indebted Poor Countries Initiative:

(1) Focus on poverty reduction, good governance, transparency, and participation of citizens

A country which is otherwise eligible to receive cancellation of debt under the modified Heavily Indebted Poor Countries Initiative may receive such cancellation only if the country has committed, in connection with social and economic reform programs that are jointly developed, financed, and administered by the World Bank and the IMF—

(A) to enable, facilitate, or encourage the implementation of policy changes and institutional reforms under economic reform programs, in a manner that ensures that such policy changes and institutional reforms are designed and adopted through transparent and participatory processes;

(B) to adopt an integrated development strategy to support poverty reduction through economic growth, that includes monitorable poverty reduction goals;

(C) to take steps so that the financial benefits of debt relief are applied to programs to combat poverty (in particular through concrete measures to improve economic infrastructure, basic services in education, nutri-

tion, and health, particularly treatment and prevention of the leading causes of mortality) and to redress environmental degradation;

(D) to take steps to strengthen and expand the private sector, encourage increased trade and investment, support the development of free markets, and promote broad-scale economic growth;

(E) to implement transparent policy making and budget procedures, good governance, and effective anticorruption measures;

(F) to broaden public participation and popular understanding of the principles and goals of poverty reduction, particularly through economic growth, and good governance; and

(G) to promote the participation of citizens and nongovernmental organizations in the economic policy choices of the government.

(2) Faster debt relief

The Secretary of the Treasury should urge the IMF and the World Bank to complete a debt sustainability analysis by December 31, 2000, and determine eligibility for debt relief, for as many of the countries under the modified Heavily Indebted Poor Countries Initiative as possible.

(b) Heavily Indebted Poor Countries review

The Secretary of the Treasury, after consulting with the Committees on Banking and Financial Services and International Relations of the House of Representatives, and the Committees on Foreign Relations and Banking, Housing, and Urban Affairs of the Senate, shall make every effort (including instructing the United States Directors at the IMF and World Bank) to ensure that an external assessment of the modified Heavily Indebted Poor Countries Initiative, including the reformed Enhanced Structural Adjustment Facility program as it relates to that Initiative, takes place by December 31, 2001, incorporating the views of debtor governments and civil society, and that such assessment be made public.

(c) Definition

The term ''modified Heavily Indebted Poor Countries Initiative'' means the multilateral debt initiative presented in the Report of G–7 Finance Ministers on the Köln Debt Initiative to the Köln Economic Summit, Cologne, Germany, held from June 18–20, 1999.

(Pub. L. 95–118, title XVI, § 1623, as added Pub. L. 106–113, div. B, § 1000(a)(5) [title V, § 502], Nov. 29, 1999, 113 Stat. 1536, 1501A–313.)

CHANGE OF NAME

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.

DEFINITIONS

The definitions in section 262p–5 of this title apply to this section.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 262p–7, 286nn of this title.

§ 262p–7. Reform of the Enhanced Structural Adjustment Facility

The Secretary of the Treasury shall instruct the United States Executive Directors at the International Bank for Reconstruction and Development (World Bank) and the International Monetary Fund (IMF) to use the voice and vote of the United States to promote the establishment of poverty reduction strategy policies and procedures at the World Bank and the IMF that support countries' efforts under programs developed and jointly administered by the World Bank and the IMF that have the following components:

(1) The development of country-specific poverty reduction strategies (Poverty Reduction Strategies) under the leadership of such countries that—

(A) will be set out in poverty reduction strategy papers (PRSPs) that provide the basis for the lending operations of the International Development Association (IDA) and the reformed Enhanced Structural Adjustment Facility (ESAF);

(B) will reflect the World Bank's role in poverty reduction and the IMF's role in macroeconomic issues;

(C) will make the IMF's and the World Bank's advice and operations fully consistent with the objectives of poverty reduction through broad-based economic growth; and

(D) should include—

(i) implementation of transparent budgetary procedures and mechanisms to help ensure that the financial benefits of debt relief under the modified Heavily Indebted Poor Countries Initiative (as defined in section 262p–6 of this title) are applied to programs that combat poverty; and

(ii) monitorable indicators of progress in poverty reduction.

(2) The adoption of procedures for periodic comprehensive reviews of reformed ESAF and IDA programs to help ensure progress toward longer-term poverty goals outlined in the Poverty Reduction Strategies and to allow adjustments in such programs.

(3) The publication of the PRSPs prior to Executive Board review of related programs under IDA and the reformed ESAF.

(4) The establishment of a standing evaluation unit at the IMF, similar to the Operations Evaluation Department of the World Bank, that would report directly to the Executive Board of the IMF and that would undertake periodic reviews of IMF operations, including the operations of the reformed ESAF, including—

(A) assessments of experience under the reformed ESAF programs in the areas of poverty reduction, economic growth, and access to basic social services;

(B) assessments of the extent and quality of participation in program design by citizens;

(C) verifications that reformed ESAF programs are designed in a manner consistent with the Poverty Reduction Strategies; and

(D) prompt release to the public of all reviews by the standing evaluation unit.

(5) The promotion of clearer conditionality in IDA and reformed ESAF programs that focuses on reforms most likely to support poverty reduction through broad-based economic growth.

(6) The adoption by the IMF of policies aimed at reforming ESAF so that reformed ESAF programs are consistent with the Poverty Reduction Strategies.

(7) The adoption by the World Bank of policies to help ensure that its lending operations in countries eligible for debt relief under the modified Heavily Indebted Poor Countries Initiative are consistent with the Poverty Reduction Strategies.

(8) Strengthening the linkage between borrower country performance and lending operations by IDA and the reformed ESAF on the basis of clear and monitorable indictors.[1]

(9) Full public disclosure of the proposed objectives and financial organization of the successor to the ESAF at least 90 days before any decision by the Executive Board of the IMF to consider its adoption.

(Pub. L. 95–118, title XVI, § 1624, as added Pub. L. 106–113, div. B, § 1000(a)(5) [title V, § 502], Nov. 29, 1999, 113 Stat. 1536, 1501A–314.)

DEFINITIONS

The definitions in section 262p–5 of this title apply to this section.

§ 262q. Transferred

CODIFICATION

Section, Pub. L. 100–418, title III, § 3202, Aug. 23, 1988, 102 Stat. 1382, which related to multilateral development bank procurement, was renumbered section 1801 of title XVIII of Pub. L. 95–118, by Pub. L. 101–240, title V, § 541(b)(1), Dec. 19, 1989, 103 Stat. 2517, and transferred to section 262s of this title.

§ 262r. Annual report by Chairman of National Advisory Council on International Monetary and Financial Policies

(a) In general

The Chairman shall report annually to the Speaker of the House of Representatives, the President of the Senate, and to the President of the United States on the participation of the United States in the international financial institutions. The Chairman shall present such report to the Speaker of the House of Representatives and the President of the Senate not later than April 1 of each year following the close of the fiscal year covered by such report, except that the report for fiscal year 1989 shall be submitted not later than June 1, 1990.

(b) Contents of reports

Each annual report required by subsection (a) of this section shall contain—

(1) such data and explanations concerning the effectiveness, operations, and policies of the international financial institutions, such recommendations concerning the international financial institutions, and such other data and material as the Chairman may deem appropriate;

(2) the reports on each specific issue and topic which is required by any other provision of law to be included in the report of the National Advisory Council on International Monetary and Financial Policies required by section 286b(b)(5) of this title, as in effect immediately before December 19, 1989;

(3) a description of each loan or other form of financial assistance approved by any international financial institution during the fiscal year covered by such report, and a discussion of how such loan or financial assistance will benefit the people, particularly the poor people, of the recipient country;

(4) a review of the success achieved through the multilateral development banks in reducing or eliminating import restrictions and unfair export subsidies which—

(A) have been determined to be consistent with international agreements; and

(B) have a serious adverse impact on the United States;

(5) a description of the actions taken and the progress made in carrying out subsections (a) and (b) of section 286cc of this title;

(6) the report required by section 2018(c) of the International Narcotics Act of 1986 (title II of Public Law 99–570), discussing the actions taken and progress made in encouraging the multilateral development banks to finance drug eradication and crop substitution programs;

(7) a description of the progress made by the United States Executive Director of the International Monetary Fund with respect to the goals of section 286kk of this title;

(8) a description of the status of procedures in the multilateral development banks specifically designed to increase the productive role of the poor in the economies of the nations which are borrowers from such banks;

(9) in consultation with the Secretary of State, a report on the progress toward achieving the goals of title VII (other than section 262e of this title), including the information required to be reported pursuant to section 262d(c) of this title, and, for the fiscal year 1990, the report described in section 262p–4h of this title;

(10) in consultation with the Secretary of State and the Administrator of the Agency for International Development, an assessment of the progress being made to implement the objectives of title XIII; and

(11) a report on—

(A) the progress made in transforming government-owned enterprises into privately owned enterprises as described in section 262p–4g(b) of this title;

(B) the performance of the privately owned enterprises resulting from such transformation; and

(C) the contributions of development finance companies toward strengthening the private sector in member borrowing countries.

(c) Definitions

As used in this title, title XVIII, and title XIX:

[1] So in original. Probably should be ''indicators''.

(1) Chairman

The term ''Chairman'' means the Chairman of the National Advisory Council on International Monetary and Financial Policies.

(2) International financial institutions

The term ''international financial institutions'' means the International Monetary Fund, International Bank for Reconstruction and Development, European Bank for Reconstruction and Development, International Development Association, International Finance Corporation, Multilateral Investment Guarantee Agency, African Development Bank, African Development Fund, Asian Development Bank, Inter-American Development Bank[1] Bank for Economic Cooperation and Development in the Middle East and North Africa,,[2] and Inter-American Investment Corporation.

(3) Multilateral development institutions

The term ''multilateral development institutions'' means the international financial institutions other than the International Monetary Fund.

(4) Multilateral development banks

The term ''multilateral development banks'' means the multilateral development institutions other than the Multilateral Investment Guarantee Agency.

(d) Testimony required

Upon request of the Committee on Banking, Finance and Urban Affairs of the House of Representatives, the Chairman shall testify before the Committee to support and explain each annual report required by subsection (a) of this section. If the President has delegated to a person or persons other than the Chairman the authority to manage United States participation in the international financial institutions which was vested in the President by section 1(b) of the Reorganization Plan No. 4 of 1965, such person or persons shall, upon request of the Committee, accompany the Chairman and testify before the Committee with regard to such report. The Chairman and such other person or persons shall assess, in their testimony, the effectiveness of the international financial institutions, the major issues affecting United States participation, the major developments in the past year, the prospects for the coming year, United States policy goals with respect to the international financial institutions, and any specific issues addressed to them by any member of the Committee.

(e) Advisory Committee on IMF policy

(1) In general

The Secretary of the Treasury should establish an International Monetary Fund Advisory Committee (in this subsection referred to as the ''Advisory Committee'').

(2) Membership

The Advisory Committee should consist of members appointed by the Secretary of the Treasury, after appropriate consultations with the relevant organizations. Such members should include representatives from industry, representatives from agriculture, representatives from organized labor, representatives from banking and financial services, and representatives from nongovernmental environmental and human rights organizations.

(Pub. L. 95–118, title XVII, § 1701, as added Pub. L. 101–240, title V, § 541(a), Dec. 19, 1989, 103 Stat. 2514; amended Pub. L. 101–513, title V, § 562(c)(10)(A), Nov. 5, 1990, 104 Stat. 2036; Pub. L. 104–208, div. A, title I, § 101(c) [title VII, § 710(a)], Sept. 30, 1996, 110 Stat. 3009–121, 3009–181; Pub. L. 105–277, div. A, § 101(d) [title VI, § 610(b)], Oct. 21, 1998, 112 Stat. 2681–150, 2681–228.)

REFERENCES IN TEXT

Section 2018(c) of the International Narcotics Act of 1986, referred to in subsec. (b)(6), means section 2018(c) of Pub. L. 99–570, known as the International Narcotics Control Act of 1986, which is set out as a note under section 2291 of this title.

This title and titles VII, XIII, XVIII, and XIX, referred to in subsecs. (b)(9), (10) and (c), are titles XVII, VII, XIII, XVIII, and XIX, respectively, of Pub. L. 95–118. Title VII enacted sections 262d and 262e of this title, repealed sections 283y, 284m, and 290g–9 of this title, and enacted provisions set out as a note under section 262c of this title. Title XIII is classified to sections 262m to 262m–7 of this title. Title XVII is classified to sections 262r to 262r–5 of this title. Title XVIII is classified to sections 262s to 262s–2 of this title. Title XIX is classified to section 262t of this title. For complete classification of these titles to the Code, see Tables.

Reorganization Plan No. 4 of 1965, referred to in subsec. (d), is set out in the Appendix to Title 5, Government Organization and Employees.

AMENDMENTS

1998—Subsec. (e). Pub. L. 105–277 added subsec. (e).

1996—Subsec. (c)(2). Pub. L. 104–208 inserted ''Bank for Economic Cooperation and Development in the Middle East and North Africa,'' after ''Inter-American Development Bank''.

1990—Subsec. (c)(2). Pub. L. 101–513 inserted ''European Bank for Reconstruction and Development,'' before ''International Development Association,''.

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.

CONTENTS OF REPORTS; APPLICABILITY OF STATUTORY REQUIREMENTS

Pub. L. 105–277, div. A, § 101(d) [title V, § 583], Oct. 21, 1998, 112 Stat. 2681–150, 2681–202, provided that:

''(a) Notwithstanding any other provision of law, each annual report required by subsection 1701(a) of the International Financial Institutions Act, as amended (Public Law 95–118, 22 U.S.C. 262r), shall comprise—

''(1) an assessment of the effectiveness of the major policies and operations of the international financial institutions;

''(2) the major issues affecting United States participation;

[1] So in original. Probably should be followed by a comma.

[2] So in original.

''(3) the major developments in the past year;

''(4) the prospects for the coming year;

''(5) the progress made and steps taken to achieve United States policy goals (including major policy goals embodied in current law) with respect to the international financial institutions; and

''(6) such data and explanations concerning the effectiveness, operations, and policies of the international financial institutions, such recommendations concerning the international financial institutions, and such other data and material as the Chairman may deem appropriate.

''(b) The requirements of Sections 1602(e), 1603(c), 1604(c), and 1701(b) of the International Financial Institutions Act, as amended (Public Law 95–118, 22 U.S.C. 262p–1, 262p–2, 262p–3 and 262(r) [262r]), Section 2018(c) of the International Narcotics Control Act of 1986, as amended (Public Law 99–570, 22 U.S.C. 2291 note), Section 407(c) of the Foreign Debt Reserving Act of 1989 (Public Law 101–240, 22 U.S.C. 2291 note), Section 14(c) of the Inter-American Development Bank Act, as amended (Public Law 86–147, 22 U.S.C. 283j–1(c)), and Section 1002 of the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992 (Public Law 102–511) (22 U.S.C. 286*ll*(b)) shall no longer apply to the contents of such annual reports.''

INTERNATIONAL FINANCIAL INSTITUTION ADVISORY COMMISSION

Pub. L. 105–277, div. A, § 101(d) [title VI, § 603], Oct. 21, 1998, 112 Stat. 2681–150, 2681–220, provided that:

''(a) IN GENERAL.—The Secretary of the Treasury shall establish an International Financial Institution Advisory Commission (in this section referred to as the 'Commission').

''(b) MEMBERSHIP.—

''(1) IN GENERAL.—The Commission shall be composed of 11 members, as follows:

''(A) 3 members appointed by the Speaker of the House of Representatives.

''(B) 3 members appointed by the Majority Leader of the Senate.

''(C) 5 members appointed jointly by the Minority Leader of the House of Representatives and the Minority Leader of the Senate.

''(2) TIMING OF APPOINTMENTS.—All appointments to the Commission shall be made not later than 45 days after the date of enactment of this Act [Oct. 21, 1998].

''(3) CHAIRMAN.—The Majority Leader of the Senate, after consultation with the Speaker of the House of Representatives and the Minority Leaders of the House of Representatives and the Senate, shall designate 1 of the members of the Commission to serve as Chairman of the Commission.

''(c) QUALIFICATIONS.—

''(1) EXPERTISE.—Members of the Commission shall be appointed from among those with knowledge and expertise in the workings of the international financial institutions (as defined in section 1701(c)(2) of the International Financial Institutions Act [22 U.S.C. 262r(c)(2)]), the World Trade Organization, and the Bank for International Settlements.

''(2) FORMER AFFILIATION.—At least 4 members of the Commission shall be individuals who were officers or employees of the Executive Branch before January 20, 1992, and not more than half of such 4 members shall have served under Presidents from the same political party.

''(d) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall be filled in the same manner as the original appointment was made.

''(e) DUTIES OF THE COMMISSION.—The Commission shall advise and report to the Congress on the future role and responsibilities of the international financial institutions (as defined in section 1701(c)(2) of the International Financial Institutions Act [22 U.S.C. 262r(c)(2)]), the World Trade Organization, and the Bank for International Settlements. In carrying out such duties, the Commission shall meet with and advise the Secretary of the Treasury or the Deputy Secretary of the Treasury, and shall examine—

''(1) the effect of globalization, increased trade, capital flows, and other relevant factors on such institutions;

''(2) the adequacy, efficacy, and desirability of current policies and programs at such institutions as well as their suitability for respective beneficiaries of such institutions;

''(3) cooperation or duplication of functions and responsibilities of such institutions; and

''(4) other matters the Commission deems necessary to make recommendations pursuant to subsection (g).

''(f) POWERS AND PROCEDURES OF THE COMMISSION.—

''(1) HEARINGS.—The Commission or, at its direction, any panel or member of the Commission may, for the purpose of carrying out the provisions of this section, hold hearings, sit and act at times and places, take testimony, receive evidence, and administer oaths to the extent that the Commission or any panel or member considers advisable.

''(2) INFORMATION.—The Commission may secure directly information that the Commission considers necessary to enable the Commission to carry out its responsibilities under this section.

''(3) MEETINGS.—The Commission shall meet at the call of the Chairman.

''(g) REPORT.—On the termination of the Commission, the Commission shall submit to the Secretary of the Treasury and the appropriate committees a report that contains recommendations regarding the following matters:

''(1) Changes to policy goals set forth in the Bretton Woods Agreements Act [22 U.S.C. 286 et seq.] and the International Financial Institutions Act [see Short Title of 1977 Amendment note set out under section 261 of this title].

''(2) Changes to the charters, organizational structures, policies and programs of the international financial institutions (as defined in section 1701(c)(2) of the International Financial Institutions Act [22 U.S.C. 262r(c)(2)]).

''(3) Additional monitoring tools, global standards, or regulations for, among other things, global capital flows, bankruptcy standards, accounting standards, payment systems, and safety and soundness principles for financial institutions.

''(4) Possible mergers or abolition of the international financial institutions (as defined in section 1701(c)(2) of the International Financial Institutions Act [22 U.S.C. 262r(c)(2)]), including changes to the manner in which such institutions coordinate their policy and program implementation and their roles and responsibilities.

''(5) Any additional changes necessary to stabilize currencies, promote continued trade liberalization and to avoid future financial crises.

''(h) TERMINATION.—The Commission shall terminate 6 months after the first meeting of the Commission, which shall be not later than 30 days after the appointment of all members of the Commission.

''(i) REPORTS BY THE EXECUTIVE BRANCH.—

''(1) Within three months after receiving the report of the Commission under subsection (g), the President of the United States through the Secretary of the Treasury shall report to the appropriate committees on the desirability and feasibility of implementing the recommendations contained in the report.

''(2) Annually, for three years after the termination of the Commission, the President of the United States through the Secretary of the Treasury shall submit to the appropriate committees a report on the steps taken, if any, through relevant international institutions and international fora to implement such recommendations as are deemed feasible and desirable under paragraph (1).''

PROGRESS REPORTS TO CONGRESS ON UNITED STATES INITIATIVES TO UPDATE ARCHITECTURE OF INTERNATIONAL MONETARY SYSTEM

Pub. L. 105–277, div. A, § 101(d) [title VI, § 606], Oct. 21, 1998, 112 Stat. 2681–150, 2681–223, provided that: ''Not

later than July 15, 1999, and July 15, 2000, the Secretary of the Treasury shall report to the Chairmen and Ranking Members of the appropriate committees on the progress of efforts to reform the architecture of the international monetary system. The reports shall include a discussion of the substance of the United States position in consultations with other governments and the degree of progress in achieving international acceptance and implementation of such position with respect to the following issues:

''(1) Adapting the mission and capabilities of the International Monetary Fund to take better account of the increased importance of cross-border capital flows in the world economy and improving the coordination of its responsibilities and activities with those of the International Bank for Reconstruction and Development.

''(2) Advancing measures to prevent, and improve the management of, international financial crises, including by—

''(A) integrating aspects of national bankruptcy principles into the management of international financial crises where feasible; and

''(B) changing investor expectations about official rescues, thereby reducing moral hazard and systemic risk in international financial markets,

in order to help minimize the adjustment costs that the resolution of financial crises may impose on the real economy, in the form of disrupted patterns of trade, employment, and progress in living standards, and reduce the frequency and magnitude of claims on United States taxpayer resources.

''(3) Improving international economic policy cooperation, including among the Group of Seven countries, to take better account of the importance of cross-border capital flows in the determination of exchange rate relationships.

''(4) Improving international cooperation in the supervision and regulation of financial institutions and markets.

''(5) Strengthening the financial sector in emerging economies, including by improving the coordination of financial sector liberalization with the establishment of strong public and private institutions in the areas of prudential supervision, accounting and disclosure conventions, bankruptcy laws and administrative procedures, and the collection and dissemination of economic and financial statistics, including the maturity structure of foreign indebtedness.

''(6) Advocating that implementation of European Economic and Monetary Union and the advent of the European Currency Unit, or euro, proceed in a manner that is consistent with strong global economic growth and stability in world financial markets.''

DEFINITIONS

Pub. L. 105–277, div. A, § 101(d) [title VI, § 607], Oct. 21, 1998, 112 Stat. 2681–150, 2681–224, as amended by Pub. L. 106–200, title IV, § 404(a), May 18, 2000, 114 Stat. 291, provided that: ''For purposes of sections 601 through 606 of this title [see Tables for classification], the term 'appropriate committees' means the Committees on Appropriations, Foreign Relations, Finance, and Banking, Housing, and Urban Affairs of the Senate and the Committees on Appropriations, Ways and Means, and Banking and Financial Services [now Committee on Financial Services] of the House of Representatives.''

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 262*o*–1, 262*o*–2, 262p–4*o*, 262p–4p, 262p–4r, 2421 of this title.

§ 262r–1. Transmission to the Congress of operating summaries of the multilateral development banks

The Secretary of the Treasury shall transmit to the Congress, on a monthly basis, current copies of the Monthly Operating Summary of the International Bank for Reconstruction and Development, showing the loan proposals or appraisal reports under consideration and the status of those loan proposals or appraisal reports within the Bank. The Secretary of the Treasury shall also transmit to the Congress, at such times as may be appropriate, comparable documents prepared by the other multilateral development banks which show the loans or credits under consideration in the other multilateral development banks.

(Pub. L. 95–118, title XVII, § 1702, as added Pub. L. 101–240, title V, § 541(a), Dec. 19, 1989, 103 Stat. 2516.)

DEFINITIONS

The definitions in section 262r of this title apply to this section.

§ 262r–2. Combined report on effect of pending multilateral development bank loans on environment, natural resources, public health, and indigenous peoples

Not later than April 1 and October 1 of each year, the Administrator of the Agency for International Development, in consultation with the Secretary of the Treasury and the Secretary of State, shall submit to the Committee on Appropriations and the Committee on Banking, Finance and Urban Affairs of the House of Representatives, and the Committee on Appropriations and the Committee on Foreign Relations of the Senate, as a combined report, the reports required by section 262m–2(c) of this title and by section 537(h)(2) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1988 (sec. 1(e) of Public Law 100–202).

(Pub. L. 95–118, title XVII, § 1703, as added Pub. L. 101–240, title V, § 541(a), Dec. 19, 1989, 103 Stat. 2516.)

REFERENCES IN TEXT

Section 537(h)(2) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1988, referred to in text, is Pub. L. 100–202, § 101(e) [title V, § 537(h)(2)], Dec. 22, 1987, 101 Stat. 1329–131, 1329–163, which was classified to section 262*l* of this title.

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.

DEFINITIONS

The definitions in section 262r of this title apply to this section.

§ 262r–3. Reports on financial stabilization programs led by International Monetary Fund in connection with financing from Exchange Stabilization Fund

(a) In general

The Secretary of the Treasury, in consultation with the Secretary of Commerce and other appropriate Federal agencies, shall prepare reports on the implementation of financial stabilization programs (and any material terms and conditions thereof) led by the International Monetary Fund in countries in connection with which the United States has made a commitment to provide, or has provided financing from the stabilization fund established under section 5302 of title 31. The reports shall include the following:

(1) A description of the condition of the economies of countries requiring the financial stabilization programs, including the monetary, fiscal, and exchange rate policies of the countries.

(2) A description of the degree to which the countries requiring the financial stabilization programs have fully implemented financial sector restructuring and reform measures required by the International Monetary Fund, including—

(A) ensuring full respect for the commercial orientation of commercial bank lending;

(B) ensuring that governments will not intervene in bank management and lending decisions (except in regard to prudential supervision);

(C) the enactment and implementation of appropriate financial reform legislation;

(D) strengthening the domestic financial system and improving transparency and supervision; and

(E) the opening of domestic capital markets.

(3) A description of the degree to which the countries requiring the financial stabilization programs have fully implemented reforms required by the International Monetary Fund that are directed at corporate governance and corporate structure, including—

(A) making nontransparent conglomerate practices more transparent through the application of internationally accepted accounting practices, independent external audits, full disclosure, and provision of consolidated statements; and

(B) ensuring that no government subsidized support or tax privileges will be provided to bail out individual corporations, particularly in the semiconductor, steel, and paper industries.

(4) A description of the implementation of reform measures required by the International Monetary Fund to deregulate and privatize economic activity by ending domestic monopolies, undertaking trade liberalization, and opening up restricted areas of the economy to foreign investment and competition.

(5) A detailed description of the trade policies of the countries, including any unfair trade practices or adverse effects of the trade policies on the United States.

(6) A description of the extent to which the financial stabilization programs have resulted in appropriate burden-sharing among private sector creditors, including rescheduling of outstanding loans by lengthening maturities, agreements on debt reduction, and the extension of new credit.

(7) A description of the extent to which the economic adjustment policies of the International Monetary Fund and the policies of the government of the country adequately balance the need for financial stabilization, economic growth, environmental protection, social stability, and equity for all elements of the society.

(8) Whether International Monetary Fund involvement in labor market flexibility measures has had a negative effect on core worker rights, particularly the rights of free association and collective bargaining.

(9) A description of any pattern of abuses of core worker rights in recipient countries.

(10) The amount, rate of interest, and disbursement and repayment schedules of any funds disbursed from the stabilization fund established under section 5302 of title 31, in the form of loans, credits, guarantees, or swaps, in support of the financial stabilization programs.

(11) The amount, rate of interest, and disbursement and repayment schedules of any funds disbursed by the International Monetary Fund to the countries in support of the financial stabilization programs.

(b) Timing

Not later than March 15, 1999, and semiannually thereafter, the Secretary of the Treasury shall submit to the Committees on Banking and Financial Services, Ways and Means, and International Relations of the House of Representatives and the Committees on Finance, Foreign Relations, and Banking, Housing, and Urban Affairs of the Senate a report on the matters described in subsection (a) of this section.

(Pub. L. 95–118, title XVII, § 1704, as added Pub. L. 105–277, div. A, § 101(d) [title VI, § 612], Oct. 21, 1998, 112 Stat. 2681–150, 2681–228; amended Pub. L. 106–200, title IV, § 404(b), May 18, 2000, 114 Stat. 292.)

AMENDMENTS

2000—Subsec. (b). Pub. L. 106–200 amended heading and text of subsec. (b) generally. Prior to amendment, text read as follows: ''Not later than March 15, 1999, and semiannually thereafter, the Secretary of the Treasury shall submit to the Committees on Banking and Financial Services and International Relations of the House of Representatives and the Committees on Foreign Relations, and Banking, Housing, and Urban Affairs of the Senate a report on the matters described in subsection (a) of this section.''

CHANGE OF NAME

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.

DEFINITIONS

The definitions in section 262r of this title apply to this section.

§ 262r–4. Annual report and testimony on state of international financial system, IMF reform, and compliance with IMF agreements

(a) Reports

Not later than October 1 of each year, the Secretary of the Treasury shall submit to the Committees on Banking and Financial Services and on Ways and Means of the House of Representatives and the Committees on Finance and on Foreign Relations of the Senate a written report on (1) the progress (if any) made by the United States Executive Director at the International Monetary Fund in influencing the International Monetary Fund to adopt the policies and reform its internal procedures in the manner described in section 262*o*–2 of this title, and (2) the progress made by the International Monetary Fund in adopting and implementing the policies described in section 801(c)(1)(B) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2001.

(b) Testimony

After submitting the report required by subsection (a) of this section but not later than March 1 of each year, the Secretary of the Treasury shall appear before the Committee on Banking and Financial Services of the House of Representatives and the Committee on Foreign Relations of the Senate and present testimony on—

(1) any progress made in reforming the International Monetary Fund;

(2) the status of efforts to reform the international financial system; and

(3) the compliance of countries which have received assistance from the International Monetary Fund with agreements made as a condition of receiving the assistance.

(Pub. L. 95–118, title XVII, § 1705, as added Pub. L. 105–277, div. A, § 101(d) [title VI, § 613], Oct. 21, 1998, 112 Stat. 2681–150, 2681–230; amended Pub. L. 106–200, title IV, § 404(c), May 18, 2000, 114 Stat. 292; Pub. L. 106–429, § 101(a) [title VIII, § 803(c)], Nov. 6, 2000, 114 Stat. 1900, 1900A–67.)

REFERENCES IN TEXT

Section 801(c)(1)(B) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2001, referred to in subsec. (a)(2), is section 801(c)(1)(B) of Pub. L. 106–429, § 101(a) [title VIII], Nov. 6, 2000, 114 Stat. 1900, 1900A–65, which is not classified to the Code.

AMENDMENTS

2000—Subsec. (a). Pub. L. 106–429 inserted ''(1)'' after ''a written report on'' and inserted before period at end '', and (2) the progress made by the International Monetary Fund in adopting and implementing the policies described in section 801(c)(1)(B) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2001''.

Pub. L. 106–200 substituted ''Committees on Banking and Financial Services and on Ways and Means of the House of Representatives and the Committees on Finance and on Foreign Relations of the Senate'' for ''Committee on Banking and Financial Services of the House of Representatives and the Committee on Foreign Relations of the Senate''.

CHANGE OF NAME

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.

DEFINITIONS

The definitions in section 262r of this title apply to this section.

§ 262r–5. Repealed. Pub. L. 106–429, § 101(a) [title V, § 592], Nov. 6, 2000, 114 Stat. 1900, 1900A–59

Section, Pub. L. 95–118, title XVII, § 1706, as added Pub. L. 105–277, div. A, § 101(d) [title VI, § 614], Oct. 21, 1998, 112 Stat. 2681–150, 2681–230; amended Pub. L. 106–31, title V, § 5003, May 21, 1999, 113 Stat. 110; Pub. L. 106–200, title IV, § 404(d), May 18, 2000, 114 Stat. 292, related to audits of International Monetary Fund.

§ 262r–6. Reports on policies, operations, and management of international financial institutions

(a) Annual report on financial operations

Beginning 180 days after the date of enactment of this Act [November 6, 2000], or October 31, 2000, whichever is later, and on October 31 of each year thereafter, the Comptroller General of the United States shall submit to the appropriate congressional committees a report on the sufficiency of audits of the financial operations of each multilateral development bank conducted by persons or entities outside such bank.

(b) Annual report on United States supported policies

Beginning 180 days after the date of enactment of this Act [November 6, 2000], or October 31, 2000, whichever is later, and on October 31 of each year thereafter, the Secretary shall submit a report to the appropriate congressional committees on—

(1) the actions taken by recipient countries, as a result of the assistance allocated to them by the multilateral development banks under programs referred to in section 802(b),[1] to strengthen governance and reduce the opportunity for bribery and corruption; and

(2) how International Development Association-financed projects contribute to the eventual graduation of a representative sample of countries from reliance on financing on concessionary terms and international development assistance.

(c) Omitted

(d) Report on debt relief

Not later than 90 days after the date of enactment of this Act [November 6, 2000], the Secretary shall submit a report to the appropriate congressional committees on the history of debt relief programs led by, or coordinated with, international financial institutions, including but not limited to—

(1) the extent to which poor countries and the poorest-of-the-poor benefit from debt relief, including measurable evidence of any such benefits; and

[1] See References in Text note below.

(2) the extent to which debt relief contributes to the graduation of a country from reliance on financing on concessionary terms and international development assistance.

(Pub. L. 106–429, § 101(a) [title VIII, § 803], Nov. 6, 2000, 114 Stat. 1900, 1900A–66.)

REFERENCES IN TEXT

Section 802(b), referred to in subsec. (b)(1), is section 101(a), [title VIII, § 802(b)] of Pub. L. 106–429, Nov. 6, 2000, 114 Stat. 1900, 1900A–66, which is not classified to the Code.

CODIFICATION

Section is comprised of section 101(a) [title VIII, § 803] of Pub. L. 106–429. Section 101(a) [title VIII, § 803(c)] of Pub. L. 106–429 amended section 262r–4 of this title.

DEFINITIONS

Pub. L. 106–429, § 101(a) [title VIII, § 806], Nov. 6, 2000, 114 Stat. 1900, 1900A–68, provided that: ''In this title [enacting this section and section 286*oo* of this title and amending sections 262r–4, 286nn, and 2169 of this title]:

''(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term 'appropriate congressional committees' means the Committee on Foreign Relations and the Committee on Appropriations of the Senate, and the Committee on Banking and Financial Services [now Committee on Financial Services] and the Committee on Appropriations of the House of Representatives.

''(2) BANK.—The term 'Bank' means the International Bank for Reconstruction and Development.

''(3) FUND.—The term 'Fund' means the International Monetary Fund.

''(4) INTERNATIONAL FINANCIAL INSTITUTIONS.—The term 'international financial institutions' means the multilateral development banks and the International Monetary Fund.

''(5) MULTILATERAL DEVELOPMENT BANKS.—The term 'multilateral development banks' means the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the Asian Development Bank, the Inter-American Investment Corporation, the African Development Bank, the African Development Fund, the European Bank for Reconstruction and Development, and the Multilateral Investment Guaranty Agency.

''(6) SECRETARY.—The term 'Secretary' means the Secretary of the Treasury.''

§ 262s. Multilateral development bank procurement

(a) Executive Directors

The Secretary of the Treasury shall instruct the United States Executive Director of each multilateral development bank to attach a high priority to promoting opportunities for exports for goods and services from the United States and, in carrying out this function, to investigate thoroughly any complaints from United States bidders about the awarding of procurement contracts by the multilateral development banks to ensure that all contract procedures and rules of the banks are observed and that United States firms are treated fairly.

(b) [1] Officer of procurement

(1) Establishment

The Secretary of the Treasury shall designate, within the Office of International Affairs in the Department of the Treasury, an officer of multilateral development bank procurement.

(2) Function

The officer shall act as the liaison between the Department of the Treasury, the Department of Commerce, and the United States Executive Directors' offices in the multilateral development banks, in carrying out this section. The officer shall cooperate with the Department of Commerce in efforts to improve opportunities for multilateral development bank procurement by United States companies.

(b) [1] "Multilateral development bank" defined

As used in this section, the term ''multilateral development bank'' includes the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the InterAmerican Investment Corporation, the Asian Development Bank, the African Development Bank, and the African Development Fund.

(Pub. L. 95–118, title XVIII, § 1801, formerly Pub. L. 100–418, title III, § 3202, Aug. 23, 1988, 102 Stat. 1382; renumbered § 1801 of Pub. L. 95–118, Pub. L. 101–240, title V, § 541(b)(1), Dec. 19, 1989, 103 Stat. 2517.)

CODIFICATION

Section was formerly classified to section 262q of this title prior to renumbering by Pub. L. 101–240.

SHORT TITLE

Section 3201 of Pub. L. 100–418 provided that: ''This subtitle [subtitle C (§§ 3201, 3202) of title III of Pub. L. 100–418, enacting former section 262q of this title] may be cited as the 'Multilateral Development Banks Procurement Act of 1988'.''

DEFINITIONS

The definitions in section 262r of this title apply to this section.

§ 262s–1. Procurement opportunities for United States firms

The Secretary of the Treasury shall instruct the United States Executive Directors of the multilateral development institutions to take all possible steps to ensure that information relating to potential procurement opportunities for United States firms is expeditiously communicated to the Secretary of the Treasury, the Secretary of State, and the Secretary of Commerce, and is disseminated as widely as possible to large and small businesses.

(Pub. L. 95–118, title XVIII, § 1802, as added Pub. L. 101–240, title V, § 541(a), Dec. 19, 1989, 103 Stat. 2516.)

DEFINITIONS

The definitions in section 262r of this title apply to this section.

§ 262s–2. Commercial Service Officers and multilateral development bank procurement

(a) Appointment of Commercial Service Officers to serve with Executive Directors

The Secretary of Commerce, in consultation with the Secretary of the Treasury, shall ap-

[1] So in original. Two subsecs. (b) have been enacted.

point a procurement officer, who is a representative of the International Trade Administration or a Commercial Service Officer of the United States and Foreign Commercial Service, to serve, on a full-time or part-time basis, with each of the Executive Directors of the multilateral development banks in which the United States participates.

(b) Functions of officers

Each procurement officer appointed under subsection (a) of this section shall assist the United States Executive Director with respect to whom such officer is appointed in promoting opportunities for exports of goods and services from the United States by doing the following:

(1) Acting as the liaison between the business community and the multilateral development bank involved, whether or not the bank has offices in the United States. The Secretary of Commerce shall ensure that the procurement officer has access to, and disseminates to United States businesses, information relating to projects which are being proposed by the multilateral development bank, and bid specifications and deadlines for projects about to be developed by the bank. The procurement officer shall make special efforts to disseminate such information to small and medium-sized businesses interested in participating in such projects. The procurement officer shall explore opportunities for disseminating such information through private sector, nonprofit organizations.

(2) Taking actions to assure that United States businesses are fully informed of bidding opportunities for projects for which loans have been made by the multilateral development bank involved.

(3) Taking actions to assure that United States businesses can focus on projects in which they have a particular interest or competitive advantage, and to permit them to compete and have an equal opportunity in submitting timely and conforming bidding documents.

(Pub. L. 95–118, title XVIII, § 1803, formerly Pub. L. 100–418, title II, § 2302, Aug. 23, 1988, 102 Stat. 1341; renumbered § 1803 of Pub. L. 95–118, and amended Pub. L. 101–240, title V, § 541(b)(2), Dec. 19, 1989, 103 Stat. 2517.)

CODIFICATION

Section was formerly classified to section 4722 of Title 15, Commerce and Trade, prior to renumbering by Pub. L. 101–240.

AMENDMENTS

1989—Subsec. (c). Pub. L. 101–240 struck out subsec. (c) which defined ''multilateral development bank'' for purposes of this section.

ADDITIONAL PROCUREMENT OFFICERS

Pub. L. 102–549, title V, § 501, Oct. 28, 1992, 106 Stat. 3663, provided that:

''(a) APPOINTMENT.—The Secretary of Commerce, in consultation with the Secretary of the Treasury, shall appoint one or more full-time additional procurement officers, for each multilateral development bank, to promote exports of goods and services from the United States by doing the following:

''(1) Acting as the liaison between the business community and one or more multilateral development banks, whether or not the banks have offices in the United States. The Secretary of Commerce shall ensure that the procurement officer has access to, and disseminates to United States businesses, information relating to projects which are being proposed by the multilateral development bank involved, and bid specifications and deadlines for projects about to be developed by the bank. The procurement officer shall make special efforts to disseminate such information to small- and medium-sized businesses interested in participating in such projects. The procurement officer shall explore opportunities for disseminating such information through private sector, nonprofit organizations.

''(2) Taking actions to assure that United States businesses are fully informed of bidding opportunities for projects for which loans have been made by the multilateral development bank involved.

''(3) Taking actions to assure that United States businesses can focus on projects in which they have a particular interest or competitive advantage, and to permit them to compete and have an equal opportunity in submitting timely and conforming bidding documents.

''(b) DEFINITION.—As used in this section, the term 'multilateral development bank' has the meaning given that term in section 1701(c) of the International Financial Institutions Act (22 U.S.C. 262r(c)).

''(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Commerce $1,000,000 for each of the fiscal years 1993 and 1994 to carry out this section. Amounts appropriated pursuant to this subsection shall be available only for the purpose of making the appointment of additional procurement officers required by subsection (a).''

DEFINITIONS

The definitions in section 262r of this title apply to this section.

§ 262t. Personnel practices

(a) Statement of policy

It shall be the policy of the United States that no initiatives, discussions, or recommendations concerning the placement or removal of any personnel employed by the international financial institutions shall be based on the political philosophy or activity of the individual under consideration.

(b) Consultation

The Secretary of the Treasury shall consult with the Chairman and the ranking minority member of the Committee on Banking, Finance and Urban Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate before any discussion or recommendations by any official of the United States Government concerning the placement or removal of any principal officer of any international financial institutions.

(Pub. L. 95–118, title XIX, § 1901, as added Pub. L. 101–240, title V, § 541(a), Dec. 19, 1989, 103 Stat. 2517.)

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.

DEFINITIONS

The definitions in section 262r of this title apply to this section.

§ 263. International Prison Commission

The United States shall continue as an adhering member of the International Prison Commission and participate in the work of said commission.

The Secretary of the Treasury be, and he is hereby, authorized annually to pay the pro rata share of the United States in the administration expenses of the International Prison Commission and the necessary expenses of a commissioner to represent the United States on said commission at its annual meetings, together with necessary clerical and other expenses, out of any money which shall be appropriated for such purposes from time to time by Congress.

(Feb. 28, 1913, ch. 86, 37 Stat. 692.)

§ 263a. International Criminal Police Organization

The Attorney General is authorized to accept and maintain, on behalf of the United States, membership in the International Criminal Police Organization, and to designate any departments and agencies which may participate in the United States representation with that organization. All dues and expenses to be paid for the membership of the United States shall be paid out of sums authorized and appropriated for the Department of Justice.

(June 10, 1938, ch. 335, 52 Stat. 640; Pub. L. 85–768, Aug. 27, 1958, 72 Stat. 921; Pub. L. 90–159, Nov. 28, 1967, 81 Stat. 517; Pub. L. 92–380, § 1, Aug. 10, 1972, 86 Stat. 531; Pub. L. 93–468, § 1, Oct. 24, 1974, 88 Stat. 1422; Pub. L. 95–624, § 21(a), Nov. 9, 1978, 92 Stat. 3466.)

AMENDMENTS

1978—Pub. L. 95–624 substituted provision authorizing payment of all dues and expenses for membership of the United States out of sums authorized and appropriated for Department of Justice for provisions authorizing each participating department and agency to pay its pro rata share of expenses of such membership and forbidding total dues paid for such membership to exceed $120,000 per annum.

1974—Pub. L. 93–468 substituted ''$120,000'' for ''$80,000''.

1972—Pub. L. 92–380 substituted ''$80,000'' for ''$28,500''.

1967—Pub. L. 90–159 substituted ''$28,500'' for ''$25,000''.

1958—Pub. L. 85–768 authorized the Attorney General to designate departments and agencies which may participate, on a pro rata share basis, in the United States representation with the International Criminal Police Organization, and increased from $1,500 to $25,000 per annum the amount of expenses which may be incurred by reason of United States membership.

§§ 264, 265. Omitted

CODIFICATION

Section 264, act Aug. 18, 1894, ch. 301, 28 Stat. 418, which related to Pan American Union, was superseded by Convention of 1928, ratified by the United States and providing that the government of Pan American Union should be vested in a governing board.

Section 265, act Jan. 25, 1929, ch. 102, title I, 45 Stat. 1102, which was from an appropriation act, related to disposition of receipts of Pan American Union, and was not repeated in subsequent appropriation acts.

§ 266. International commission of congresses of navigation; authorization of appropriation for expenses

The sum of $3,000 a year is authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, for the support and maintenance of the permanent international commission of the congresses of navigation and for the payment of the actual expenses of the properly accredited national delegates of the United States to the meetings of the congresses and of the commission; and the Secretary of the Army is authorized to draw his warrant each year upon the Secretary of the Treasury for such sum, not to exceed $3,000, as may in his opinion be proper to apply to the purposes above mentioned, and the said sum shall be disbursed under such regulations as may be prescribed by the Secretary of the Army.

The national delegates aforesaid from the United States shall serve without compensation, but shall be reimbursed for their actual expenses incurred while traveling to and from the meetings, and while in attendance thereon, from the funds appropriated in this section and authorized to be expended.

(June 28, 1902, ch. 1306, 32 Stat. 485; June 26, 1934, ch. 756, § 2, 48 Stat. 1225; July 26, 1947, ch. 343, title II, § 205(a), 61 Stat. 501.)

CHANGE OF NAME

Department of War designated Department of the Army and title of Secretary of War changed to Secretary of the Army by section 205(a) of act July 26, 1947, ch. 343, title II, 61 Stat. 501. Section 205(a) of act July 26, 1947, was repealed by section 53 of act Aug. 10, 1956, ch. 1041, 70A Stat. 641. Section 1 of act Aug. 10, 1956, enacted ''Title 10, Armed Forces'' which in sections 3010 to 3013 continued Department of the Army under administrative supervision of Secretary of the Army.

APPROPRIATIONS

Section 2 of act June 26, 1934, ch. 756, 48 Stat. 1225, which was classified to section 725a of former Title 31, Money and Finance, repealed the permanent appropriation under the title ''Permanent International Commission of Congress of Navigation (fiscal year) (8–887)'' effective July 1, 1935, and provided that such portions of any Acts as make permanent appropriations to be expended under such account are amended so as to authorize, in lieu thereof, annual appropriations from the general fund of the Treasury in identical terms and in such amounts as now provided by the laws providing such permanent appropriations.

§ 266a. Transferred

CODIFICATION

Section, act Feb. 14, 1931, ch. 189, 46 Stat. 1162, as amended, which related to appropriations for expenses of participation in the International Technical Committee of Aerial Legal Experts, was transferred to section 231 of former Title 49, Transportation, and subsequently repealed by Pub. L. 103–272, § 7(b), July 5, 1994, 108 Stat. 1379, the first section of which enacted subtitles II, III, and V to X of Title 49, Transportation.

§ 266b. Repealed. June 11, 1940, ch. 306, 54 Stat. 263

Section, Joint Res. Aug. 7, 1935, ch. 455, § 2, 49 Stat. 540, related to termination of Authorizations for Participation in Work of Committee of International Technical Aerial Legal Experts.

§ 267. Permanent Commission of International Geodetic Association; representative of United States

The duly appointed representative of the United States on the permanent commission of the International Geodetic Association is granted authority to vote with the representatives on the permanent commission from other nations on all matters coming before the association, including the extension of its existence, subject to the approval of Congress.

(Mar. 3, 1917, ch. 161, 39 Stat. 1055.)

§ 267a. Appointment of delegates; compensation

The President is authorized to appoint delegates, who shall be officers of the National Ocean Survey, to attend the meetings of the International Geodetic Association whenever and wheresoever the same shall be held; but no extra salary or additional compensation shall be paid to such officers by reason of such attendance.

(July 23, 1894, No. 37, 28 Stat. 587.)

CHANGE OF NAME

Coast and Geodetic Survey consolidated with National Weather Bureau in 1965 to form Environmental Science Services Administration by Reorg. Plan No. 2 of 1965, eff. July 13, 1965, 30 F.R. 8819, 79 Stat. 1318. Environmental Science Services Administration abolished in 1970 and its personnel, property, records, etc., transferred to National Oceanic and Atmospheric Administration by Reorg. Plan No. 4 of 1970, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090. By order of Acting Associate Administrator of National Oceanic and Atmospheric Administration, 35 F.R. 19249, Dec. 19, 1970, Coast and Geodetic Survey redesignated National Ocean Survey. See notes set out under section 311 of Title 15, Commerce and Trade.

§ 267b. International Joint Commission; invitation to establish; personnel; duties

The President of the United States is requested to invite the Government of Great Britain to join in the formation of an international commission, to be composed of three members from the United States and three who shall represent the interests of the Dominion of Canada, whose duty it shall be to investigate and report upon the conditions and uses of the waters adjacent to the boundary lines between the United States and Canada, including all of the waters of the lakes and rivers whose natural outlet is by the River Saint Lawrence to the Atlantic Ocean; also upon the maintenance and regulation of suitable levels; and also upon the effect upon the shores of these waters and the structures thereon, and upon the interests of navigation, by reason of the diversion of these waters from or change in their natural flow; and, further, to report upon the necessary measures to regulate such diversion, and to make such recommendations for improvements and regulations as shall best subserve the interests of navigation in said waters. The said commissioners shall report upon the advisability of locating a dam at the outlet of Lake Erie, with a view to determining whether such dam will benefit navigation, and if such structure is deemed advisable, shall make recommendations to their respective Governments looking to an agreement or treaty which shall provide for the construction of the same, and they shall make an estimate of the probable cost thereof. The President, in selecting the three members of said Commission who shall represent the United States, is authorized to appoint one officer of the Corps of Engineers of the United States Army, one civil engineer well versed in the hydraulics of the Great Lakes, and one lawyer of experience in questions of international and riparian law, and said Commission shall be authorized to employ such persons as it may deem needful in the performance of the duties hereby imposed.

(June 13, 1902, ch. 1079, § 4, 32 Stat. 373.)

CODIFICATION

Provisions of this section relating to the payment of salaries and expenses of the International Joint Commission were omitted. For provisions relating to the payment of salaries of the United States members of the International Joint Commission, see section 268 of this title.

ESTABLISHMENT OF COMMISSION

The International Joint Commission was organized in 1911 pursuant to article VII of the treaty of January 11, 1909, with Great Britain, 36 Stat. 2448.

WATER RESOURCES PLANNING

Jurisdiction, powers, or prerogatives of the International Joint Commission, United States and Canada, unaffected by Water Resources Planning Act, see section 1962–1 of Title 42, The Public Health and Welfare.

PASSAMAQUODDY TIDAL POWER PROJECT

Joint Res. Jan. 31, 1956, ch. 27, 70 Stat. 9, provided for the Secretary of State to request the International Joint Commission created by the treaty between the United States and Great Britain relating to boundary waters between the United States and Canada to arrange for a final survey to be made to determine the cost of construction and economic feasibility of the proposed Passamaquoddy tidal power project at Passamaquoddy Bay, authorized United States agencies to assist the Commission, authorized appropriations, and required the Secretary of State to report the results of the survey to Congress.

§ 268. International Joint Commission; salaries; powers

The salaries of the members on the part of the United States, of the International Joint Commission, established under the treaty of January 11, 1909, between the United States and Great Britain, relating to boundary waters between the United States and Canada, shall be fixed by the President. Said commission or any member thereof shall have power to administer oaths and to take evidence on oath whenever deemed necessary in any proceeding or inquiry or matter within its jurisdiction under said treaty, and said commission shall be authorized to compel the attendance of witnesses in any proceedings before it or the production of books and papers when necessary by application to the district

court of the United States for the district within which such session is held, which court is hereby empowered and directed to make all orders and issue all processes necessary and appropriate for that purpose.

(Mar. 4, 1911, ch. 285, 36 Stat. 1364.)

§ 268a. Repealed. Pub. L. 89–554, § 8(a), Sept. 6, 1966, 80 Stat. 650

Section, act May 14, 1940, ch. 189, title I, 54 Stat. 191, related to compensation and travel expenses of the International Joint Commission.

Similar provisions were contained in the following prior appropriation acts:

June 29, 1939, ch. 248, title I, 53 Stat. 895.
Apr. 27, 1938, ch. 180, title I, 52 Stat. 256.
June 16, 1937, ch. 359, title I, 50 Stat. 270.
May 15, 1936, ch. 405, 49 Stat. 1319.
Mar. 22, 1935, ch. 39, 49 Stat. 75.

§ 268b. Advances from appropriation "Boundary line, Alaska and Canada, and the United States and Canada"

Advances of money under the appropriation ''Boundary line, Alaska and Canada, and the United States and Canada'', may be made to the commissioner on the part of the United States and by his authority to chiefs of parties prior to March 2, 1921.

(Apr. 15, 1918, ch. 52, 40 Stat. 523; Mar. 2, 1921, ch. 113, 41 Stat. 1210; June 10, 1921, ch. 18, title III, § 304, 42 Stat. 24; Apr. 29, 1926, ch. 195, title I, 44 Stat. 336; Feb. 24, 1927, ch. 189, title I, 44 Stat. 1185; Feb. 15, 1928, ch. 57, title I, 45 Stat. 70; Jan. 25, 1929, ch. 102, title I, 45 Stat. 1101; Apr. 18, 1930, ch. 184, title I, 46 Stat. 179; Pub. L. 89–554, § 8(a), Sept. 6, 1966, 80 Stat. 643; Pub. L. 92–310, title II, § 231(aa), June 6, 1972, 86 Stat. 212; Pub. L. 104–316, title I, § 111(a), Oct. 19, 1996, 110 Stat. 3833.)

CODIFICATION

Section is from the Diplomatic and Consular Service Appropriation Act of Mar. 2, 1921. Similar provisions were contained in act Apr. 15, 1918, and other prior acts.

Acts Apr. 29, 1926; Feb. 24, 1927; Feb. 15, 1928; Jan. 25, 1929; and Apr. 18, 1930, were appropriation acts for the fiscal years 1927, 1928, 1929, 1930, and 1931, respectively. These Acts made applicable boundary appropriations for the enumerated fiscal years.

Section was formerly classified to section 535 of Title 31 prior to the general revision and enactment of Title 31, Money and Finance, by Pub. L. 97–258, § 1, Sept. 13, 1982, 96 Stat. 877.

AMENDMENTS

1996—Pub. L. 104–316 substituted ''chiefs of parties'' for ''chiefs of parties and accounts arising under advances shall be rendered through and by the commissioner on the part of the United States to the General Accounting Office as under advances made to chiefs of parties''.

1972—Pub. L. 92–310 struck out provisions that required chiefs of parties to give bonds.

1966—Pub. L. 89–554 struck out provisions that related to traveling expenses of the commissioner.

TRANSFER OF FUNCTIONS

''General Accounting Office'' substituted in text for ''Treasury Department'' pursuant to act June 10, 1921, which transferred powers and duties conferred upon Comptroller, six auditors, and certain other officers of the Treasury to General Accounting Office. See section 701 et seq. of Title 31, Money and Finance.

§ 268c. Limitation on expenditure of funds for compensation of International Boundary Commissioner to actual hours worked

Funds appropriated on and after September 30, 1996, or otherwise made available under this Act or any other Act may be expended for compensation of the United States Commissioner of the International Boundary Commission, United States and Canada, only for actual hours worked by such Commissioner.

(Pub. L. 104–208, div. A, title I, § 101(a) [title IV, § 403], Sept. 30, 1996, 110 Stat. 3009, 3009–54.)

SIMILAR PROVISIONS

Similar provisions were contained in the following prior appropriation acts:

Pub. L. 103–317, title V, § 503, Aug. 26, 1994, 108 Stat. 1764.
Pub. L. 103–121, title V, § 503, Oct. 27, 1993, 107 Stat. 1189.

§ 269. Permanent International Association of Road Congresses; authorization of membership

The President is authorized to maintain membership of the United States in the Permanent International Association of Road Congresses.

(Pub. L. 102–138, title I, § 164(b), Oct. 28, 1991, 105 Stat. 676.)

PRIOR PROVISIONS

A prior section 269, act June 18, 1926, ch. 623, 44 Stat. 754, authorized appropriations of $3,000 per annum to enable United States to accept membership in Permanent Association of International Road Congresses, prior to repeal by Pub. L. 102–138, title I, § 164(a), Oct. 28, 1991, 105 Stat. 676.

§ 269a. Central Bureau of the International Map of the World on the Millionth Scale; authorization of appropriations

There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, an annual sum of $50 as a contribution on the part of the United States toward the expenses incurred by the Central Bureau of the International Map of the World on the Millionth Scale.

(June 27, 1930, ch. 652, 46 Stat. 825.)

ANNUAL APPROPRIATIONS

Annual appropriations to meet the obligations of membership in various international organizations were contained in the following acts:

Pub. L. 107–77, title IV, Nov. 28, 2001, 115 Stat. 786, 787.
Pub. L. 106–553, § 1(a)(2) [title IV], Dec. 21, 2000, 114 Stat. 2762, 2762A–92, 2762A–94.
Pub. L. 106–113, div. B, § 1000(a)(1) [title IV], Nov. 29, 1999, 113 Stat. 1535, 1501A–41, 1501A–42.
Pub. L. 105–277, div. A, § 101(b) [title IV], Oct. 21, 1998, 112 Stat. 2681–50, 2681–95, 2681–97.
Pub. L. 105–119, title IV, Nov. 26, 1997, 111 Stat. 2497, 2499.
Pub. L. 104–208, div. A, title I, § 101(a) [title IV], Sept. 30, 1996, 110 Stat. 3009, 3009–49, 3009–50.
Pub. L. 104–134, title I, § 101[(a)] [title IV], Apr. 26, 1996, 110 Stat. 1321, 1321–39, 1321–40; renumbered title I, Pub. L. 104–140, § 1(a), May 2, 1996, 110 Stat. 1327.
Pub. L. 103–317, title V, Aug. 26, 1994, 108 Stat. 1762, 1763, as amended Pub. L. 103–335, title VIII, § 8155(a), Sept. 30, 1994, 108 Stat. 2658.
Pub. L. 103–121, title V, Oct. 27, 1993, 107 Stat. 1187.

Pub. L. 102–395, title V, Oct. 6, 1992, 106 Stat. 1866, 1867.
Pub. L. 102–140, title V, Oct. 28, 1991, 105 Stat. 818.
Pub. L. 101–515, title III, Nov. 5, 1990, 104 Stat. 2126.
Pub. L. 101–162, title III, Nov. 21, 1989, 103 Stat. 1008.
Pub. L. 100–459, title III, Oct. 1, 1988, 102 Stat. 2205.
Pub. L. 100–202, § 101(a) [title III], Dec. 22, 1987, 101 Stat. 1329, 1329–20, 1329–21.
Pub. L. 100–71, title I, July 11, 1987, 101 Stat. 394.
Pub. L. 99–500, § 101(b) [title III], Oct. 18, 1986, 100 Stat. 1783–39, 1783–58, 1783–59, and Pub. L. 99–591, § 101(b) [title III], Oct. 30, 1986, 100 Stat. 3341–39, 3341–58, 3341–59, as amended Pub. L. 100–71, title I, July 11, 1987, 101 Stat. 394.
Pub. L. 99–180, title III, Dec. 13, 1985, 99 Stat. 1150, 1151.
Pub. L. 98–411, title III, Aug. 30, 1984, 98 Stat. 1565, 1566.
Pub. L. 98–166, title III, Nov. 28, 1983, 97 Stat. 1094.
Pub. L. 97–377, title I, § 101(d), Dec. 21, 1982, 96 Stat. 1877.
Pub. L. 97–276, § 101(a), Oct. 2, 1982, 96 Stat. 1186.
Pub. L. 97–92, § 101(h) [incorporating Pub. L. 96–536, § 101(*o*); H.R. 7584, title I], Dec. 15, 1981, 95 Stat. 1190.
Pub. L. 96–536, § 101(*o*) [H.R. 7584, title I], Dec. 16, 1980, 94 Stat. 3169.
Pub. L. 96–369, § 101(a), Oct. 1, 1980, 94 Stat. 1351.
Pub. L. 96–68, title I, Sept. 24, 1979, 93 Stat. 417, 418.
Pub. L. 95–431, title I, Oct. 10, 1978, 92 Stat. 1022, 1023.
Pub. L. 95–86, title I, Aug. 2, 1977, 91 Stat. 420, 421.
Pub. L. 94–362, title I, July 14, 1976, 90 Stat. 938, 939.
Pub. L. 94–121, title I, Oct. 21, 1975, 89 Stat. 613, 614.
Pub. L. 93–433, title I, Oct. 5, 1974, 88 Stat. 1188, 1189.
Pub. L. 93–162, title I, Nov. 27, 1973, 87 Stat. 637, 638.
Pub. L. 92–544, title I, Oct. 25, 1972, 86 Stat. 1110, 1111.
Pub. L. 92–77, title I, Aug. 10, 1971, 85 Stat. 247, 248.
Pub. L. 91–472, title I, Oct. 21, 1970, 84 Stat. 1041, 1042.
Pub. L. 91–153, title I, Dec. 24, 1969, 83 Stat. 404, 405.
Pub. L. 90–470, title I, Aug. 9, 1968, 82 Stat. 669, 670.
Pub. L. 90–133, title I, Nov. 8, 1967, 81 Stat. 412, 413.
Pub. L. 89–797, title I, Nov. 8, 1966, 80 Stat. 1480, 1481.
Pub. L. 89–164, title I, Sept. 2, 1965, 79 Stat. 621, 622.
Pub. L. 88–527, title I, Aug. 31, 1964, 78 Stat. 712, 713.
Pub. L. 88–245, title I, Dec. 30, 1963, 77 Stat. 777, 778.
Pub. L. 87–843, title I, Oct. 18, 1962, 76 Stat. 1081, 1082.
Pub. L. 87–264, title I, Sept. 21, 1961, 75 Stat. 546, 547.
Pub. L. 86–678, title I, Aug. 31, 1960, 74 Stat. 557, 558.
Pub. L. 86–84, title I, July 13, 1959, 73 Stat. 183, 184.
Pub. L. 85–474, title I, June 30, 1958, 72 Stat. 246, 247.
Pub. L. 85–49, title I, June 11, 1957, 71 Stat. 56, 57.
June 20, 1956, ch. 414, title I, 70 Stat. 301.
July 7, 1955, ch. 279, title I, 69 Stat. 265, 266.
July 2, 1954, ch. 456, title I, 68 Stat. 414, 415.
Aug. 5, 1953, ch. 328, title I, 67 Stat. 368, 369.
July 10, 1952, ch. 651, title I, 66 Stat. 550, 551.
Oct. 22, 1951, ch. 533, title I, 65 Stat. 577, 578.
Sept. 6, 1950, ch. 896, Ch. III, title I, 64 Stat. 610, 611.
July 20, 1949, ch. 354, title I, 63 Stat. 449–451.
June 3, 1948, ch. 400, title I, 62 Stat. 308–310.
July 9, 1947, ch. 211, title I, 61 Stat. 282–284.
July 5, 1946, ch. 541, title I, 60 Stat. 453, 454.
May 21, 1945, ch. 129, title I, 59 Stat. 175, 176.
June 28, 1944, ch. 294, title I, 58 Stat. 402, 403.
July 1, 1943, ch. 182, title I, 57 Stat. 277, 278.
July 2, 1942, ch. 472, title I, 56 Stat. 474, 475.
June 28, 1941, ch. 258, title I, 55 Stat. 271–273.
May 14, 1940, ch. 189, title I, 54 Stat. 187–189.
June 29, 1939, ch. 248, title I, 53 Stat. 891–893.
Apr. 27, 1938, ch. 180, title I, 52 Stat. 253–255.
June 16, 1937, ch. 359, title I, 50 Stat. 267, 268.
June 22, 1936, ch. 689, title III, 49 Stat. 1634.
May 15, 1936, ch. 405, title I, 49 Stat. 1315–1317.
Mar. 22, 1935, ch. 39, title I, 49 Stat. 73, 74.
Apr. 7, 1934, ch. 104, title I, 48 Stat. 534.
Mar. 1, 1933, ch. 144, title I, 47 Stat. 1376.
July 1, 1932, ch. 361, title I, 47 Stat. 480–486.
Feb. 23, 1931, ch. 280, title I, 46 Stat. 1314–1320.
June 27, 1930, ch. 652, 46 Stat. 825.
Apr. 18, 1930, ch. 184, title I, 46 Stat. 179–185.
Jan. 25, 1929, ch. 102, title I, 45 Stat. 1100–1107.
Feb. 15, 1928, ch. 57, title I, 45 Stat. 69–75.
Feb. 24, 1927, ch. 189, title I, 44 Stat. 1184–1191.
Apr. 29, 1926, ch. 195, title I, 44 Stat. 335–340.
Feb. 27, 1925, ch. 364, title I, 43 Stat. 1019–1024.
May 28, 1924, ch. 204, title I, 43 Stat. 210–215.
Jan. 3, 1923, ch. 21, title I, 42 Stat. 1073–1077.
June 1, 1922, ch. 204, title I, 42 Stat. 605–609.

§ 269b. Omitted

Section, acts May 3, 1928, ch. 489, 45 Stat. 487; Sept. 21, 1950, ch. 976, § 1(a), 64 Stat. 902; July 27, 1956, ch. 750, 70 Stat. 696; Feb. 16, 1960, Pub. L. 86–384, 74 Stat. 3; Oct. 4, 1961, Pub. L. 87–365, 75 Stat. 784, which authorized appropriations for the Department of State for the fiscal years 1963 and 1964, not in excess of $50,000 per fiscal year, to meet the obligations of the United States as a member of the Inter-American Children's Institute, has been omitted because the authorization has not been extended for later than the 1963 and 1964 fiscal years.

§ 269c. International Statistical Bureau at The Hague; authorization of appropriations

There is hereby authorized to be appropriated, out of any sums in the Treasury not otherwise appropriated, sums not exceeding $2,500 per annum to enable the United States to maintain membership in the International Statistical Bureau at The Hague, such sums to be expended under the direction of the Secretary of State.

(Apr. 28, 1924, ch. 136, 43 Stat. 112.)

§ 269d. Inter American Statistical Institute; authorization of appropriations

To enable the United States to become an adhering member of the Inter American Statistical Institute, there is hereby authorized to be appropriated annually, out of any money in the Treasury not otherwise appropriated, such sums as may be required for expenditure under the direction of the Secretary of State, for the payment of the share of the United States toward the support of the Institute: *Provided*, That (1) the membership dues of the United States payable for any fiscal year shall not be paid unless, during the preceding fiscal year, at least eight other American nations shall have been in good standing as adhering members, and unless at least eight of such other adhering members for the last preceding year for which such members were respectively obligated to pay dues shall have paid dues which aggregated at least $10,000, and (2) the total cost to the United States for any fiscal year, for adhering membership, shall not exceed $35,000.

(Jan. 27, 1942, ch. 22, 56 Stat. 20; July 2, 1945, ch. 218, 59 Stat. 311.)

AMENDMENTS

1945—Act July 2, 1945, substituted the single proviso for two provisos.

§ 269e. Omitted

CODIFICATION

Section, acts July 10, 1952, ch. 651, title I, 66 Stat. 551; Aug. 5, 1953, ch. 328, title I, 67 Stat. 368; July 2, 1954, ch. 456, title I, 68 Stat. 415; July 7, 1955, ch. 279, title I, 69 Stat. 266; June 20, 1956, ch. 414, title I, 70 Stat. 301, related to availability of funds for United States participation in the International Civil Aviation Organization, and was from annual Department of State Appropriation Acts. Similar provisions which are permanent are classified to section 2673 of this title.

§ 269f. International Bureau for the Protection of Industrial Property; authorization of appropriations

Funds appropriated to the Secretary of State for ''International Organizations and Conferences'' shall be available for the payment by the United States of its proportionate share of the expenses of the International Bureau for the Protection of Industrial Property for any year after 1981 as determined under article 16(4) of the Paris Convention for the Protection of Industrial Property, as revised, except that in no event shall the payment for any year exceed 6 per centum of all expenses of the Bureau apportioned among countries for that year.

(Pub. L. 86–614, July 12, 1960, 74 Stat. 381; Pub. L. 88–69, July 19, 1963, 77 Stat. 82; Pub. L. 92–511, Oct. 20, 1972, 86 Stat. 918; Pub. L. 98–164, title I, § 112, Nov. 22, 1983, 97 Stat. 1019.)

AMENDMENTS

1983—Pub. L. 98–164 substituted provisions making appropriations available for the payment of expenses of the International Bureau for the Protection of Industrial Property for any year after 1981, for provisions authorizing appropriations for contributions for the support of the International Bureau of Intellectual Property for the period from July 1, 1950, through June 30, 1959, and for the payment by the United States of its share of the expenses of the Bureau.

1972—Subsec. (a). Pub. L. 92–511, § 1(1), substituted ''International Bureau of Intellectual Property'' for ''International Bureau for the Protection of Industrial Property''.

Subsec. (b). Pub. L. 92–511, § 1(2), substituted provisions authorizing appropriation of sums as determined under article 16(4) of the Paris Convention for the Protection of Industrial Property up to a maximum of 4.5 percent of the total expenses apportioned among member countries, for provisions authorizing appropriation of sums for payment by the United States of its proportionate share not exceeding $15,000 annually.

1963—Pub. L. 88–69 increased the limitation on the annual appropriation authorization from $7,250 to $15,000.

ANNUAL APPROPRIATIONS

Annual appropriations to meet the obligations of membership in various international organizations were contained in acts listed in a note set out under section 269a of this title.

§ 269g. Private International Law Conference at The Hague and Private Law International Institute in Rome; membership; appointment of delegates

The President is hereby authorized to accept membership for the Government of the United States in (1) the Hague Conference on Private International Law and (2) the International (Rome) Institute for the Unification of Private Law, and to appoint the United States delegates and their alternates to meetings of the two organizations, and the committees and organs thereof.

(Pub. L. 88–244, § 1, Dec. 30, 1963, 77 Stat. 775.)

§ 269g–1. Authorization of appropriations

There are authorized to be appropriated such sums as may be necessary for the payment by the United States of its proportionate share of the expenses of the Hague Conference on Private International Law and of the International (Rome) Institute for the Unification of Private Law.

(Pub. L. 88–244, § 2, Dec. 30, 1963, 77 Stat. 775; Pub. L. 92–497, Oct. 17, 1972, 86 Stat. 814; Pub. L. 97–241, title I, § 114, Aug. 24, 1982, 96 Stat. 278.)

AMENDMENTS

1982—Pub. L. 97–241 struck out provision that no payment of the United States for any year exceed 7 per centum of all expenses apportioned among members for that year.

1972—Pub. L. 92–497 substituted provisions authorizing to be appropriated such sums as may be necessary for the payment of the United States of its proportionate share, except that no payment of the United States for any year shall exceed 7 per centum of all expenses apportioned among members for that year, for provisions authorizing to be appropriated such sums as may be necessary, not to exceed $25,000 annually, for the payment by the United States of its proportionate share.

ANNUAL APPROPRIATIONS

Annual appropriations to meet the obligations of membership in various international organizations were contained in acts listed in a note set out under section 269a of this title.

§ 269h. International Union for the Publication of Customs Tariffs; authorization of annual appropriations for expenses

There is hereby authorized to be appropriated annually to the Department of State such sums as may be necessary, including contributions pursuant to the convention of July 5, 1890, as amended, for the payment by the United States of its share of the expenses of the International Union for the Publication of Customs Tariffs and of the Bureau established to carry out the functions of the Union, but not to exceed 6 per centum of such expenses per annum.

(Pub. L. 90–569, Oct. 12, 1968, 82 Stat. 1003.)

ANNUAL APPROPRIATIONS

Annual appropriations to meet the obligations of membership in various international organizations were contained in acts listed in a note set out under section 269a of this title.

§§ 270 to 270g. Repealed. Pub. L. 88–619, § 3, Oct. 3, 1964, 78 Stat. 995

Sections 270 to 270c, act July 3, 1930, ch. 851, §§ 1–4, 46 Stat. 1005, 1006, related to international tribunals, the administration of oaths, perjury, testimony of witnesses, production of documentary evidence, subpoena power, contempt and its punishment, the authority of commissioners to take evidence, and to procedure. See section 1782 of Title 28, Judiciary and Judicial Procedure.

Sections 270d to 270g, act July 3, 1930, ch. 851, §§ 5–8, as added June 7, 1933, ch. 50, 48 Stat. 117, 118, related to international tribunals, issuance of subpoenas upon application of United States' agent to United States district court, proceedings thereon, notice to foreign governments, forwarding of certified transcripts of testimony to agents of United States and any opposing government, perjury and contempt and the penalties therefor, and declared the Supreme Court of the District of Columbia to be a district court of the United States. See section 1782 of Title 28.

§ 271. International Labor Organization; membership

The President is authorized to accept membership for the Government of the United States of

America in the International Labor Organization, which, through its general conference of representatives of its members and through its International Labor Office, collects information concerning labor throughout the world and prepares international conventions for the consideration of member governments with a view to improving conditions of labor.

(June 19, 1934, ch. 676, § 1, 48 Stat. 1182.)

ACCEPTANCE OF CONSTITUTION BY UNITED STATES

Section 1 of act June 30, 1948, ch. 756, 62 Stat. 1151, provided: ''That the President is hereby authorized to accept for the Government of the United States of America the Constitution of the International Labor Organization Instrument of Amendment adopted by the Twenty-ninth Session of the International Labor Conference on October 9, 1946.''

ACCEPTANCE OF CONSTITUTIONAL AMENDMENT BY UNITED STATES

Pub. L. 88–65, July 17, 1963, 77 Stat. 80, provided: ''That the President is hereby authorized to accept on behalf of the United States of America the instrument for the amendment of the constitution of the International Labor Organization adopted at Geneva on June 22, 1962, by the International Labor Conference at its forty-sixth session.''

REASONS FOR ACCEPTANCE OF CONSTITUTION BY UNITED STATES

The reasons for acceptance of the Constitution of the Organization by the United States is set forth in the preliminary clauses of act June 30, 1948, ch. 756, 62 Stat. 1151, which provided that:

''Whereas the Senate and House of Representatives by Public Resolution Numbered 43 of the Seventy-third Congress authorized the President to accept membership for the Government of the United States of America in the International Labor Organization and the President, pursuant thereto, accepted such membership on August 20, 1934; and

''Whereas such membership in the International Labor Organization has proved of benefit to the people of the United States; and

''Whereas the International Labor Organization provides a unique international forum in which representatives of employers and workers join together with those of governments in formulating conventions and recommendations which serve as international minimum standards for labor and social legislation and administration within member countries; and

''Whereas extensive revision of the constitution has been undertaken to enable the Organization to meet changed conditions, to strengthen the application of conventions and recommendations, with careful provision to meet the constitutional rules and practices of Federal States, and to operate as a specialized agency in relationship with the United Nations; and

''Whereas the Constitution of the International Labor Organization Instrument of Amendment of 1946 was adopted unanimously on October 9, 1946, with the entire delegation of the United States to the Twenty-ninth Session of the International Labor Conference supporting this Instrument of Amendment.''

EX. ORD. NO. 12216. PRESIDENT'S COMMITTEE ON THE INTERNATIONAL LABOR ORGANIZATION

Ex. Ord. No. 12216, June 18, 1980, 45 F.R. 41619, as amended by Ex. Ord. No. 13135, Aug. 27, 1999, 64 F.R. 47339, provided:

By the authority vested in me as President by the Constitution and statutes of the United States of America, and in order to create in accordance with the Federal Advisory Committee Act (5 U.S.C. App.) an advisory committee on United States participation in the International Labor Organization, it is hereby ordered as follows:

1–1. ESTABLISHMENT OF COMMITTEE

1–101. There is established the President's Committee on the International Labor Organization (ILO). The members will be the Secretaries of Labor, State, and Commerce, the Assistant to the President for National Security Affairs, the Assistant to the President for Economic Policy, and the Presidents of the AFL–CIO and the United States Council of the International Chamber of Commerce, or their designated representatives.

1–102. The Chairman of the Committee shall be the Secretary of Labor. The Committee shall meet at the request of the Chairman.

1–2. FUNCTIONS OF THE COMMITTEE

1–201. The Committee shall monitor and assess the work of the ILO.

1–202. The Committee shall make recommendations to the President or other officers of the Federal government, including the Secretary of Labor. With due recognition that in the ILO tripartite system, government, employer, and employee representatives retain the right to take positions independent of one another, the Committee shall exert its best efforts to develop a coordinated position as to United States policy on ILO issues.

1–203. The Committee shall also perform other functions relevant to relations with the ILO as requested by the President or the Committee Chairman.

1–3. FUNDING AND EXPENSES

1–301. Each member of the Committee who is not otherwise employed full-time by the Federal government may receive, to the extent permitted by law, compensation for each day he is engaged in the work of the Committee at a rate not to exceed the maximum daily rate now or hereafter prescribed by law, and may also receive transportation and travel expenses, including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 5702 and 5703).

1–302. The Chairman of the Committee is authorized to establish such additional advisory committees as may be deemed appropriate to carry out the purposes of this Order.

1–303. All necessary administrative staff services, support, facilities and expenses of the Committee shall be furnished by the Department of Labor to the extent permitted by law.

1–4. GENERAL PROVISIONS

1–401. Notwithstanding the provisions of any other Executive order, the functions of the President applicable to the Committee under the Federal Advisory Committee Act, as amended (5 U.S.C. App.), except that of reporting annually to the Congress, are hereby delegated to the Secretary of Labor, who shall perform them in accordance with guidelines and procedures established by the Administrator of General Services.

1–402. The Committee shall terminate on December 31, 1980, unless this date is extended by further Executive order.

JIMMY CARTER.

EXTENSION OF TERM OF PRESIDENT'S COMMITTEE ON THE INTERNATIONAL LABOR ORGANIZATION

Term of the President's Committee on the International Labor Organization extended until Dec. 31, 1982, by Ex. Ord. No. 12258, Dec. 31, 1980, 46 F.R. 1251, formerly set out as a note under section 14 of the Federal Advisory Committee Act in the Appendix to Title 5, Government Organization and Employees.

Term of the President's Committee on the International Labor Organization extended until Sept. 30, 1984, by Ex. Ord. No. 12399, Dec. 31, 1982, 48 F.R. 379, formerly set out as a note under section 14 of the Federal Advisory Committee Act in the Appendix to Title 5.

Term of the President's Committee on the International Labor Organization extended until Sept. 30,

1985, by Ex. Ord. No. 12489, Sept. 28, 1984, 49 F.R. 38927, formerly set out as a note under section 14 of the Federal Advisory Committee Act in the Appendix to Title 5.

Term of the President's Committee on the International Labor Organization extended until Sept. 30, 1987, by Ex. Ord. No. 12534, Sept. 30, 1985, 50 F.R. 40319, formerly set out as a note under section 14 of the Federal Advisory Committee Act in the Appendix to Title 5.

Term of the President's Committee on the International Labor Organization extended until Sept. 30, 1989, by Ex. Ord. No. 12610, Sept. 30, 1987, 52 F.R. 36901, formerly set out as a note under section 14 of the Federal Advisory Committee Act in the Appendix to Title 5.

Term of the President's Committee on the International Labor Organization extended until Sept. 30, 1991, by Ex. Ord. No. 12692, Sept. 29, 1989, 54 F.R. 40627, formerly set out as a note under section 14 of the Federal Advisory Committee Act in the Appendix to Title 5.

Term of the President's Committee on the International Labor Organization extended until Sept. 30, 1993, by Ex. Ord. No. 12774, Sept. 27, 1991, 56 F.R. 49835, formerly set out as a note under section 14 of the Federal Advisory Committee Act in the Appendix to Title 5.

Term of the President's Committee on the International Labor Organization extended until Sept. 30, 1995, by Ex. Ord. No. 12869, Sept. 30, 1993, 58 F.R. 51751, formerly set out as a note under section 14 of the Federal Advisory Committee Act in the Appendix to Title 5.

Term of the President's Committee on the International Labor Organization extended until Sept. 30, 1997, by Ex. Ord. No. 12974, Sept. 29, 1995, 60 F.R. 51875, formerly set out as a note under section 14 of the Federal Advisory Committee Act in the Appendix to Title 5.

Term of the President's Committee on the International Labor Organization extended until Sept. 30, 1999, by Ex. Ord. No. 13062, § 1(i), Sept. 29, 1997, 62 F.R. 51755, formerly set out as a note under section 14 of the Federal Advisory Committee Act in the Appendix to Title 5.

Term of the President's Committee on the International Labor Organization extended until Sept. 30, 2001, by Ex. Ord. No. 13138, Sept. 30, 1999, 64 F.R. 53879, formerly set out as a note under section 14 of the Federal Advisory Committee Act in the Appendix to Title 5.

Term of the President's Committee on the International Labor Organization extended until Sept. 30, 2003, by Ex. Ord. No. 13225, Sept. 28, 2001, 66 F.R. 50291, set out as a note under section 14 of the Federal Advisory Committee Act in the Appendix to Title 5.

§ 272. Omitted

CODIFICATION

Section, act June 19, 1934, ch. 676, § 2, 48 Stat. 1183, provided that the President, in accepting membership in the International Labor Organization, was to assume no obligation under the covenant of the League of Nations.

§ 272a. Authorization of appropriations

There is hereby authorized to be appropriated annually to the Department of State—

(a) such sums as may be necessary for the payments by the United States of its share of the expenses of the Organization, but not to exceed 25 per centum of such expenses, as apportioned by the International Labour Conference in accordance with article 13(2)(c) and 13(3) of the constitution of the Organization; and

(b) such additional sums as may be necessary to pay the expenses incident to participation by the United States in the activities of the Organization, including—

(1) salaries of the representative or representatives and alternates and appropriate staff, including personal services in the District of Columbia and elsewhere, without regard to the civil-service laws and chapter 51 and subchapter III of chapter 53 of title 5; services as authorized by section 3109 of title 5; under such rules and regulations as the Secretary of State may prescribe, allowances for living quarters, including heat, fuel, and light and cost-of-living allowances to persons temporarily stationed abroad; printing and binding without regard to section 501 of title 44, and section 5 of title 41; and

(2) such other expenses as the Secretary of State deems necessary to participation by the United States in the activities of the Organization: *Provided*, That the provisions of section 287r of this title, and regulations thereunder, applicable to expenses incurred pursuant to subchapter XVII of this chapter shall be applicable to any expenses incurred pursuant to this paragraph.

(June 30, 1948, ch. 756, § 2, 62 Stat. 1151; Oct. 28, 1949, ch. 782, title II, § 202(2), title XI, § 1106(a), 63 Stat. 954, 972; Sept. 21, 1950, ch. 976, § 1(e), 64 Stat. 903; Pub. L. 85–477, ch. V, § 502(f), June 30, 1958, 72 Stat. 273.)

REFERENCES IN TEXT

The civil-service laws, referred to in subsec. (b)(1), are set forth in Title 5, Government Organization and Employees. See, particularly, section 3301 et seq. of Title 5.

Subchapter XVII [§ 287m et seq.] of this chapter, referred to in subsec. (b)(2), was in the original a reference to the Act of July 30, 1946, Public Law 565, Seventy-ninth Congress.

CODIFICATION

In subsec. (b)(1), ''chapter 51 and subchapter III of chapter 53 of title 5'' and ''section 3109 of title 5'' substituted for ''the Classification Act of 1949'' and ''section 15 of Public Law 600, Seventy-ninth Congress [5 U.S.C. 55a]'', respectively, on authority of Pub. L. 89–554, § 7(b) Sept. 6, 1966, 80 Stat. 631, the first section of which enacted Title 5, Government Organization and Employees.

''Section 501 of title 44'' substituted for ''section 11 of the Act of March 1, 1919 (44 U.S.C. 111)'' on authority of Pub. L. 90–620, § 2(b), Oct. 22, 1968, 82 Stat. 1305, the first section of which enacted Title 44, Public Printing and Documents.

AMENDMENTS

1958—Subsec. (a). Pub. L. 85–477 substituted provisions limiting appropriations to not more than 25 per centum of the expenses for provisions which authorized an appropriation of not more than $1,750,000 per annum for payment of expenses.

1950—Subsec. (a). Joint Res. Sept. 21, 1950, § 1(e)(1), (2), increased the authorized annual appropriation from $1,091,739 to $1,750,000, and changed the reference to the Organization's constitution from article 13(c) to article 13(2)(c) and 13(3).

Subsec. (b). Joint Res. Sept. 21, 1950, § 1(e)(3), struck out limitation of $95,000 on the authorized annual appropriation for expenses.

1949—Subsec. (b)(1). Act Oct. 28, 1949, substituted ''Classification Act of 1949'' for ''Classification Act of 1923''.

LIMITATION OF CONTRIBUTIONS

Contributions by United States, except for special projects, limited to amount provided by Joint Res. Sept. 21, 1950; consent by State Department and reports to Congress, see section 262a of this title.

ANNUAL APPROPRIATIONS

Annual appropriations to meet the obligations of membership in various international organizations were contained in acts listed in a note set out under section 269a of this title.

§ 272b. Loyalty check on United States personnel

No person shall serve as representative, delegate, or alternate from the United States until such person has been investigated as to loyalty and security by the Director of the Office of Personnel Management.

(June 30, 1948, ch. 756, § 3, 62 Stat. 1152; Apr. 5, 1952, ch. 159, § 1, 66 Stat. 43; 1978 Reorg. Plan No. 2, § 102, eff. Jan. 1, 1979, 43 F.R. 36037, 92 Stat. 3784.)

AMENDMENTS

1952—Act Apr. 5, 1952, substituted ''Civil Service Commission'' for ''Federal Bureau of Investigation''.

TRANSFER OF FUNCTIONS

''Director of the Office of Personnel Management'' substituted in text for ''Civil Service Commission'' pursuant to Reorg. Plan No. 2 of 1978, § 102, 43 F.R. 36037, 92 Stat. 3783, set out under section 1101 of Title 5, Government Organization and Employees, which transferred functions vested by statute in Civil Service Commission to Director of Office of Personnel Management (except as otherwise specified), effective Jan. 1, 1979, as provided by section 1–102 of Ex. Ord. No. 12107, Dec. 28, 1978, 44 F.R. 1055, set out under section 1101 of Title 5.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 5 section 1304.

§ 273. Pan American Institute of Geography and History; authorization of annual appropriations for membership

In order to meet the obligations of the United States as a member of the Pan American Institute of Geography and History, there are authorized to be appropriated to the Department of State—

(1) such sums as may be required for the payment by the United States of its share of the expenses of the Institute, as apportioned in accordance with the statutes of the Institute;

(2) such additional sums as may be needed annually for the payment of all necessary expenses incident to participation by the United States in the activities of the Institute; and

(3) the sum of $386,050 for payment by the United States of its assessed annual contributions for the period beginning July 1, 1964, and extending through the fiscal year expiring June 30, 1969.

(Aug. 2, 1935, ch. 430, § 1, 49 Stat. 512; Aug. 31, 1954, ch. 1154, 68 Stat. 1008; Pub. L. 89–646, Oct. 13, 1966, 80 Stat. 893; Pub. L. 91–340, July 17, 1970, 84 Stat. 438; Pub. L. 97–241, title I, § 113, Aug. 24, 1982, 96 Stat. 278.)

AMENDMENTS

1982—Par. (1). Pub. L. 97–241 struck out '', not to exceed $200,000 annually,'' after ''such sums''.

1970—Pub. L. 91–340 increased annual appropriation authorization in par. (1) from $90,300 to $200,000, and added par. (3).

1966—Pub. L. 89–646 redesignated as cl. (1) provisions of former cl. (b), increasing the annual appropriation authorization from $50,000 to $90,300 and substituted cl. (2) additional annual appropriation authorization for payment of necessary expenses incident to participation by the United States in Institute activities for former cl. (a) appropriation authorization of $98,775 for payment by the United States of its assessed annual contributions for period beginning July 1, 1951, and extending through fiscal year expiring June 30, 1954.

1954—Act Aug. 31, 1954, appropriated sufficient funds to pay back assessments for years 1951 to 1954, and increased from $10,000 to $50,000 the authorized annual contribution.

ANNUAL APPROPRIATIONS

Annual appropriations to meet the obligations of membership in various international organizations were contained in acts listed in a note set out under section 269a of this title.

§ 274. International Council of Scientific Unions and Associated Unions; authorization of annual appropriations for membership

There is hereby authorized to be appropriated, to be expended under the direction of the Secretary of State, in paying the annual share of the United States as an adhering member of the International Council of Scientific Unions and Associated Unions, including the International Astronomical Union, International Union of Chemistry, International Union of Geodesy and Geophysics, International Union of Mathematics, International Scientific Radio Union, International Union of Physics, and International Geographical Union, and such other international scientific unions as the Secretary of State may designate, such sum as may be necessary for the payment of such annual share, not to exceed $100,000 in any one year.

(Aug. 7, 1935, ch. 454, 49 Stat. 540; Pub. L. 85–627, Aug. 14, 1958, 72 Stat. 574; Pub. L. 89–104, Aug. 3, 1965, 79 Stat. 427.)

AMENDMENTS

1965—Pub. L. 89–104 substituted ''$100,000'' for ''$65,000''.

1958—Pub. L. 85–627 substituted ''$65,000'' for ''$9,000''.

ANNUAL APPROPRIATIONS

Annual appropriations to meet the obligations of membership in various international organizations were contained in acts listed in a note set out under section 269a of this title.

ANNUAL APPROPRIATIONS BETWEEN 1948 AND 1970

Act June 3, 1948, ch. 400, title I, § 101, 62 Stat. 305, and subsequent Department of State Appropriation Acts through act Dec. 24, 1969, Pub. L. 91–153, title I, § 101, 83 Stat. 404, failed to authorize appropriations for this section. See Annual Appropriations note set out above.

§ 274a. International biological program

(a) Congressional findings

The Congress hereby finds and declares that the international biological program, which was established under the auspices of the International Council of Scientific Unions and the International Union of Biological Sciences and is sponsored in the United States by the Na-

tional Academy of Sciences and the National Academy of Engineering, deals with one of the most crucial situations to face this or any other civilization—the immediate or near potential of mankind to damage, possibly beyond repair, the earth's ecological system on which all life depends. The Congress further finds and declares that the international biological program provides an immediate and effective means available of meeting this situation, through its stated objectives of increased study and research related to biological productivity and human welfare in a changing world environment.

(b) Congressional support

The Congress therefore commends and endorses the international biological program and expresses its support of the United States National Committee and the Interagency Coordinating Committee, which together have the responsibility for planning, coordinating, and carrying out the program in the United States.

(c) Priority

In view of the urgency of the problem, the Congress finds and declares that the provision by the United States of adequate financial and other support for the international biological program is a matter of first priority.

(Pub. L. 91–438, § 1, Oct. 7, 1970, 84 Stat. 889.)

§ 274b. Cooperation of Federal and non-Federal departments, agencies, and organizations; transfers of funds

(a) Full cooperation with international biological program

The Congress calls upon all Federal departments and agencies and other persons and organizations, both public and private, to support and cooperate fully with the international biological program and the activities and goals of the United States National Committee and the Interagency Coordinating Committee.

(b) Authorization for transfers of funds

For this purpose, the Congress authorizes and requests all Federal departments and agencies having functions or objectives which coincide with or are related to those of the international biological program to obligate or make appropriate transfers of funds to the program from moneys available for such functions or objectives and provide such other support as may be appropriate.

(Pub. L. 91–438, § 2, Oct. 7, 1970, 84 Stat. 889.)

§ 275. International Hydrographic Bureau

To enable the United States to become a member of the International Hydrographic Bureau, and for the first annual contribution of the United States toward the creation and maintenance of such bureau, there is hereby appropriated out of money in the Treasury not otherwise appropriated $2,500, or so much thereof as may be necessary, to be paid by the Secretary of State when the exact quota shall have been ascertained.

(Mar. 2, 1921, ch. 113, 41 Stat. 1215.)

ANNUAL APPROPRIATIONS

Annual appropriations to meet the obligations of membership in various international organizations were contained in acts listed in a note set out under section 269a of this title.

§ 275a. Permanent International Commission of the Congresses of Navigation; authorization of appropriations

Not to exceed $45,000 annually of the funds appropriated for rivers and harbors shall be available for the support and maintenance of the Permanent International Commission of the Congresses of Navigation and for the payment in amounts approved by the Chief of Engineers of the expenses of the properly accredited delegates of the United States to the meetings of the congresses and of the Commission.

(June 30, 1948, ch. 771, title I, § 107, 62 Stat. 1174; Pub. L. 89–298, title III, § 306, Oct. 27, 1965, 79 Stat. 1094; Pub. L. 93–251, title I, § 93, Mar. 7, 1974, 88 Stat. 39.)

AMENDMENTS

1974—Pub. L. 93–251 substituted "$45,000" for "$22,000".

1965—Pub. L. 89–298 substituted "$22,000" for "$5,000".

§§ 276 to 276a–4. Repealed. Pub. L. 105–277, div. G, subdiv. B, title XXV, § 2503(d), Oct. 21, 1998, 112 Stat. 2681–837

Section 276, acts June 28, 1935, ch. 322, § 1, 49 Stat. 425; Feb. 6, 1948, ch. 48, 62 Stat. 19; Pub. L. 85–477, ch. V, § 502(b), June 30, 1958, 72 Stat. 272; Pub. L. 87–195, pt. IV, § 710(a), Sept. 4, 1961, 75 Stat. 465; Pub. L. 87–565, pt. IV, § 404, Aug. 1, 1962, 76 Stat. 263; Pub. L. 88–633, pt. IV, § 401, Oct. 7, 1964, 78 Stat. 1014; Pub. L. 90–137, pt. IV, § 402, Nov. 14, 1967, 81 Stat. 463; Pub. L. 92–226, pt. IV, § 404, Feb. 7, 1972, 86 Stat. 34; Pub. L. 93–126, § 3, Oct. 18, 1973, 87 Stat. 451; Pub. L. 94–141, title II, § 204(a), Nov. 29, 1975, 89 Stat. 762; Pub. L. 95–45, § 4(d)(1), June 15, 1977, 91 Stat. 223; Pub. L. 95–426, title VII, § 710, Oct. 7, 1978, 92 Stat. 994; Pub. L. 105–277, div. G, subdiv. B, title XXV, § 2503(b), Oct. 21, 1998, 112 Stat. 2681–837, authorized appropriations for annual contribution of the United States toward the maintenance of the Bureau of the Interparliamentary Union.

Section 276a, act June 28, 1935, ch. 322, § 2, 49 Stat. 426, related to reports to Congress by American group of the Interparliamentary Union.

Section 276a–1, act June 28, 1935, ch. 322, § 3, as added Pub. L. 94–141, title II, § 204(b), Nov. 29, 1975, 89 Stat. 762; amended Pub. L. 95–45, § 4(d)(2), June 15, 1977, 91 Stat. 223; Pub. L. 103–437, § 9(a)(1), Nov. 2, 1994, 108 Stat. 4588, related to appointment of delegates from House of Representatives to the Conference of the Interparliamentary Union and appointment of Chairman and Vice Chairman.

Section 276a–2, act June 28, 1935, ch. 322, § 4, as added Pub. L. 95–45, § 4(d)(3), June 15, 1977, 91 Stat. 223, related to appointment of delegates from Senate to the Conference of the Interparliamentary Union and appointment of Chairman and Vice Chairman.

Section 276a–3, act June 28, 1935, ch. 322, § 5, as added Pub. L. 95–45, § 4(d)(3), June 15, 1977, 91 Stat. 223, related to executive secretary of American group of Interparliamentary Union.

Section 276a–4, act June 28, 1935, ch. 322, § 6, as added Pub. L. 95–45, § 4(d)(3), June 15, 1977, 91 Stat. 223, related to auditing of accounts of House and Senate delegations to the Interparliamentary Union and finality and conclusiveness of certificate of Chairman.

EFFECTIVE DATE OF REPEAL

Pub. L. 105–277, div. G, subdiv. B, title XXV, § 2503(d), Oct. 21, 1998, 112 Stat. 2681–837, provided that: "Unless Congress receives the certification described in subsection (a) [set out below] before October 1, 1999, effec-

tive on that date the Act entitled 'An Act to authorize participation by the United States in the Interparliamentary Union', approved June 28, 1935 (22 U.S.C. 276–276a–4) is repealed.'' [The Secretary of State did not make the required certification.]

TERMINATION OF UNITED STATES MEMBERSHIP IN BUREAU OF INTERPARLIAMENTARY UNION

Pub. L. 105–277, div. G, subdiv. B, title XXV, § 2503(a), Oct. 21, 1998, 112 Stat. 2681–836, provided that: ''Unless the Secretary of State certifies to Congress that the United States will be assessed not more than $500,000 for its annual contribution to the Bureau of the Interparliamentary Union during fiscal year 1999, then effective October 1, 1999, the authority for further participation by the United States in the Bureau shall terminate in accordance with subsection (d) [set out above].'' [The Secretary of State did not make the required certification.]

§ 276b. Repealed. Pub. L. 95–45, § 4(d)(4), June 15, 1977, 91 Stat. 223

Section, act Aug. 25, 1937, ch. 757, 50 Stat. 770, provided that, on and after Aug. 25, 1937, the certificate of the president and executive secretary of the American Group of the Interparliamentary Union be final and conclusive upon the accounting officers in the auditing of all accounts of the Group.

§ 276c. Designation of Senate delegates to Conferences of the Interparliamentary Union

On and after June 30, 1958, Senate delegates to Conferences of the Interparliamentary Union shall be designated by the Presiding Officer of the Senate. Not less than two Senators so designated shall be members of the Committee on Foreign Relations.

(Pub. L. 85–474, title I, June 30, 1958, 72 Stat. 246; Pub. L. 94–141, title II, § 204(c), Nov. 29, 1975, 89 Stat. 762.)

AMENDMENTS

1975—Pub. L. 94–141 inserted at end ''Not less than two Senators so designated shall be members of the Committee on Foreign Relations.''

§ 276c–1. Reports of expenditures by members of American groups or delegations and employees; consolidated reports by Congressional committees; public inspection

Each chairman or senior member of the House of Representatives and Senate group or delegation of the United States group or delegation to the Interparliamentary Union, the NATO Parliamentary Assembly, the Canada-United States Interparliamentary Group, the Mexico-United States Interparliamentary Group, or any similar interparliamentary group of which the United States is a member or participates, by whom or on whose behalf local currencies owned by the United States are made available and expended and/or expenditures are made from funds appropriated for the expenses of such group or delegation, shall file with the chairman of the Committee on Foreign Relations of the Senate in the case of the group or delegation of the Senate, or with the chairman of the Committee on Foreign Affairs of the House of Representatives in the case of the group or delegation of the House, an itemized report showing all such expenditures made by or on behalf of each Member or employee of the group or delegation together with the purposes of the expenditure, including per diem (lodging and meals), transportation, and other purposes. Within sixty days after the beginning of each regular session of Congress, the chairman of the Committee on Foreign Relations and the chairman of the Committee on Foreign Affairs shall prepare consolidated reports showing with respect to each such group or delegation the total amount expended, the purposes of the expenditures, the amount expended for each such purpose, the names of the Members or employees by or on behalf of whom the expenditures were made and the amount expended by or on behalf of each Member or employee for each such purpose. The consolidated reports prepared by the chairman of the Committee on Foreign Relations of the Senate shall be filed with the Secretary of the Senate, and the consolidated reports prepared by the chairman of the Committee on Foreign Affairs of the House shall be filed with the Clerk of the House and shall be open to public inspection.

(Pub. L. 86–628, § 105(b), July 12, 1960, 74 Stat. 460; Pub. L. 90–137, pt. IV, § 401(b), Nov. 14, 1967, 81 Stat. 463; Pub. L. 94–59, title XI, § 1104, July 25, 1975, 89 Stat. 299; Pub. L. 103–437, § 9(a)(2), Nov. 2, 1994, 108 Stat. 4588; Pub. L. 104–186, title II, § 218(1), Aug. 20, 1996, 110 Stat. 1747; Pub. L. 106–113, div. B, § 1000(a)(7) [div. A, title VII, § 701(b)(2)], Nov. 29, 1999, 113 Stat. 1536, 1501A–459.)

AMENDMENTS

1999—Pub. L. 106–113 substituted ''NATO Parliamentary Assembly'' for ''North Atlantic Assembly''.

1996—Pub. L. 104–186 substituted ''Clerk'' for ''Committee on House Administration'' in last sentence.

1994—Pub. L. 103–437 substituted ''Foreign Affairs'' for ''International Relations'' wherever appearing.

1975—Pub. L. 94–59 brought reporting requirements into conformity with other foreign travel expense reporting requirements and into conformity with rules of House of Representatives.

1967—Pub. L. 90–137 substituted ''North Atlantic Assembly'' for ''NATO parliamentarian's Conference''.

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.

§ 276c–2. Employee benefits for United States citizen-representatives to international financial institutions; Treasury Department as collecting, accounting, and depositing agency for employee payments; contributions from appropriated funds

Notwithstanding the provisions of any other law, the Executive Directors and Directors and their alternates, representing the United States in the International Monetary Fund, the International Bank for Reconstruction and Development, the European Bank for Reconstruction and Development, the Inter-American Development Bank, the Bank for Economic Cooperation and Development in the Middle East and North Africa, the Asian Development Bank, the African Development Fund, the African Development Bank, and the Inter-American Investment Corporation, shall, if they are citizens of the

United States, in the discretion of the Secretary of the Treasury, each be eligible on the basis of such service and the total compensation received therefor, for all employee benefits afforded employees in the civil service of the United States. The Treasury Department shall serve as the employing office for collecting, accounting for, and depositing in the Civil Service Retirement and Disability Fund, Employees Life Insurance Fund, and Employees Health Benefits Fund, all retirement and health insurance benefits payments made by these employees, and shall make any necessary agency contributions from funds appropriated to the Department of the Treasury.

(Pub. L. 91–599, ch. 5, § 51, Dec. 30, 1970, 84 Stat. 1659; Pub. L. 95–612, § 4, Nov. 8, 1978, 92 Stat. 3092; Pub. L. 97–35, title XIII, § 1342(d), Aug. 13, 1981, 95 Stat. 743; Pub. L. 98–473, title I, § 101(1) [title I], Oct. 12, 1984, 98 Stat. 1884, 1885; Pub. L. 101–513, title V, § 562(c)(10)(C), Nov. 5, 1990, 104 Stat. 2036; Pub. L. 104–208, div. A, title I, § 101(c) [title VII, § 710(c)], Sept. 30, 1996, 110 Stat. 3009–121, 3009–181.)

CODIFICATION

Amendment by Pub. L. 98–473 is based on section 211(b) of title II of S. 2416, Ninety-eighth Congress, as introduced in the Senate on Mar. 13, 1984, which was enacted into permanent law by Pub. L. 98–473.

AMENDMENTS

1996—Pub. L. 104–208 inserted ''the Bank for Economic Cooperation and Development in the Middle East and North Africa,'' after ''the Inter-American Development Bank,''.

1990—Pub. L. 101–513 inserted ''the European Bank for Reconstruction and Development,'' before ''the Inter-American Development Bank,''.

1984—Pub. L. 98–473 inserted reference to the Inter-American Investment Corporation.

1981—Pub. L. 97–35 inserted reference to the African Development Bank.

1978—Pub. L. 95–612 prescribed requirement of citizenship to be eligible for employee benefits, extended the benefits to representatives to the African Development Fund, substituted provision for contributions from appropriated funds for prior provision for contributions from the fund established under section 822a(a) of title 31, and struck out provision making section effective Dec. 14, 1966.

EFFECTIVE DATE OF 1981 AMENDMENT

Amendment by Pub. L. 97–35 effective Aug. 13, 1981, see section 1372 of Pub. L. 97–35, set out as an Effective Date note under section 290i of this title.

EFFECTIVE DATE OF 1978 AMENDMENT

Section 7 of Pub. L. 95–612 provided that: ''This Act [amending this section, section 5108 of Title 5, Government Organization and Employees, and section 822a of former Title 31, Money and Finance, and enacting provisions set out as a note under section 5108 of Title 5] shall take effect on October 1, 1978, or on such later date as funds are made available pursuant to appropriation Acts authorized by section 5 of this Act [authorizing appropriations of $24,000,000 for fiscal year 1979; not classified to the Code].'' Section 7 of Pub. L. 95–612 was repealed as executed by Pub. L. 97–258, § 5(b), Sept. 13, 1982, 96 Stat. 1088, section 1 of which enacted Title 31, Money and Finance.

§ 276c–3. Repealed. Pub. L. 101–240, title V, § 541(d)(7), Dec. 19, 1989, 103 Stat. 2518

Section, Pub. L. 98–181, title X, § 1006, Nov. 30, 1983, 97 Stat. 1287, related to personnel practices at the Inter-American Development Bank, Asian Development Bank, and African Development Bank.

§ 276c–4. Employment of United States citizens by certain international organizations

Not less than 180 days after October 28, 1991, and each year thereafter, the Secretary of State shall submit a report to the Congress concerning each international organization which had a geographic distribution formula in effect on January 1, 1991, of whether each such organization—

(1) is taking good faith steps to increase the staffing of United States citizens; and

(2) has met its geographic distribution formula.

(Pub. L. 102–138, title I, § 181, Oct. 28, 1991, 105 Stat. 682.)

SUBCHAPTER I—CANADA-UNITED STATES INTERPARLIAMENTARY GROUP

§ 276d. United States group; appointment; term; meetings

Not to exceed twenty-four Members of Congress shall be appointed to meet jointly and at least annually and when Congress is not in session (except that this restriction shall not apply during the first session of the Eighty-sixth Congress or to meetings held in the United States) with representatives of the House of Commons and Senate of the Canadian Parliament for discussion of common problems in the interests of relations between the United States and Canada. Of the Members of the Congress to be appointed for the purposes of this subchapter (hereinafter designated as the United States group) half shall be appointed by the Speaker of the House from Members of the House (not less than four of whom shall be from the Foreign Affairs Committee), and half shall be appointed by the President of the Senate upon recommendations of the majority and minority leaders of the Senate from Members of the Senate (not less than four of whom shall be from the Foreign Relations Committee).

Such appointments shall be for the period of each meeting of the Canada-United States Interparliamentary group except for the four members of the Foreign Affairs Committee and the four members of the Foreign Relations Committee, whose appointments shall be for the duration of each Congress.

The Chairman or Vice Chairman of the House delegation shall be a Member from the Foreign Affairs Committee, and, unless the President of the Senate, upon the recommendation of the Majority Leader, determines otherwise, the Chairman or Vice Chairman of the Senate delegation shall be a Member from the Foreign Relations Committee.

(Pub. L. 86–42, § 1, June 11, 1959, 73 Stat. 72; Pub. L. 95–45, § 4(a), June 15, 1977, 91 Stat. 222; Pub. L. 103–437, § 9(a)(3), Nov. 2, 1994, 108 Stat. 4588.)

AMENDMENTS

1994—Pub. L. 103–437 substituted ''Foreign Affairs'' for ''International Relations'' wherever appearing.

1977—Pub. L. 95–45 substituted ''International Relations Committee'' for ''Foreign Affairs Committee'' as the name of the House Committee from which not less

than four of the House appointees must be drawn, inserted requirement that the appointment of the Senate appointees by the President of the Senate be made upon the recommendations of the majority and minority leaders of the Senate, and inserted provision that the Chairman or Vice Chairman of the House delegation be a Member from the International Relations Committee, and, unless the President of the Senate, upon the recommendation of the Majority Leader, determines otherwise, the Chairman or Vice Chairman of the Senate delegation be a Member from the Foreign Relations Committee.

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.

§ 276e. Authorization of appropriations; disbursements

An appropriation of $150,000 annually is authorized, $75,000 of which shall be for the House delegation and $75,000 for the Senate delegation, or so much thereof as may be necessary, to assist in meeting the expenses of the United States group of the Canada-United States Interparliamentary group for each fiscal year for which an appropriation is made, the House and Senate portions of such appropriation to be disbursed on vouchers to be approved by the Chairman of the House delegation and the Chairman of the Senate delegation, respectively.

(Pub. L. 86–42, § 2, June 11, 1959, 73 Stat. 72; Pub. L. 94–350, title I, § 118(a), July 12, 1976, 90 Stat. 827; Pub. L. 103–236, title V, § 502(a)(2), Apr. 30, 1994, 108 Stat. 462; Pub. L. 107–77, title IV, § 408(b)(3), Nov. 28, 2001, 115 Stat. 791.)

AMENDMENTS

2001—Pub. L. 107–77 substituted ''$150,000'' for ''$70,000'' and substituted ''$75,000'' for ''$35,000'' in two places.

1994—Pub. L. 103–236 substituted ''$70,000'' for ''$50,000'' and substituted ''$35,000'' for ''$25,000'' in two places.

1976—Pub. L. 94–350 increased annual appropriations authorization to $50,000 from $30,000 and amount for the House and Senate delegations to $25,000 from $15,000.

PERMANENT APPROPRIATION FOR DELEGATION EXPENSES

Pub. L. 105–277, div. G, subdiv. B, title XXV, § 2503(e), Oct. 21, 1998, 112 Stat. 2681–837, provided that: ''Unobligated balances of appropriations made under section 303 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act 1988 (as contained in section 101(a) of the Continuing Appropriations Act, 1988; Public Law 100–202 [set out below]) that are available as of the day before the date of enactment of this Act [Oct. 21, 1998] shall be transferred on such date to the general fund of the Treasury of the United States.''

Pub. L. 103–236, title V, § 502(b), Apr. 30, 1994, 108 Stat. 462, provided that: ''Funds appropriated and disbursed pursuant to section 303 of Title III [of section 101(a)] of Public Law 100–202 (101 Stat. 1329–23; 22 U.S.C. 276 note [now 276e note]) are authorized to be deposited in interest-bearing accounts and any interest which accrues shall be deposited, periodically, in a miscellaneous account of the Treasury.''

Pub. L. 100–202, § 101(a) [title III, § 303], Dec. 22, 1987, 101 Stat. 1329, 1329–23, as amended by Pub. L. 100–459, title III, § 303(a), Oct. 1, 1988, 102 Stat. 2207; Pub. L. 101–515, title III, § 304(a), Nov. 5, 1990, 104 Stat. 2128; Pub. L. 105–277, div. G, subdiv. B, title XXV, § 2503(c), Oct. 21, 1998, 112 Stat. 2681–837; Pub. L. 107–77, title IV, § 408(a), Nov. 28, 2001, 115 Stat. 790, provided that: ''There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, a total of $620,000 for each fiscal year to carry out (in accordance with the respective authorization amounts) section 2(2) of Public Law 84–689 [22 U.S.C. 1928b(2)], section 2 of Public Law 86–42 [22 U.S.C. 276e], section 2 of Public Law 86–420 [22 U.S.C. 276i], and section 109(b) and (c) of the Department of State Authorization Act, Fiscal Years 1984 and 1985 [§ 109(b), (c) of Pub. L. 98–164, title I, Nov. 22, 1983, 97 Stat. 1019, set out as a note under section 276*l* of this title].. [sic] These funds may be disbursed to each delegation, pursuant to vouchers in accordance with the applicable provisions of law, at any time requested by the Chairman of the delegation after that fiscal year begins.''

[Pub. L. 107–77, title IV, § 408(a), Nov. 28, 2001, 115 Stat. 790, which directed the amendment of section 101(a) [title III, § 303] of Pub. L. 100–202, set out above, by substituting ''$620,000'' for ''$440,000'', was executed by making the substitution for ''$350,000'' to reflect the probable intent of Congress and the amendment by Pub. L. 105–277, § 2503(c)(1).]

[Pub. L. 100–459, title III, § 303(c), Oct. 1, 1988, 102 Stat. 2207, provided that: ''The amendments made by this section [amending section 101(a) [title III, § 303] of Pub. L. 100–202, set out above] shall take effect on October 1, 1988.'']

§ 276f. Report to Congress

The United States group of the Canada-United States Interparliamentary group shall submit to the Congress a report for each fiscal year for which an appropriation is made including its expenditures under such appropriation.

(Pub. L. 86–42, § 3, June 11, 1959, 73 Stat. 73.)

§ 276g. Auditing of accounts

The certificate of the Chairman of the House delegation or the Senate delegation of the Canada-United States Interparliamentary group shall hereafter be final and conclusive upon the accounting officers in the auditing of the accounts of the United States group of the Canada-United States Interparliamentary group.

(Pub. L. 86–42, § 4, June 11, 1959, 73 Stat. 73.)

SUBCHAPTER II—MEXICO-UNITED STATES INTERPARLIAMENTARY GROUP

§ 276h. United States group; appointment; term; meetings

Not to exceed twenty-four Members of Congress shall be appointed to meet jointly and at least annually with representatives of the Chamber of Deputies and Chamber of Senators of the Mexican Congress for discussion of common problems in the interests of relations between the United States and Mexico. Of the Members of the Congress to be appointed for the purposes of this subchapter (hereinafter designated as the United States group) half shall be appointed by the Speaker of the House from Members of the House (not less than four of whom shall be from the Foreign Affairs Committee), and half shall be appointed by the President of the Senate upon recommendations of the majority and minority leaders of the Senate from Members of the Senate (not less than four of whom shall be from the Foreign Relations Committee). Such appointments shall be for the period of each meeting of the Mexico-United

States Interparliamentary group except for the four members of the Foreign Affairs Committee, and the four members of the Foreign Relations Committee, whose appointments shall be for the duration of each Congress. The Chairman or Vice Chairman of the House delegation shall be a Member from the Foreign Affairs Committee, and, unless the President of the Senate, upon the recommendation of the Majority Leader, determines otherwise, the Chairman or Vice Chairman of the Senate delegation shall be a Member from the Foreign Relations Committee.

(Pub. L. 86–420, § 1, Apr. 9, 1960, 74 Stat. 40; Pub. L. 95–45, § 4(b), June 15, 1977, 91 Stat. 222; Pub. L. 103–437, § 9(a)(4), Nov. 2, 1994, 108 Stat. 4588.)

AMENDMENTS

1994—Pub. L. 103–437 substituted ''Foreign Affairs'' for ''International Relations'' wherever appearing.

1977—Pub. L. 95–45 substituted ''International Relations Committee'' for ''Foreign Affairs Committee'' as the name of the House Committee from which not less than four of the House appointees must be drawn, inserted requirement that the appointment of the Senate appointees by the President of the Senate be made upon the recommendations of the majority and minority leaders of the Senate, and inserted provision that the Chairman or Vice Chairman of the House delegation be a Member from the International Relations Committee, and, unless the President of the Senate, upon the recommendation of the Majority Leader, determines otherwise, the Chairman or Vice Chairman of the Senate delegation be a Member from the Foreign Relations Committee.

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.

§ 276i. Authorization of appropriations; disbursements

An appropriation of $120,000 annually is authorized, $60,000 of which shall be for the House delegation and $60,000 for the Senate delegation, or so much thereof as may be necessary, to assist in meeting the expenses of the United States group of the Mexico-United States Interparliamentary group for each fiscal year for which an appropriation is made, the House and Senate portions of such appropriation to be disbursed on vouchers to be approved by the Chairman of the House delegation and the Chairman of the Senate delegation, respectively.

(Pub. L. 86–420, § 2, Apr. 9, 1960, 74 Stat. 40; Pub. L. 94–350, title I, § 118(b), July 12, 1976, 90 Stat. 827; Pub. L. 101–515, title III, § 304(c), Nov. 5, 1990, 104 Stat. 2129; Pub. L. 103–236, title V, § 502(a)(1), Apr. 30, 1994, 108 Stat. 461; Pub. L. 107–77, title IV, § 408(b)(2), Nov. 28, 2001, 115 Stat. 790.)

AMENDMENTS

2001—Pub. L. 107–77 substituted ''$120,000'' for ''$80,000'' and substituted ''$60,000'' for ''$40,000'' in two places.

1994—Pub. L. 103–236 substituted ''$80,000'' for ''$100,000'' and substituted ''$40,000'' for ''$50,000'' in two places.

1990—Pub. L. 101–515 substituted ''$100,000'' for ''$50,000'' and ''$50,000'' for ''$25,000'' in two places.

1976—Pub. L. 94–350 increased annual appropriations authorization to $50,000 from $30,000 and amount for the House and Senate delegations to $25,000 from $15,000.

PERMANENT APPROPRIATION FOR DELEGATION EXPENSES

A permanent appropriation to carry out this section is contained in section 101(a) [title III, § 303] of Pub. L. 100–202, as amended, set out as a note under section 276e of this title.

§ 276j. Report to Congress

The United States group of the Mexico-United States Interparliamentary group shall submit to the Congress a report for each fiscal year for which an appropriation is made including its expenditures under such appropriation.

(Pub. L. 86–420, § 3, Apr. 9, 1960, 74 Stat. 40.)

§ 276k. Auditing of accounts

The certificate of the Chairman of the House delegation or the Senate delegation of the Mexico-United States Interparliamentary group shall on and after April 9, 1960 be final and conclusive upon the accounting officers in the auditing of the accounts of the United States group of the Mexico-United States Interparliamentary group.

(Pub. L. 86–420, § 4, Apr. 9, 1960, 74 Stat. 40.)

SUBCHAPTER II–A—BRITISH-AMERICAN INTERPARLIAMENTARY GROUP

§ 276*l*. British-American Interparliamentary Group

(a) Establishment and meetings

Not to exceed 24 Members of Congress shall be appointed to meet annually and when the Congress is not in session (except that this restriction shall not apply to meetings held in the United States), with representatives of the House of Commons and the House of Lords of the Parliament of Great Britain for discussion of common problems in the interest of relations between the United States and Great Britain. The Members of Congress so appointed shall be referred to as the ''United States group'' of the United States Interparliamentary Group.

(b) Appointment of Members

Of the Members of Congress appointed for purposes of this section—

(1) half shall be appointed by the Speaker of the House of Representatives from among Members of the House (not less than 4 of whom shall be members of the Committee on Foreign Affairs), and

(2) half shall be appointed by the President Pro Tempore of the Senate, upon recommendations of the majority and minority leaders of the Senate, from among Members of the Senate (not less than 4 of whom shall be members of the Committee on Foreign Relations) unless the majority and minority leaders of the Senate determine otherwise.

(c) Chair and Vice Chair

(1) The Chair or Vice Chair of the House delegation of the United States group shall be a member from the Committee on Foreign Affairs.

(2) The President Pro Tempore of the Senate shall designate the Chair or Vice Chair of the Senate delegation.

(d) Funding

There is authorized to be appropriated $50,000 for each fiscal year to assist in meeting the ex-

penses of the United States group for each fiscal year for which an appropriation is made, half of which shall be for the House delegation and half of which shall be for the Senate delegation. The House and Senate portions of such appropriations shall be disbursed on vouchers to be approved by the Chair of the House delegation and the Chair of the Senate delegation, respectively.

(e) Certification of expenditures

The certificate of the Chair of the House delegation or the Senate delegation of the United States group shall be final and conclusive upon the accounting officers in the auditing of the accounts of the United States group.

(f) Annual report

The United States group shall submit to the Congress a report for each fiscal year for which an appropriation is made for the United States group, which shall include its expenditures under such appropriation.

(Pub. L. 102–138, title I, § 168, Oct. 28, 1991, 105 Stat. 676.)

CODIFICATION

Section is comprised of section 168 of Pub. L. 102–138. Subsec. (g) of section 168 of Pub. L. 102–138 amended section 1928e of this title.

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.

APPROPRIATIONS FOR EXPENSES OF INTERPARLIAMENTARY GROUPS

Pub. L. 98–164, title I, § 109(b), (c), Nov. 22, 1983, 97 Stat. 1019, as amended by Pub. L. 99–415, § 7(b), Sept. 19, 1986, 100 Stat. 949; Pub. L. 100–459, title III, § 303(b), Oct. 1, 1988, 102 Stat. 2207; Pub. L. 101–515, title III, § 304(b), Nov. 5, 1990, 104 Stat. 2128; Pub. L. 106–113, div. B, § 1000(a)(7) [div. A, title VII, § 701(a)], Nov. 29, 1999, 113 Stat. 1536, 1501A–459; Pub. L. 107–77, title IV, § 408(b)(4), Nov. 28, 2001, 115 Stat. 791, provided that:

''(b) There are authorized to be appropriated each fiscal year $100,000, to be equally divided between delegations of the Senate and the House of Representatives, to assist in meeting the expenses of the United States Group of the British-American Parliamentary Group. Amounts appropriated under this section [amending section 1928e of this title and enacting this note] are authorized to remain available until expended.

''(c) There are authorized to be appropriated for each fiscal year $50,000 for expenses of United States participation in the Transatlantic Legislators' Dialogue (United States-European Union Interparliamentary Group).''

[A permanent appropriation to carry out section 109(b) and (c) of Pub. L. 98–164, set out above, is contained in section 101(a) [title III, § 303] of Pub. L. 100–202, set out as a Permanent Appropriation for Delegation Expenses note under section 276e of this title.]

SUBCHAPTER II–B—UNITED STATES DELEGATION TO PARLIAMENTARY ASSEMBLY OF CONFERENCE ON SECURITY AND COOPERATION IN EUROPE (CSCE)

§ 276m. United States Delegation to Parliamentary Assembly of Conference on Security and Cooperation in Europe (CSCE)

(a) Establishment

In accordance with the allocation of seats to the United States in the Parliamentary Assembly of the Conference on Security and Cooperation in Europe (hereinafter referred to as the ''CSCE Assembly'') not to exceed 17 Members of Congress shall be appointed to meet jointly and annually with representative parliamentary groups from other Conference on Security and Cooperation in Europe (CSCE) member-nations for the purposes of—

(1) assessing the implementation of the objectives of the CSCE;

(2) discussing subjects addressed during the meetings of the Council of Ministers for Foreign Affairs and the biennial Summit of Heads of State or Government;

(3) initiating and promoting such national and multilateral measures as may further cooperation and security in Europe.

(b) Appointment of Delegation

For each meeting of the CSCE Assembly, there shall be appointed a United States Delegation, as follows:

(1) In 1992 and every even-numbered year thereafter, 9 Members shall be appointed by the Speaker of the House from Members of the House (not less than 4 of whom, including the Chairman of the United States Delegation, shall be from the Committee on Foreign Affairs); and 8 Members shall, upon recommendations of the Majority and Minority leaders of the Senate, be appointed by the President Pro Tempore of the Senate from Members of the Senate (not less than 4 of whom, including the Vice Chairman of the United States Delegation, shall be from the Committee on Foreign Relations, unless the President Pro Tempore of the Senate, upon recommendations of the Majority and Minority leaders of the Senate, determines otherwise).

(2) In every odd-numbered year beginning in 1993, 9 Members shall, upon recommendation of the Majority and Minority Leaders[1] of the Senate, be appointed by the President Pro Tempore of the Senate from Members of the Senate (not less than 4 of whom, including the Chairman of the United States Delegation, shall be from the Committee on Foreign Relations, unless the President Pro Tempore of the Senate, upon recommendations of the Majority and Minority leaders of the Senate, determines otherwise); and 8 Members shall be appointed by the Speaker of the House from Members of the House (not less than 4 of whom, including the Vice Chairman, shall be from the Committee on Foreign Affairs).

(c) Administrative support

For the purpose of providing general staff support and continuity between successive delegations, each United States Delegation shall have 2 secretaries (one of whom shall be appointed by the Chairman of the Committee on Foreign Affairs of the House of Representatives and one of whom shall be appointed by the Chairman of the Delegation of the Senate).

(d) Funding

(1) United States participation

There is authorized to be appropriated for each fiscal year $80,000 to assist in meeting the

[1] So in original. Probably should not be capitalized.

expenses of the United States delegation.[2] For each fiscal year for which an appropriation is made under this subsection, half of such appropriation may be disbursed on voucher to be approved by the Chairman and half of such appropriation may be disbursed on voucher to be approved by the Vice Chairman.

(2) Availability of appropriations

Amounts appropriated pursuant to this subsection are authorized to be available until expended.

(e) Annual report

The United States Delegation shall, for each fiscal year for which an appropriation is made, submit to the Congress a report including its expenditures under such appropriation. The certificate of the Chairman and Vice Chairman of the United States Delegation shall be final and conclusive upon the accounting officers in the auditing of the accounts of the United States Delegation.

(Pub. L. 102–138, title I, § 169, Oct. 28, 1991, 105 Stat. 677.)

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.

EX. ORD. NO. 13029. CHANGE OF NAME OF CONFERENCE ON SECURITY AND COOPERATION IN EUROPE

Ex. Ord. No. 13029, Dec. 3, 1996, 61 F.R. 64591, provided in part that effective Jan. 1, 1995, the Conference on Security and Cooperation in Europe would be called the Organization for Security and Cooperation in Europe.

SUBCHAPTER III—KERMIT ROOSEVELT FUND

§ 276aa. Establishment of the Kermit Roosevelt fund; creation and composition of board of trustees

There is established in the Department of the Army a board to be known as the Trustees of the Kermit Roosevelt Fund, whose duty it shall be properly to administer all money and property which on and after July 2, 1945, may come under its control as part of the Kermit Roosevelt fund, created pursuant to section 276bb of this title. The board shall be composed of the Chief of Finance, United States Army, ex officio, and three general officers of the Army who shall be appointed to the board and may be replaced thereon by the Secretary of the Army.

(July 2, 1945, ch. 228, § 1, 59 Stat. 316; July 26, 1947, ch. 343, title II, § 205(a), 61 Stat. 501.)

CODIFICATION

Section was formerly classified to section 224 of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89–554, § 1, Sept. 6, 1966, 80 Stat. 378.

CHANGE OF NAME

Department of War designated Department of the Army and title of Secretary of War changed to Secretary of the Army by section 205(a) of act July 26, 1947, ch. 343, title II, 61 Stat. 501. Section 205(a) of act July 26, 1947, was repealed by section 53 of act Aug. 10, 1956, ch. 1041, 70A Stat. 641. Section 1 of act Aug. 10, 1956, enacted "Title 10, Armed Forces" which in sections 3010 to 3013 continued Department of the Army under administrative supervision of Secretary of the Army.

§ 276bb. Acceptance of funds and property from Mrs. Kermit Roosevelt; purpose and use; disbursement and investment of fund

The board is authorized to accept from Mrs. Kermit Roosevelt such money and property as she may tender, to receipt therefor on behalf of the United States, and to deposit the funds so received in the Treasury of the United States as the original corpus of a trust fund, to be known as the Kermit Roosevelt fund, which shall be used for the purpose of fostering a better understanding and a closer relationship between the military forces of the United States and those of the United Kingdom by sponsoring lectures or courses of instruction to be delivered by officers of the British Army at the United States Military Academy and elsewhere in the United States and by officers of the United States Army at Sandhurst Royal Military College and elsewhere in the United Kingdom or, should such exchange lectures prove or become impracticable or unnecessary for any reason, by such other application of the funds as the board, with the approval of the Secretary of the Army may determine. The original corpus of the fund and the income therefrom may be disbursed at the discretion of the board in furtherance of the stated purpose, and shall be subject to investment and reinvestment as provided in section 276cc of this title.

(July 2, 1945, ch. 228, § 2, 59 Stat. 316; July 26, 1947, ch. 343, title II, § 205(a), 61 Stat. 501.)

CODIFICATION

Section was formerly classified to section 225 of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89–554, § 1, Sept. 6, 1966, 80 Stat. 378.

CHANGE OF NAME

Department of War designated Department of the Army and title of Secretary of War changed to Secretary of the Army by section 205(a) of act July 26, 1947, ch. 343, title II, 61 Stat. 501. Section 205(a) of act July 26, 1947, was repealed by section 53 of act Aug. 10, 1956, ch. 1041, 70A Stat. 641. Section 1 of act Aug. 10, 1956, enacted "Title 10, Armed Forces" which in sections 3010 to 3013 continued Department of the Army under administrative supervision of Secretary of the Army.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 276aa, 276dd, 276ee of this title.

§ 276cc. Acceptance of funds and property from other sources; limitation; disbursement and investment

The board is also authorized to accept, receive, hold, and administer gifts, bequests and devises of money, securities, or other property, whether real or personal, from any source, for the benefit of the Kermit Roosevelt fund, but no such gift, bequest, or devise which entails any expenditure not to be met out of the gift, be-

[2] So in original. Probably should be capitalized.

quest, devise, or the income thereof shall be accepted without the consent of Congress. Such additional sums or property shall be receipted for by the Chief of Finance and may, at the discretion of the board and unless otherwise restricted by the terms of the gift, bequest, or devise, be administered and disbursed in the same manner as the original corpus of the fund and the income therefrom. The board may in its discretion sell or exchange securities or other property given, bequeathed, or devised to or for the benefit of the Kermit Roosevelt fund, and may invest and reinvest the proceeds thereof, together with any other moneys in the fund, in such investments as it may determine from time to time: *Provided, however*, That the board is not authorized to engage in any business, nor shall it make any investments for the account of the fund which could not lawfully be made by a trust company in the District of Columbia, except that it may make any investment directly authorized by the instrument of gift, bequest, or devise under which the funds to be invested are derived, and may retain any investments accepted by it.

(July 2, 1945, ch. 228, § 3, 59 Stat. 317.)

CODIFICATION

Section was formerly classified to section 226 of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89–554, § 1, Sept. 6, 1966, 80 Stat. 378.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 276bb, 276ee of this title.

§ 276dd. Income from property covered into Treasury; disbursement and investment

The income from any property held or administered by the board, as and when collected, shall be deposited in the Treasury of the United States to the credit of the trust fund established pursuant to section 276bb of this title, and it shall be and remain subject to investment, reinvestment, and disbursement by the board for the uses and purposes set forth herein.

(July 2, 1945, ch. 228, § 4, 59 Stat. 317.)

CODIFICATION

Section was formerly classified to section 227 of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89–554, § 1, Sept. 6, 1966, 80 Stat. 378.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 276ee of this title.

§ 276ee. Powers of board; personal liability of members; compensation; decisions reviewable by Secretary of the Army; annual report; jurisdiction of court

The board shall have all the usual powers of a trustee in respect to all property administered by it, but the members of the board shall not be personally liable, except for misfeasance, on account of any acts performed in their trust capacity. The members of the board shall not be required to furnish bond, and no additional compensation shall accrue to any of them on account of their duties as trustees. Within the limits prescribed by sections 276bb to 276dd of this title, the administration, control, and expenditure of this fund and its application to the purposes intended shall be according to the sole discretion of the board, and the exercise of its discretion and authority in regard thereto and its decisions thereon, including any payments made or authorized by it to be made from the Kermit Roosevelt fund, shall not be subject to review except by the Secretary of the Army, to whom the board shall, on the 1st day of January, each year, render a full report of its activities during the preceding twelve months. The actions of the board shall not be subject to judicial review except in an action brought in the United States District Court for the District of Columbia, which is given jurisdiction of such suits, for the purpose of enforcing the provisions of any trust accepted by the board.

(July 2, 1945, ch. 228, § 5, 59 Stat. 317; July 26, 1947, ch. 343, title II, § 205(a), 61 Stat. 501.)

CODIFICATION

Section was formerly classified to section 228 of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89–554, § 1, Sept. 6, 1966, 80 Stat. 378.

CHANGE OF NAME

Department of War designated Department of the Army and title of Secretary of War changed to Secretary of the Army by section 205(a) of act July 26, 1947, ch. 343, title II, 61 Stat. 501. Section 205(a) of act July 26, 1947, was repealed by section 53 of act Aug. 10, 1956, ch. 1041, 70A Stat. 641. Section 1 of act Aug. 10, 1956, enacted "Title 10, Armed Forces" which in sections 3010 to 3013 continued Department of the Army under administrative supervision of Secretary of the Army.

SUBCHAPTER IV—INTERNATIONAL BOUNDARY AND WATER COMMISSION

§ 277. International Boundary Commission, United States and Mexico; study of boundary waters

The President is authorized to designate the American Commissioner on the International Boundary Commission, United States and Mexico, or other Federal agency, to cooperate with a representative or representatives of the Government of Mexico in a study regarding the equitable use of the waters of the lower Rio Grande and the lower Colorado and Tia Juana Rivers, for the purpose of obtaining information which may be used as a basis for the negotiation of a treaty with the Government of Mexico relative to the use of the waters of these rivers and to matters closely related thereto. On completion of such study the results shall be reported to the Secretary of State.

(May 13, 1924, ch. 153, § 1, 43 Stat. 118; Mar. 3, 1927, ch. 381, § 1, 44 Stat. 1403; Aug. 19, 1935, ch. 561, 49 Stat. 660.)

AMENDMENTS

1935—Act Aug. 19, 1935, created the International Boundary Commission to take the place of the three special commissioners.

1927—Act Mar. 3, 1927, provided for a study of Tia Juana River in addition to the lower Rio Grande and Colorado Rivers.

CHANGE OF NAME

International Boundary Commission, United States and Mexico, American section, to which powers, duties, and functions of International Water Commission, United States and Mexico, American section, were transferred by act June 30, 1932, ch. 314, § 510, 47 Stat. 417, reconstituted as International Boundary and Water Commission by Water Treaty of 1944.

SHORT TITLE

Pub. L. 100–465, Oct. 3, 1988, 102 Stat. 2272, which enacted sections 277g to 277g–3 of this title, is known as the Rio Grande Pollution Correction Act of 1987. For complete classification of this Act to the Code, see Short Title note set out under section 277g of this title and Tables.

Pub. L. 92–549, Oct. 25, 1972, 86 Stat. 1161, which enacted sections 277d–34 to 277d–42 of this title, is known as the American-Mexican Boundary Treaty Act of 1972. For complete classification of this Act to the Code, see Short Title note set out under section 277d–34 of this title and Tables.

Pub. L. 88–300, Apr. 29, 1964, 78 Stat. 184, which enacted sections 277d–17 to 277d–25 of this title, is known as the American-Mexican Chamizal Convention Act of 1964. For complete classification of this Act to the Code, see Short Title note set out under section 277d–17 of this title and Tables.

Act Sept. 13, 1950, ch. 948, 64 Stat. 846, which enacted sections 277d–1 to 277d–9 of this title, is known as the American-Mexican Treaty Act of 1950. For complete classification of this Act to the Code, see Short Title note set out under section 277d–1 of this title and Tables.

REPEALS

Act Mar. 3, 1927, cited as a credit to this section, was repealed by Pub. L. 89–554, § 8(a), Sept. 6, 1966, 80 Stat. 647.

ANNUAL APPROPRIATIONS

Annual appropriations to meet the obligations of membership in various international organizations were contained in acts listed in a note set out under section 269a of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 277c, 277d of this title.

§ 277a. Investigations of commission; construction of works or projects

The Secretary of State, acting through the American Commissioner, International Boundary Commission, United States and Mexico, is further authorized to conduct technical and other investigations relating to the defining, demarcation, fencing, or monumentation of the land and water boundary between the United States and Mexico, to flood control, water resources, conservation, and utilization of water, sanitation and prevention of pollution, channel rectification, stabilization, drainage of transboundary storm waters, and other related matters upon the international boundary between the United States and Mexico; and to construct and maintain fences, monuments and other demarcations of the boundary line between the United States and Mexico, and sewer systems, water systems, and electric light, power and gas systems crossing the international border, and to continue such work and operations through the American Commissioner as are now in progress and are authorized by law.

The President is authorized and empowered to construct, operate, and maintain on the Rio Grande River below Fort Quitman, Texas, any and all works or projects which are recommended to the President as the result of such investigations and by the President are deemed necessary and proper.

(May 13, 1924, ch. 153, § 2, 43 Stat. 118; Mar. 3, 1927, ch. 381, § 2, 44 Stat. 1403; Aug. 19, 1935, ch. 561, 49 Stat. 660; Pub. L. 101–246, title IV, § 412(b)(2), Feb. 16, 1990, 104 Stat. 70.)

AMENDMENTS

1990—Pub. L. 101–246 inserted reference to drainage of transboundary storm waters.

1935—Act Aug. 19, 1935, amended section generally.

1927—Act Mar. 3, 1927, increased appropriation from $20,000 to $50,000.

CHANGE OF NAME

International Boundary Commission, United States and Mexico, American section, to which powers, duties, and functions of International Water Commission, United States and Mexico, American section, were transferred by act June 30, 1932, ch. 314, § 510, 47 Stat. 417, reconstituted as International Boundary and Water Commission by Water Treaty of 1944.

REPEALS

Act Mar. 3, 1927, cited as a credit to this section, was repealed by Pub. L. 89–554, § 8(a), Sept. 6, 1966, 80 Stat. 647.

WATER RESOURCES PLANNING

Jurisdiction, powers, or prerogatives of the International Boundary and Water Commission, United States and Mexico, unaffected by Water Resources Planning Act, see section 1962–1 of Title 42, The Public Health and Welfare.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 277c, 277d of this title.

§ 277b. Works or projects under treaty

(a) Construction, operation, maintenance, and supervision; sewage interceptor system

The President is further authorized (1) to construct any project or works which may be provided for in a treaty entered into with Mexico and to repair, protect, maintain, or complete works now existing or now under construction or those that may be constructed under the treaty provisions aforesaid; and to construct any project or works designed to facilitate compliance with the provisions of treaties between the United States and Mexico; (2) to operate and maintain any project or works so constructed or, subject to such rules and regulations for continuing supervision by the said American Commissioner or any Federal agency as the President may cause to be promulgated, to turn over the operation and maintenance of such project or works to any Federal agency, or any State, county, municipality, district, or other political subdivision within which such project or works may be in whole or in part situated, upon such terms, conditions, and requirements as the President may deem appropriate; and (3) to carry out preliminary surveys, operations, and maintenance of the interceptor system constructed to intercept sewage flows from Tijuana from selected canyon areas.

(b) Rio Grande bank protection project

Expenditures for the Rio Grande bank protection project shall be subject to the provisions

and conditions made with respect to that project in the first undesignated paragraph under the heading ''INTERNATIONAL OBLIGATIONS'' contained in the Act of April 25, 1945 (59 Stat. 89).

(c) Anzalduas diversion dam

The Anzalduas diversion dam shall not be operated for irrigation or water supply purposes in the United States unless suitable arrangements have been made with the prospective water users for repayment to the Government of the United States for such portions of the dam as shall have been allocated to such purposes by the Secretary of State.

(d) Improvements to Rio Grande Canalization Project

Pursuant to the authority of subsection (a) of this section and in order to facilitate further compliance with the terms of the Convention for Equitable Distribution of the Waters of the Rio Grande, May 21, 1906, United States-Mexico, the Secretary of State, acting through the United States Commissioner of the International Boundary and Water Commission, may make improvements to the Rio Grande Canalization Project, originally authorized by the Act of August 29, 1935 (49 Stat. 961). Such improvements may include all such works as may be needed to stabilize the Rio Grande in the reach between the Percha Diversion Dam in New Mexico and the American Diversion Dam in El Paso.

(May 13, 1924, ch. 153, § 3, as added Aug. 19, 1935, ch. 561, 49 Stat. 660; amended Pub. L. 101–246, title IV, § 412(b)(1), Feb. 16, 1990, 104 Stat. 70; Pub. L. 104–319, title I, § 104, Oct. 19, 1996, 110 Stat. 3866.)

REFERENCES IN TEXT

The first undesignated paragraph under the heading ''INTERNATIONAL OBLIGATIONS'' contained in the Act of April 25, 1945 (59 Stat. 89), referred to in subsec. (b), is not classified to the Code.

AMENDMENTS

1996—Subsec. (d). Pub. L. 104–319 added subsec. (d).

1990—Pub. L. 101–246 designated existing provisions as subsec. (a), redesignated cls. (a) and (b) as (1) and (2), respectively, added cl. (3), and added subsecs. (b) and (c).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 277c, 277d of this title.

§ 277c. Agreements with political subdivisions; acquisition of lands

In order to carry out the provisions of sections 277 to 277d of this title, the President, or any Federal agency he may designate is authorized, (a) in his discretion, to enter into agreements with any one or more of said political subdivisions, in connection with the construction of any project or works provided for in paragraph (2) of section 277a and section 277b of this title, under the terms of which agreements there shall be furnished to the United States, gratuitously, except for the examination and approval of titles, the lands or easements in lands necessary for the construction, operation, and maintenance in whole or in part of any such project or works, or for the assumption by one or more of any such political subdivisions making such agreement, of the operation and maintenance of such project or works in whole or in part upon the completion thereof: *Provided, however*, That when an agreement is reached that necessary lands or easements shall be provided by any such political subdivision and for the future operation and maintenance by it of a project or works or a part thereof, in the discretion of the President the title to such lands and easements for such projects or works need not be required to be conveyed to the United States but may be required only to be vested in and remain in such political subdivision; (b) to acquire by purchase, exercise of the power of eminent domain, or by donation, any real or personal property which may be necessary; (c) to withdraw from sale, public entry or disposal of such public lands of the United States as he may find to be necessary and thereupon the Secretary of the Interior shall cause the lands so designated to be withdrawn from any public entry whatsoever, and from sale, disposal, location or settlement under the mining laws or any other law relating to the public domain and shall cause such withdrawal to appear upon the records in the appropriate land office having jurisdiction over such lands, and such lands may be used for carrying out the purposes of sections 277 to 277d of this title: *Provided*, That any such withdrawal may subsequently be revoked by the President; and (d) to make or approve all necessary rules and regulations.

(May 13, 1924, ch. 153, § 4, as added Aug. 19, 1935, ch. 561, 49 Stat. 660; amended May 22, 1936, ch. 447, 49 Stat. 1370.)

REPEALS

Clause (c), except the proviso thereof, repealed by Pub. L. 94–579, title VII, § 704(a), Oct. 21, 1976, 90 Stat. 2792, effective on and after Oct. 21, 1976.

REFERENCES IN TEXT

The mining laws, referred to in cl. (c), are classified generally to Title 30, Mineral Lands and Mining.

AMENDMENTS

1936—Act May 22, 1936, inserted ''paragraph (2) of section 277a''.

SAVINGS PROVISION

Repeal of cl. (c), except the proviso thereof, by Pub. L. 94–579, title VII, § 704(a), Oct. 21, 1976, 90 Stat. 2792, not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see note set out under section 1701 of Title 43, Public Lands.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 277d of this title.

§ 277d. Funds received from Mexico; expenditure

Any moneys contributed by or received from the United Mexican States for the purpose of cooperating or assisting in carrying out the provisions of sections 277 to 277d of this title shall be available for expenditure in connection with any appropriation which may be made for the purposes of such sections.

(May 13, 1924, ch. 153, § 5, as added Aug. 19, 1935, ch. 561, 49 Stat. 660.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 277c of this title.

§ 277d–1. Authorizations for Mexican treaty projects; acquisition of lands for relocation purposes; contracts and conveyances

The Secretary of State, acting through the United States Commissioner, International Boundary and Water Commission, United States and Mexico (herein referred to as the ''Commission''), in connection with any project under the jurisdiction of the United States Section, International Boundary and Water Commission, United States and Mexico, is authorized: (a) to purchase, or condemn, lands, or interests in lands, for relocation of highways, roadways, railroads, telegraph, telephone, or electric transmission lines, or any other properties whatsoever, the relocation of which, in the judgment of the said Commissioner, is necessitated by the construction or operation and maintenance of any such project, and to perform any or all work involved in said relocations on said lands, or interests in lands, other lands, or interests in lands, owned and held by the United States in connection with the construction or operation and maintenance of any such project, or properties not owned by the United States; (b) to enter into contracts with the owners of the said properties whereby they undertake to acquire any, or all, property needed for said relocation, or to perform any, or all, work involved in said relocations; and (c) for the purpose of effecting completely said relocations, to convey, or exchange Government properties acquired or improved under clause (a) of this section, with or without improvements, or other properties owned and held by the United States in connection with the construction or operation and maintenance of said project, or to grant term or perpetual easements therein or thereover. Grants or conveyances hereunder shall be by instruments executed by the Secretary of State without regard to provisions of law governing the patenting of public lands.

(Sept. 13, 1950, ch. 948, title I, § 101, 64 Stat. 846.)

SHORT TITLE

Section 1 of act Sept. 13, 1950, provided that: ''This Act [enacting this section and sections 277d–2 to 277d–9 of this title] may be cited as the 'American-Mexican Treaty Act of 1950'.''

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 277d–5 of this title.

§ 277d–2. Construction and maintenance of roads, highways, etc.; housing and other facilities for personnel

The United States Commissioner is authorized to construct, equip, and operate and maintain all access roads, highways, railways, power lines, buildings, and facilities necessary in connection with any such project, and in his discretion to provide housing, subsistence, and medical and recreational facilities for the officers, agents, and employees of the United States, and/or for the contractors and their employees engaged in the construction, operation, and maintenance of any such project, and to make equitable charges therefor, or deductions from the salaries and wages due employees, or from progress payments due contractors, upon such terms and conditions as he may determine to be to the best interest of the United States, the sums of money so charged and collected or deducted to be credited to the appropriation for the project current at the time the obligations are incurred.

(Sept. 13, 1950, ch. 948, title I, § 102, 64 Stat. 846.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 277d–5 of this title.

§ 277d–3. Authorization for appropriations; activities for which available; contracts for excess amounts

There are authorized to be appropriated to the Department of State for the use of the Commission, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to carry out the provisions of the Treaty of February 3, 1944, and other treaties and conventions between the United States of America and the United Mexican States, under which the United States Section operates, and to discharge the statutory functions and duties of the United States Section. Such sums shall be available for construction, operation and maintenance of stream gaging stations, and their equipment and sites therefor; personal services and rent in the District of Columbia and elsewhere; services, including those of attorneys and appraisers, in accordance with the provisions of section 3109 of title 5, at rates for individuals not in excess of the maximum daily rate for grade GS–15 of the General Schedule and the United States Commissioner is authorized, notwithstanding the provisions of any other Act, to employ as consultants by contract or otherwise without regard to chapter 51 and subchapter III of chapter 53 of title 5, and the civil-service laws and regulations, retired personnel of the Armed Forces of the United States, who shall not be required to revert to an active status; travel expense, including, in the discretion of the Commissioner, expenses of attendance at meetings of organizations concerned with the activities of the Commission which may be necessary for the efficient discharge of the responsibilities of the Commission; hire, with or without personal services, of work animals, and animal-drawn, and motor-propelled (including passenger) vehicles and aircraft and equipment; acquisition by donation, purchase, or condemnation, of real and personal property, including expenses of abstracts, certificates of title, and recording fees; purchase of ice and drinking water; inspection of equipment, supplies and materials by contract or otherwise; drilling and testing of foundations and dam sites, by contract if deemed necessary; payment for official telephone service in the field in case of official telephones installed in private houses when authorized under regulations established by the Commissioner; purchase of firearms and ammunition for guard purposes; official entertainment and other representation expenses within the United States for the United

States section; and such other objects and purposes as may be permitted by laws applicable, in whole or in part, to the United States Section: *Provided*, That, when appropriations have been made for the commencement or continuation of construction or operation and maintenance of any such project, the United States Commissioner, notwithstanding the provisions of sections 1341, 1342, and 1349 to 1351 and subchapter II of chapter 15 of title 31, and sections 11 and 12 of title 41, or any other law, may enter into contracts beyond the amount actually appropriated for so much of the work on any such authorized project as the physical and orderly sequence of construction makes necessary, such contracts to be subject to and dependent upon future appropriations by Congress: *Provided further*, That the United States Commissioner shall prepare, within 30 days after the end of each fiscal year, a report of all expenditures during that year for official entertainment and other representation expenses, which shall be available for public inspection.

(Sept. 13, 1950, ch. 948, title I, § 103, 64 Stat. 847; Pub. L. 88–448, title IV, § 402(a)(29), Aug. 19, 1964, 78 Stat. 494; Pub. L. 95–105, title V, § 514(c), Aug. 17, 1977, 91 Stat. 862; Pub. L. 102–138, title I, § 165, Oct. 28, 1991, 105 Stat. 676.)

REFERENCES IN TEXT

Grade GS–15, referred to in text, is contained in the General Schedule which is set out under section 5332 of Title 5, Government Organization and Employees.

The civil service laws, referred to in text, are set out in Title 5. See, particularly, section 3301 et seq. of Title 5.

CODIFICATION

''Section 3109 of title 5'' and ''chapter 51 and subchapter III of chapter 53 of title 5'' substituted in text for ''section 15 of the Act of August 2, 1946 (5 U.S.C. sec. 55a)'' and ''the Classification Act of 1949, as amended'', respectively, on authority of Pub. L. 89–554, § 7(b), Sept. 6, 1966, 80 Stat. 631, the first section of which enacted Title 5, Government Organization and Employees.

''Sections 1341, 1342, and 1349 to 1351 and subchapter II of chapter 15 of title 31'' substituted in text for reference to section 3679 of the Revised Statutes [31 U.S.C. 665] on authority of Pub. L. 97–258, § 4(b), Sept. 13, 1982, 96 Stat. 1067, the first section of which enacted Title 31, Money and Finance.

AMENDMENTS

1991—Pub. L. 102–138 inserted ''official entertainment and other representation expenses within the United States for the United States section;'' after ''guard purposes;'' and concluding provision that the United States Commissioner prepare, within 30 days after the end of each fiscal year, a report of all expenditures during that year for official entertainment and other representation expenses, with such report to be available for public inspection.

1977—Pub. L. 95–105 substituted ''the maximum daily rate for grade GS–15 of the General Schedule'' for ''$100 per diem''.

1964—Pub. L. 88–448 struck out provisions which permitted retired personnel of the Armed Forces of the United States employed by the Commission to receive as compensation for temporary service, the difference between the rates of pay established therefor and their retired pay during the period or periods of their temporary employment.

EFFECTIVE DATE OF 1977 AMENDMENT

Section 514(d) of Pub. L. 95–105 provided that: ''The amendments made by this section [amending this section and sections 277d–28 and 277d–31 of this title] shall take effect on October 1, 1977.''

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 277d–5, 277d–25 of this title.

§ 277d–4. Acquisition of properties of Imperial Irrigation District of California

The United States Commissioner, in order to comply with the provisions of articles 12 and 23 of the treaty of February 3, 1944, between the United States and Mexico, relating to the utilization of the waters of the Colorado and Tijuana Rivers and of the Rio Grande below Fort Quitman, Texas, is authorized to acquire, in the name of the United States, by purchase or by proceedings in eminent domain, the physical properties owned by the Imperial Irrigation District of California, located in the vicinity of Andrade, California, consisting of the Alamo Canal in the United States, the Rockwood Intake, the Hanlon Heading, the quarry, buildings used in connection with such facilities, and appurtenant lands, and to reconstruct, operate and maintain such properties in connection with the administration of said treaty.

(Sept. 13, 1950, ch. 948, title I, § 104, 64 Stat. 847.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 277d–5 of this title.

§ 277d–5. Availability of prior appropriations; restriction to projects agreed to under treaty

Funds heretofore appropriated to the Department of State under the heading ''International Boundary and Water Commission, United States and Mexico'' shall be available for the purposes of sections 277d–1 to 277d–5 of this title: *Provided*, That authorizations under said sections shall apply only to projects agreed upon by the two Governments in accordance with the treaty of February 3, 1944.

(Sept. 13, 1950, ch. 948, title I, § 105, 64 Stat. 848.)

§ 277d–6. Douglas-Agua Prieta Sanitation Project; operation by Commission; division of costs; contribution by City of Douglas, Arizona

The Secretary of State is authorized, notwithstanding any other provision of law and subject to the conditions provided in this section and section 277d–7 of this title, to enter into an agreement with the appropriate official or officials of the United Mexican States for the operation and maintenance by the International Boundary and Water Commission, United States and Mexico, of the Douglas-Agua Prieta sanitation project, located at Douglas, Arizona, and Agua Prieta, Sonora, Mexico, heretofore constructed by the said Commission, which agreement shall contain such provisions relating to a division between the two Governments of the costs of such operation and maintenance, or of the work involved therein, as may be recommended by said Commission and approved by the Government of Mexico and by the Secretary of State on behalf of the Government of the United States: *Provided*, That no such agreement shall be entered into until the governing body of

the city of Douglas, Arizona, has given assurances satisfactory to the Secretary of State that it will, so long as such agreement remains in force, contribute an equitable proportion, as determined by the United States Section of said Commission, subject to the approval of the Secretary of State, of the costs of such operation and maintenance allocated to the United States.

(Sept. 13, 1950, ch. 948, title II, § 201, 64 Stat. 848.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 277d–7 of this title.

§ 277d–7. Authorization for appropriations; availability of prior appropriations; use of moneys received

There is authorized to be appropriated to the United States Section, International Boundary and Water Commission, United States and Mexico, such sums as may be necessary to defray such costs as may accrue to the United States arising out of any such agreement for the operation and maintenance of such project: *Provided*, That funds heretofore appropriated to the Department of State under the heading ''International Boundary and Water Commission, United States and Mexico'', shall be available for expenditure for the purposes of this section and section 277d–6 of this title: *Provided further*, That any moneys received from the United Mexican States under the terms of any such agreement shall be available for expenditure in connection with any appropriations which may be available or which may be made for the purposes of said sections: *And provided further*, That moneys received from the city of Douglas, Arizona, pursuant to the provisions of said sections shall be available for expenditure in connection with any appropriations which may be available or which may be made available for the purposes of said sections.

(Sept. 13, 1950, ch. 948, title II, § 202, 64 Stat. 848.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 277d–6 of this title.

§ 277d–8. Calexico Mexicali Sanitation Project; operation by Commission; division of costs; contribution by City of Calexico, California

The Secretary of State is authorized, subject to the conditions provided in this section and section 277d–9 of this title, to enter into an agreement with the appropriate official or officials of the United Mexican States for the construction, operation, and maintenance by the International Boundary and Water Commission, United States and Mexico, of a sanitation project for the cities of Calexico, California, and Mexicali, Lower California, Mexico, which agreement shall contain such provisions relating to a division between the two Governments of the cost of such construction and operation and maintenance, or of the work involved therein, as may be recommended by the said Commission and approved by the Government of Mexico and by the Secretary of State on behalf of the Government of the United States: *Provided*, That no such agreement shall be entered into until the governing body of the city of Calexico, California, has given assurances satisfactory to the Secretary of State that, so long as such agreement remains in force, the city of Calexico will contribute an equitable proportion as determined by the United States Section of said Commission, subject to the approval of the Secretary of State, of the costs of such construction, operation, and maintenance allocated to the United States.

(Sept. 13, 1950, ch. 948, title III, § 301, 64 Stat. 848.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 277d–9 of this title.

§ 277d–9. Authorization for appropriations; availability of prior appropriations; use of moneys received

There is authorized to be appropriated to the United States section, International Boundary and Water Commission, United States and Mexico, such sums as may be necessary to defray such costs as may accrue to the United States arising out of any such agreement for the construction, operation, and maintenance of such project: *Provided*, That funds heretofore appropriated to the Department of State under the heading ''International Boundary and Water Commission, United States and Mexico'', shall be available for expenditure for the purposes of this section and section 277d–8 of this title: *Provided further*, That any moneys received from the United Mexican States under the terms of any such agreement shall be available for expenditure in connection with any appropriation which may be available or which may be made available for the purposes of said sections: *And provided further*, That moneys received from the city of Calexico, California, pursuant to the provisions of said sections, shall be available for expenditure in connection with any appropriations which may be available or which may be made available for the purposes of said sections.

(Sept. 13, 1950, ch. 948, title III, § 302, 64 Stat. 849.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 277d–8 of this title.

§ 277d–10. Nogales Sanitation Project; operation by Commission; division of costs; contribution by Nogales, Arizona

The Secretary of State is authorized, notwithstanding any other provision of law and subject to the conditions provided in this section and section 277d–11 of this title, to enter into an agreement with the appropriate official or officials of the United Mexican States for the operation and maintenance by the International Boundary and Water Commission, United States and Mexico, of the Nogales sanitation project, located at Nogales, Arizona, and Nogales, Sonora, Mexico, heretofore constructed by the said Commission, which agreement shall contain such provisions relating to a division between the two Governments of the costs of such operation and maintenance, or of the work involved therein, as may be recommended by said Commission and approved by the Government of

Mexico and by the Secretary of State on behalf of the Government of the United States: *Provided*, That no such agreement shall be entered into until the governing body of the city of Nogales, Arizona, has given assurances satisfactory to the Secretary of State that it will, so long as such agreement remains in force, contribute an equitable proportion, as determined by the United States section of said Commission, subject to the approval of the Secretary of State, of the costs of such operation and maintenance allocated to the United States.

(July 27, 1953, ch. 242, § 1, 67 Stat. 195.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 277d–11 of this title.

§ 277d–11. Authorization of appropriations; availability of prior appropriations; use of moneys received

There is authorized to be appropriated to the United States section, International Boundary and Water Commission, United States and Mexico, such sums as may be necessary to defray such costs as may accrue to the United States arising out of any such agreement for the operation and maintenance of such project: *Provided*, That funds heretofore appropriated to the Department of State under the heading ''International Boundary and Water Commission, United States and Mexico'', shall be available for expenditure for the purposes of this section and section 277d–10 of this title: *Provided further*, That any moneys received from the United Mexican States under the terms of any such agreement shall be available for expenditure in connection with any appropriations which may be available or which may be made for the purposes of said sections: *And provided further*, That moneys received from the city of Nogales, Arizona, pursuant to the provisions of said sections shall be available for expenditure in connection with any appropriations which may be available or which may be made available for the purposes of said sections.

(July 27, 1953, ch. 242, § 2, 67 Stat. 195.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 277d–10 of this title.

§ 277d–12. Expenditures for flood fighting, rescue operations, repairs or restoration of flood control or sanitation works threatened or destroyed by floodwaters of Rio Grande, Colorado, or Tijuana Rivers

On and after June 20, 1956, in addition to the funds available under the appropriation ''Rio Grande emergency flood protection'', the United States Commissioner is authorized to expend from any appropriation available to the International Boundary and Water Commission, United States and Mexico, American Section, such sums as may be necessary for prosecution of emergency flood fighting and rescue operations, repairs or restoration of any flood control or sanitation works threatened or destroyed by floodwaters of the Rio Grande, the Colorado or Tijuana Rivers, or other streams running across or near the boundary, and for taking emergency actions, consistent with the emergency provisions of the Safe Drinking Water Act [42 U.S.C. 300f et seq.], to protect against health threatening surface and ground water pollution problems along the United States-Mexico boundary.

(June 20, 1956, ch. 414, title I, 70 Stat. 302; Pub. L. 101–246, title IV, § 412(a), Feb. 16, 1990, 104 Stat. 69; Pub. L. 103–236, title IV, § 423(b), Apr. 30, 1994, 108 Stat. 457.)

REFERENCES IN TEXT

The Safe Drinking Water Act, referred to in text, is title XIV of act July 1, 1944, as added Dec. 16, 1974, Pub. L. 93–523, § 2(a), 88 Stat. 1660, as amended, which is classified generally to subchapter XII (§ 300f et seq.) of chapter 6A 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 201 of Title 42 and Tables.

AMENDMENTS

1994—Pub. L. 103–236 substituted ''Tijuana Rivers, or other streams running across or near the boundary, and for taking emergency actions, consistent with the emergency provisions of the Safe Drinking Water Act, to protect against health threatening surface and ground water pollution problems along the United States-Mexico boundary'' for ''Tijuana Rivers, and for taking emergency actions to protect against health threatening sanitation problems by repairing or replacing existing capital infrastructure along the United States-Mexico Boundary''.

1990—Pub. L. 101–246 inserted ''or sanitation'' after ''flood control'' and inserted before period at end '', the Colorado or Tijuana Rivers, and for taking emergency actions to protect against health threatening sanitation problems by repairing or replacing existing capital infrastructure along the United States-Mexico Boundary''.

§ 277d–13. Authorization for international storage dam on the Rio Grande

The Secretary of State, acting through the United States Commissioner, International Boundary and Water Commission, United States and Mexico, is hereby authorized to conclude with the appropriate official or officials of the Government of Mexico an agreement for the joint construction, operation, and maintenance by the United States and Mexico, in accordance with the provisions of the treaty of February 3, 1944, with Mexico, of a major international storage dam on the Rio Grande at the site and having substantially the characteristics described in minute numbered 207 adopted June 19, 1958, by the said Commission, and in the ''Rio Grande International Storage Dams Project—Report on Proposed Dam and Reservoir'' prepared by the United States Section of the said Commission and dated September 1958.

(Pub. L. 86–605, § 1, July 7, 1960, 74 Stat. 360.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 277d–14, 277d–15, 277d–16 of this title; title 16 section 460fff–1.

§ 277d–14. Construction, operation, and maintenance on self-liquidating basis of facilities for generating hydroelectric energy

If agreement is concluded pursuant to section 277d–13 of this title for the construction of a

major international storage dam the Secretary of State, acting through the United States Commissioner, International Boundary and Water Commission, United States and Mexico, is authorized to conclude with the appropriate official or officials of Mexico an agreement consistent with article 7 of the treaty of February 3, 1944, for the construction, operation, and maintenance on a self-liquidating basis, for the United States share, of facilities for generating hydroelectric energy at said dam.

If agreement for the construction of separate facilities for generating hydroelectric energy is concluded, the United States Commissioner, International Boundary and Water Commission, United States and Mexico, is directed to construct, operate, and maintain such self-liquidating facilities for the United States.

(Pub. L. 86–605, § 2, July 7, 1960, 74 Stat. 360.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 277d–16 of this title; title 16 section 460fff–1.

§ 277d–15. Integration of operation of dam with other United States water conservation activities

If a dam is constructed pursuant to an agreement concluded under the authorization granted by section 277d–13 of this title, its operation for conservation and release of United States share of waters shall be integrated with other United States water conservation activities on the Rio Grande below Fort Quitman, Texas, in such manner as to provide the maximum feasible amount of water for beneficial use in the United States with the understandings that (a) releases of United States share of waters from said dam for domestic, municipal, industrial, and irrigation uses in the United States shall be made pursuant to order by the appropriate authority or authorities of the State of Texas, and (b) the State of Texas having stipulated that the amount of water that will be available for use in the United States below Falcon Dam after the proposed dam is placed in operation will be not less than the amount available under existing conditions of river development, and to carry out such understandings and said stipulation the conservation storage of said dam shall be used, and it shall be the exclusive responsibility of the appropriate authority or authorities of said State to distribute available United States share of waters of the Rio Grande in such manner as will comply with said stipulation.

(Pub. L. 86–605, § 3, July 7, 1960, 74 Stat. 360.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 277d–16 of this title; title 16 section 460fff–1.

§ 277d–16. Authorization of appropriations

There is hereby authorized to be appropriated to the Department of State for the use of the United States Section, International Boundary and Water Commission, United States and Mexico, such sums as may be necessary to carry out the provisions of sections 277d–13 to 277d–16 of this title.

(Pub. L. 86–605, § 4, July 7, 1960, 74 Stat. 361.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 16 section 460fff–1.

§ 277d–17. Chamizal boundary settlement; investigations relating to river channel; acquisition of lands; relocation of facilities

In connection with the convention between the United States of America and the United Mexican States for the solution of the problem of the Chamizal, signed August 29, 1963, the Secretary of State, acting through the United States Commissioner, International Boundary and Water Commission, United States and Mexico, is authorized—

a. to conduct technical and other investigations relating to: the demarcation or monumentation of the boundary between the United States and Mexico; flood control; water resources; sanitation and prevention of pollution; channel relocation, improvement, and stabilization; and other matters related to the new river channel.

b. to acquire by donation, purchase, or condemnation, all lands required—

(1) for transfer to Mexico as provided in said convention;

(2) for construction of that portion of the new river channel and the adjoining levee in the territory of the United States;

(3) for relocation of highways, roadways, railroads, telegraph, telephone, electric transmission lines, bridges, related facilities, and any publicly owned structure or facility, the relocation of which, in the judgment of the said Commissioner, is necessitated by the project.

c. For the purpose of effecting said relocations—

(1) to perform any or all work involved in said relocations;

(2) to enter into contracts with the owners of properties to be relocated whereby they undertake to acquire any or all properties needed for said relocations, or undertake to perform any or all work involved in said relocations;

(3) to convey or exchange properties acquired or improved by the United States under sections 277d–17 to 277d–25 of this title or under said convention, with or without improvements, or to grant term or perpetual easements therein or thereover.

(Pub. L. 88–300, § 1, Apr. 29, 1964, 78 Stat. 184.)

CODIFICATION

Section is comprised of part of section 1 of Pub. L. 88–300. Remainder of section 1 is set out as a Short Title note below.

SHORT TITLE

Section 1 of Pub. L. 88–300 provided in part: ''That this Act [enacting this section and sections 277d–18 to 277d–25 of this title] may be cited as the 'American-Mexican Chamizal Convention Act of 1964'.''

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 277d–18, 277d–22, 277d–24, 277d–25 of this title.

§ 277d–18. Construction, operation, and maintenance of works; Bridge of the Americas

(a) In general

The United States Commissioner is authorized to construct, operate, and maintain all works provided for in said convention and sections 277d–17 to 277d–25 of this title, and to turn over the operation and maintenance of any such works to any Federal agency, or any State, county, municipality, district, or other political subdivision within which such project or works may be in whole or in part situated, upon such terms, conditions, and requirements as the Commissioner may deem appropriate.

(b) Bridge of the Americas

The United States Commissioner is authorized to receive payments of money from public or private sources in the United States or Mexico made for the purpose of sharing in the cost of operations, maintenance, and replacement of the Bridge of the Americas which crosses the Rio Grande between El Paso, Texas, and Cd. Juarez, Chihuahua. Notwithstanding any other provision of law, such payments of money shall be credited to any appropriation to the Commission which is currently available. Funds received under this subsection shall be available only for the replacement of such bridge.

(c) Advance appropriations

The authority of subsection (b) of this section may be exercised only to the extent or in such amounts as are provided in advance in appropriation Acts.

(Pub. L. 88–300, § 2, Apr. 29, 1964, 78 Stat. 184; Pub. L. 103–236, title IV, § 423(a), Apr. 30, 1994, 108 Stat. 457; Pub. L. 106–113, div. B, § 1000(a)(7) [div. A, title VII, § 703], Nov. 29, 1999, 113 Stat. 1536, 1501A–460.)

AMENDMENTS

1999—Subsec. (b). Pub. L. 106–113 inserted ''operations, maintenance, and'' after ''cost of''.

1994—Pub. L. 103–236 designated existing provisions as subsec. (a) and added subsecs. (b) and (c).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 277d–17, 277d–22, 277d–24, 277d–25 of this title.

§ 277d–19. Compensation of owners and tenants to prevent economic injury; regulations

The United States Commissioner, under regulations approved by the Secretary of State, and upon application of the owners and tenants of lands to be acquired by the United States to fulfill and accomplish the purposes of said convention, and to the extent administratively determined by the Commissioner to be fair and reasonable, is authorized to—

a. Reimburse the owners and tenants for expenses and other losses and damages incurred by them in the process and as a direct result of such moving of themselves, their families, and their possessions as is occasioned by said acquisition: *Provided*, That the total of such reimbursement to the owners and tenants of any parcel of land shall in no event exceed 25 per centum of its fair value, as determined by the Commissioner. No payment under this subsection shall be made unless application therefor is supported by an itemized and certified statement of the expenses, losses, and damages incurred.

b. Compensate the said owners and tenants for identifiable, reasonable, and satisfactorily proved costs and losses to owners and tenants over and above those reimbursed under the foregoing subsection in the categories hereinafter provided, and for which purpose there shall be established by the Commissioner a board of examiners, consisting of such personnel employed and compensation fixed as he deems advisable, without regard to the provisions of the civil service laws and chapter 51 and subchapter III of chapter 53 of title 5. Said board may hold hearings and shall examine submitted evidence and make determinations, subject to the Commissioner's approval, regarding all claims in said categories as follows:

(1) For properties—

(a) For nonconforming abodes and minimum forms of shelter for which there are no comparable properties on the market in the city of El Paso and concerning which fair market value would be inadequate to find minimum housing of equal utility, compensation to the owner up to an amount which when added to the market value allowed for his property, including land values, would enable purchase of minimum habitable housing of similar utility in another residential section of said city.

(b) For commercial properties for which there are no comparable properties on the market in or near El Paso, Texas, compensation to the owner up to an amount which, when added to the total fair market value, including the land value, would compensate the owner for the ''value in use'' of the real estate to him. Such ''value in use'' is to be determined on the basis of replacement cost less deterioration and obsolescence in existing real estate and taking into consideration factors bearing upon income attributable to the real estate.

(2) For loss in business:

(a) Loss of profits directly resulting from relocation, limited to the period between termination of business in the old location and commencement of business in the new, such period not to exceed thirty days.

(b) Loss to owner resulting from inability to rent to others housing or commercial space that can be reasonably related to uncertainties arising out of the pending acquisition of the owner's property by the United States, such losses limited to those incurred after July 18, 1963, and prior to the making by the United States of a firm offer to purchase.

(3) For penalty costs to property owners for prepayment of mortgages incident to acquisition of the properties by the United States.

(Pub. L. 88–300, § 3, Apr. 29, 1964, 78 Stat. 184.)

REFERENCES IN TEXT

The civil service laws, referred to in par. b., are set forth in Title 5, Government Organization and Employees. See, particularly, section 3301 et seq. of Title 5.

CODIFICATION

In par. b., ''chapter 51 and subchapter III of chapter 53 of title 5'' substituted for ''the Classification Act of 1949, as amended'' on authority of Pub. L. 89–554, § 7(b), Sept. 6, 1966, 80 Stat. 631, the first section of which enacted Title 5, Government Organization and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 277d–17, 277d–18, 277d–20, 277d–21, 277d–22, 277d–23, 277d–24, 277d–25 of this title.

§ 277d–20. Limitation on application for reimbursement or compensation

Application for reimbursement or compensation under section 277d–19 of this title shall be submitted to the Commissioner within either one year from the date of acquisition or the date of vacating the premises by the applicant, whichever date is later. Applications not submitted within said period shall be forever barred.

(Pub. L. 88–300, § 4, Apr. 29, 1964, 78 Stat. 185.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 277d–17, 277d–18, 277d–22, 277d–24, 277d–25 of this title.

§ 277d–21. Attorneys' fees; penalties

The Commissioner, in rendering an award in favor of any claimant under section 277d–19 of this title, may, as part of such award, determine and allow reasonable attorneys' fees which shall not exceed 10 per centum of the amount awarded, to be paid out of but not in addition to the amount of award, to the attorneys representing the claimant. Any attorney who charges, demands, receives, or collects for services rendered in connection with such claim any amount in excess of that allowed by the terms of this section, if award be made, shall be fined not more than $2,000 or imprisoned not more than one year, or both.

(Pub. L. 88–300, § 5, Apr. 29, 1964, 78 Stat. 185.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 277d–17, 277d–18, 277d–22, 277d–24, 277d–25 of this title.

§ 277d–22. Prohibition against duplicate payments; eligibility for payments unaffected by means employed for acquisition of property; rights and powers unaffected

Payments to be made as herein provided shall be in addition to, but not in duplication of, any payments that may otherwise be authorized by law. The means employed to acquire the property, whether by condemnation or otherwise, shall not affect eligibility for reimbursement or compensation under sections 277d–17 to 277d–25 of this title. Nothing contained in such sections shall be construed as creating any legal right or cause of action against the United States or as precluding the exercise by the Government of the right of eminent domain or any other right or power that it may have under such sections or any other law; nor shall such sections be construed as precluding an owner or tenant from asserting any rights he may have under other laws or the Constitution of the United States.

(Pub. L. 88–300, § 6, Apr. 29, 1964, 78 Stat. 186.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 277d–17, 277d–18, 277d–24, 277d–25 of this title.

§ 277d–23. Taxation; exclusion from gross income

No amount received as an award under subsection a. and subsections b. (1) and (3) of section 277d–19 of this title shall be included in gross income for purposes of chapter 1 of title 26. However, amounts received under subsection b. (1) shall be included in gross income to the extent that such amounts are not used within one year of the receipt thereof to purchase replacement housing or facilities.

(Pub. L. 88–300, § 7, Apr. 29, 1964, 78 Stat. 186; Pub. L. 99–514, § 2, Oct. 22, 1986, 100 Stat. 2095.)

AMENDMENTS

1986—Pub. L. 99–514 substituted ''Internal Revenue Code of 1986'' for ''Internal Revenue Code of 1954'', which for purposes of codification was translated as ''title 26'' thus requiring no change in text.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 277d–17, 277d–18, 277d–22, 277d–24, 277d–25 of this title.

§ 277d–24. Definitions; exemption from administrative procedure provisions

As used in sections 277d–17 to 277d–25 of this title, the term ''land'' shall include interests in land, and the term ''fair value'' shall mean fair value of the interest acquired. The provisions of such sections shall be exempt from the operations of subchapter II of chapter 5, and chapter 7, of title 5.

(Pub. L. 88–300, § 8, Apr. 29, 1964, 78 Stat. 186.)

CODIFICATION

''Subchapter II of chapter 5, and chapter 7, of title 5'' substituted in text for ''the Administrative Procedure Act of June 11, 1946 (60 Stat. 237), as amended (5 U.S.C. 1001–1011)'' on authority of Pub. L. 89–554, § 7(b), Sept. 6, 1966, 80 Stat. 631, the first section of which enacted Title 5, Government Organization and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 277d–17, 277d–18, 277d–22, 277d–25 of this title.

§ 277d–25. Authorization of appropriations

There are authorized to be appropriated to the Department of State for the use of the United States section of said Commission not to exceed $44,900,000 to carry out the provisions of said convention and sections 277d–17 to 277d–25 of this title and for transfer to other Federal agencies to accomplish by them or other proper agency relocation of their facilities necessitated by the project. Of the appropriations authorized by this section, not to exceed $4,200,000 may be used to carry out the provisions of section 277d–19 of this title. The provisions of section 277d–3 of this title are hereby expressly extended to apply to the carrying out of the provisions of said convention and sections 277d–17 to 277d–25 of this title.

(Pub. L. 88–300, § 9, Apr. 29, 1964, 78 Stat. 186.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 277d–17, 277d–18, 277d–22, 277d–24 of this title.

§ 277d–26. Lower Colorado River emergency flood control works; agreements with Mexico for joint construction, operation and maintenance

The Secretary of State, acting through the United States Commissioner, International Boundary and Water Commission, United States and Mexico, is authorized to conclude, with the appropriate official or officials of the Government of Mexico, agreements for emergency flood control measures of international character in the reaches of the lower Colorado River between Imperial Dam and the Gulf of California, in both the United States and Mexico, such agreements to provide: (a) for the joint clearing and maintaining free of trees and brush the bed and banks of the channel; for removing sediment deposits from the river channel; and (b) for corrective actions to guard against sedimentation and consequent aggradation of the river channel incident to desilting operations at diversion dams in the two countries: *Provided*, That, prior approval of the Secretary of the Interior is required of any proposed agreement with Mexico under clause (b) of this section which would involve construction and/or operation of works on the Colorado River in the United States under the jurisdiction of the Secretary. The measures contemplated herein are for the purpose of controlling floods on the lower Colorado River in accordance with article 13 of the 1944 Water Treaty with Mexico, and accomplishment thereof by the International Boundary and Water Commission, United States Section, would be in accord with the Memorandum of Understanding ''as to Functions and Jurisdiction of Agencies of the United States in Relation to the Colorado and Tijuana Rivers and the Rio Grande Below Fort Quitman, Texas, Under Water Treaty Signed at Washington, February 3, 1944,'' between the Department of State and the United States Section, International Boundary and Water Commission and the Department of the Interior dated February 14, 1945.

(Pub. L. 88–411, § 1, Aug. 10, 1964, 78 Stat. 386.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 277d–27, 277d–28 of this title.

§ 277d–27. Execution of agreements

The United States Commissioner, International Boundary and Water Commission, United States and Mexico, is authorized to carry out those measures agreed upon for execution by the United States in the agreements concluded pursuant to section 277d–26 of this title.

(Pub. L. 88–411, § 2, Aug. 10, 1964, 78 Stat. 386.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 277d–28 of this title.

§ 277d–28. Authorization of appropriations

There is authorized to be appropriated to the Department of State for use of the United States Section, International Boundary and Water Commission, United States and Mexico, not in excess of $300,000 for the initial cost of the work authorized in sections 277d–26 to 277d–28 of this title, and not to exceed $30,000 based on December 1975 prices, plus or minus such amounts as may be justified by reason of ordinary fluctuations in operation and maintenance costs involved therein, annually thereafter for necessary maintenance.

(Pub. L. 88–411, § 3, Aug. 10, 1964, 78 Stat. 386; Pub. L. 93–126, § 7(b), Oct. 18, 1973, 87 Stat. 452; Pub. L. 95–105, title V, § 514(b), Aug. 17, 1977, 91 Stat. 862.)

AMENDMENTS

1977—Pub. L. 95–105 inserted ''based on December 1975 prices, plus or minus such amounts as may be justified by reason of ordinary fluctuations in operation and maintenance costs involved therein,'' after ''$30,000''.

1973—Pub. L. 93–126 substituted ''$30,000'' for ''$20,000''.

EFFECTIVE DATE OF 1977 AMENDMENT

Amendment by Pub. L. 95–105 effective Oct. 1, 1977, see section 514(d) of Pub. L. 95–105, set out as a note under section 277d–3 of this title.

§ 277d–29. Rio Grande canalization project; flood and sediment control; agreements authorized; control gates; costs; authorization of appropriations

For the purposes of facilitating and implementing operation and maintenance of the international Rio Grande canalization project, the United States Commissioner, International Boundary and Water Commission, United States and Mexico, is authorized to enter into agreements with the appropriate official or officials of local organizations, as defined in the Watershed Protection and Flood Prevention Act of August 4, 1954, as amended [16 U.S.C. 1001 et seq.], for the maintenance by said local organizations either directly or indirectly through mutually satisfactory maintenance agreements with others, including the United States, of all those flood and arroyo sediment control dams, together with all related works, hereafter installed or constructed in the Rio Grande watershed between Caballo Dam and El Paso, Texas, in accordance with said Act, and which are necessary, in the opinion of Said Commissioner, to facilitate and implement the operation and maintenance of said project.

Such maintenance agreements between the local organization and the United States shall provide the extent of contribution by the United States as may be mutually agreed by the two parties, based on the degree of benefits to be derived from said dams and related works, and the contribution by the United States may be either in the form of funds or performance of the actual operation and maintenance.

Control gates shall not be installed on any of the dams which, in the opinion of the United States Commissioner, International Boundary and Water Commission, United States and Mexico, are necessary to facilitate and implement the operation and maintenance of the Rio Grande canalization project.

Arrangements made between the United States and the local organizations shall be satis-

factory to the Secretary of Agriculture for defraying cost of maintaining such work of improvement in accordance with regulations prescribed by said Secretary.

There is hereby authorized to be appropriated not in excess of $50,000 per annum for contributions to maintenance authorized by this section.

(Pub. L. 88–600, Sept. 18, 1964, 78 Stat. 956; Pub. L. 93–126, § 7(c), Oct. 18, 1973, 87 Stat. 452.)

REFERENCES IN TEXT

The Watershed Protection and Flood Prevention Act of August 4, 1954, as amended, referred to in text, is act Aug. 4, 1954, ch. 656, 68 Stat. 666, as amended, which is classified generally to chapter 18 (§ 1001 et seq.) of Title 16, Conservation. For complete classification of this Act to the Code, see Short Title note set out under section 1001 of Title 16 and Tables.

AMENDMENTS

1973—Pub. L. 93–126 substituted ''$50,000'' for ''$23,000''.

§ 277d–30. Lower Rio Grande drainage conveyance canal projects; agreements with Mexico for construction, operation, and maintenance; division of costs; non-Federal assurances of one-half of Federal costs

The Secretary of State, acting through the United States Commissioner, International Boundary and Water Commission, United States and Mexico, is authorized, notwithstanding any other provision of law and subject to the conditions provided in this section and section 277d–31 of this title to conclude an agreement or agreements with the appropriate official or officials of the Government of the United Mexican States for the construction, operation, and maintenance by the United Mexican States under the supervision of the International Boundary and Water Commission, United States and Mexico, of a drainage conveyance canal through Mexican territory for the discharge of waters of El Morillo and other drains in the United Mexican States into the Gulf of Mexico in the manner, and having substantially the characteristics, described in said Commission's minute numbered 223, dated November 30, 1965. The agreement or agreements shall provide that the cost of construction including costs of design and right-of-way and the costs of operation and maintenance, shall be equally divided between the United Mexican States and the United States. Before concluding the agreement or agreements, the Secretary of State shall receive satisfactory assurances from private citizens or a responsible local group that they or it will pay to the United States Treasury one-half of the actual United States costs of such construction, including costs of design and right-of-way, and one-half of the actual costs of operation and maintenance allocated under such agreement or agreements to the United States. Payments to the United States Treasury under this section shall be covered into the Treasury as miscellaneous receipts.

(Pub. L. 89–584, § 1, Sept. 19, 1966, 80 Stat. 808.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 277d–31 of this title.

§ 277d–31. Authorization of appropriations

To defray costs that accrue to the United States under the agreement or agreements referred to in section 277d–30 of this title for the construction, operation, and maintenance of drainage conveyance canal projects, there are authorized to be appropriated to the Department of State for use of the United States Section, International Boundary and Water Commission, United States and Mexico, the following amounts:

(1) Not to exceed $690,000 for costs of construction.

(2) Upon completion of construction, not to exceed $25,000 based on estimated calendar year 1976 costs, plus or minus such amounts as may be justified by reason of ordinary fluctuations in operation and maintenance costs involved therein, annually for costs of operation and maintenance.

(Pub. L. 89–584, § 2, Sept. 19, 1966, 80 Stat. 808; Pub. L. 93–126, § 7(a), Oct. 18, 1973, 87 Stat. 452; Pub. L. 95–105, title V, § 514(a), Aug. 17, 1977, 91 Stat. 862.)

AMENDMENTS

1977—Par. (2). Pub. L. 95–105 inserted ''based on estimated calendar year 1976 costs, plus or minus such amounts as may be justified by reason of ordinary fluctuations in operation and maintenance costs involved therein,'' after ''$25,000''.

1973—Par. (2). Pub. L. 93–126 substituted ''$25,000'' for ''$20,000''.

EFFECTIVE DATE OF 1977 AMENDMENT

Amendment by Pub. L. 95–105 effective Oct. 1, 1977, see section 514(d) of Pub. L. 95–105, set out as a note under section 277d–3 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 277d–30 of this title.

§ 277d–32. Tijuana River flood control project; agreement with Mexico for joint construction, operation and maintenance

The Secretary of State, acting through the United States Commissioner, International Boundary and Water Commission, United States and Mexico, is hereby authorized to conclude with the appropriate official or officials of the Government of Mexico an agreement for the joint construction, operation, and maintenance by the United States and Mexico, in accordance with the provisions of the treaty of February 3, 1944, with Mexico, of an international flood control project for the Tijuana River, which shall be located and have substantially the characteristics described in ''Report on an International Flood Control Project, Tijuana River Basin'', prepared by the United States Section, International Boundary and Water Commission, United States and Mexico.

(Pub. L. 89–640, § 1, Oct. 10, 1966, 80 Stat. 884.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 277d–33 of this title.

§ 277d–33. Authorization; construction, operation, and maintenance, appropriations, and acquisition of land

Pursuant to the agreement concluded under the authority of section 277d–32 of this title, the United States Commissioner is authorized to construct, operate, and maintain the portion of the ''International Flood Control Project, Tijuana River Basin,'' assigned to the United States, and there is hereby authorized to be appropriated to the Department of State for use of the United States section the sum of $10,800,000 for construction costs of such project, as modified, based on estimated June 1976 prices, plus or minus such amounts as may be justified by reason of price index fluctuations in costs involved therein, and such sums as may be necessary for its maintenance and operation, except that no funds may be appropriated under sections 277d–32 and 277d–33 of this title for the fiscal year ending on September 30, 1977. Contingent upon the furnishing by the city of San Diego of its appropriate share of the funds for the acquisition of the land and interests therein needed to carry out the agreement between the United States and Mexico to construct such project, the Secretary of State, acting through the United States Commissioner, is further authorized to participate financially with non-Federal interests in the acquisition of said lands and interest therein, to the extent that funds provided by the city of San Diego are insufficient for this purpose.

(Pub. L. 89–640, § 2, Oct. 10, 1966, 80 Stat. 884; Pub. L. 94–425, Sept. 28, 1976, 90 Stat. 1333.)

AMENDMENTS

1976—Pub. L. 94–425 substituted provisions authorizing appropriations of $10,800,000 for construction costs for project based on June 1976 prices, with exception that no funds may be appropriated for fiscal year ending Sept. 30, 1977 for provisions authorizing appropriations not to exceed $12,600,000 for construction costs for project, eliminated provision requiring approval of title by Attorney General, and inserted provision authorizing financial participation of Secretary of State through Commissioner to acquire land for construction of project contingent upon city of San Diego furnishing its appropriate share of funds.

§ 277d–34. American-Mexican Boundary Treaty, authorization for carrying out treaty provisions; investigations; land acquisition, purposes; damages, repair or compensation

In connection with the treaty between the United States of America and the United Mexican States to resolve pending boundary differences and maintain the Rio Grande and the Colorado River as the international boundary between the United States of America and the United Mexican States, signed November 23, 1970, (hereafter in this Act referred to as the ''treaty''), the Secretary of State, acting through the United States Commissioner, International Boundary and Water Commission, United States, and Mexico (hereafter in this Act referred to as the ''Commissioner''), is authorized—

(1) to conduct technical and other investigations relating to—

(A) the demarcation, mapping, monumentation, channel relocation, rectification, improvement, stabilization, and other matters relating to the preservation of the river boundaries between the United States and Mexico;

(B) the establishment and delimitation of the maritime boundaries in the Gulf of Mexico and in the Pacific Ocean;

(C) water resources; and

(D) the sanitation and the prevention of pollution;

(2) to acquire by donation, purchase, or condemnation, all lands or interests in lands required—

(A) for transfer to Mexico as provided in the treaty;

(B) for construction of that portion of new river channels and the adjoining levees in the territory of the United States;

(C) to preserve the Rio Grande and the Colorado River as the boundary by preventing the construction of works which may cause deflection or obstruction of the normal flow of the rivers or of their floodflows; and

(D) for relocation of any structure or facility, public or private, the relocation of which, in the judgment of the Commissioner, is necessitated by the project; and

(3) to remove, modify, or repair the damages caused to Mexico by works constructed in the United States which the International Boundary and Water Commission, United States and Mexico, as determined have an adverse effect on Mexico, or to compensate Mexico for such damages.

(Pub. L. 92–549, title I, § 101, Oct. 25, 1972, 86 Stat. 1161.)

REFERENCES IN TEXT

This Act, referred to in text, means Pub. L. 92–549, Oct. 25, 1972, 86 Stat. 1161, which enacted sections 277d–34 to 277d–42 of this title and amended section 1322 of Title 19, Customs Duties. For complete classification of this Act to the Code, see Short Title note set out below and Tables.

SHORT TITLE

Section 1 of Pub. L. 92–549 provided: ''That this Act [enacting this section and sections 277d–35 to 277d–42 of this title and amending section 1322 of Title 19, Customs Duties] may be cited as the 'American-Mexican Boundary Treaty Act of 1972'.''

§ 277d–35. Construction, operation, and maintenance of works; property relocation, contracts; transfer of authority

The Commissioner is authorized—

(1) to construct, operate, and maintain all works provided for in the treaty and title I of this Act;

(2) to enter into contracts with the owners of properties to be relocated whereby such owners undertake to perform, at the expense of the United States, any or all operations involved in such relocations; and

(3) to turn over the operation and maintenance of any works referred to in paragraph (1) of this section to any Federal agency, or any State, county, municipality, district, or other political subdivision within which such works may be situated, in whole or in part, upon such terms, conditions, and requirements as the Commissioner may deem appropriate.

(Pub. L. 92–549, title I, § 102, Oct. 25, 1972, 86 Stat. 1161.)

REFERENCES IN TEXT

This Act, referred to in text, is Pub. L. 92–549, Oct. 25, 1972, 86 Stat. 1161, known as the ''American-Mexican Boundary Treaty Act of 1972''. Title I of this Act enacted sections 277d–34 to 277d–40 of this title and amended section 1322 of Title 19, Customs Duties. For complete classification of this Act to the Code, see Short Title note set out under section 277d–34 of this title and Tables.

§ 277d–36. Sale of excess land

Notwithstanding any other provision of law, the Commissioner is authorized to dispose of by warranty deed, or otherwise, any land acquired by him on behalf of the United States, or obtained by the United States pursuant to treaty between the United States and Mexico, and not required for project purposes, under procedures to be formulated by the Commissioner, to adjoining landowners at such price as he considers fair and equitable, and, if not so disposed of, to turn such land over to the General Services Administration for disposal under the provisions of the Federal Property and Administrative Services Act of 1949 [40 U.S.C. 471 et seq.].

(Pub. L. 92–549, title I, § 103, Oct. 25, 1972, 86 Stat. 1162.)

REFERENCES IN TEXT

The Federal Property and Administrative Services Act of 1949, as amended, referred to in text, is act June 30, 1949, ch. 288, 63 Stat. 377, as amended. Provisions of that Act relating to disposal of Government property are classified to chapter 10 (§ 471 et seq.) of Title 40, Public Buildings, Property, and Works. For complete classification of this Act to the Code, see Short Title note set out under section 471 of Title 40 and Tables.

§ 277d–37. Channel shifts; boundary determination

When a determination must be made under the treaty whether to permit a new channel to become the boundary, or whether or not to restore a river to its former channel, or whether, instead of restoration, the Governments should undertake a rectification of the river channel, the Commissioner's decision, approved by the Secretary of State shall be final so far as the United States is concerned, and the Commissioner is authorized to construct or arrange for the construction of such works as may be required to give effect to that decision.

(Pub. L. 92–549, title I, § 104, Oct. 25, 1972, 86 Stat. 1162.)

§ 277d–38. Acquired land, addition to State; State jurisdiction

Land acquired or to be acquired by the United States of America in accordance with the provisions of the treaty, including the tract provided for in section 277d–39 of this title, shall become a geographical part of the State to which it attaches and shall be under the civil and criminal jurisdiction of such State, without affecting the ownership of such land. The addition of land and the ceding of jurisdiction to a State shall take effect upon acceptance by such State.

(Pub. L. 92–549, title I, § 105, Oct. 25, 1972, 86 Stat. 1162.)

§ 277d–39. Hidalgo-Reynosa lands; administration; part of national wildlife refuge system

Upon transfer of sovereignty from Mexico to the United States of the 481.68 acres of land acquired by the United States from Mexico near Hidalgo-Reynosa, administration over the portion of that land which is determined by the Commissioner not to be required for the construction and maintenance of the relocated river channel shall be assumed by the Department of the Interior; and the Department of the Interior, United States Fish and Wildlife Service, is authorized to plan, establish, develop, and administer such portion of the acquired lands as a part of the national wildlife refuge system.

(Pub. L. 92–549, title I, § 106, Oct. 25, 1972, 86 Stat. 1162; Pub. L. 93–271, § 1(3), Apr. 22, 1974, 88 Stat. 92.)

CHANGE OF NAME

''United States Fish and Wildlife Service'' substituted in text for ''Fish and Wildlife Service, Bureau of Sport Fisheries and Wildlife'' pursuant to section 1(3) of Pub. L. 93–271, see section 742b of Title 16, Conservation.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 277d–38 of this title.

§ 277d–40. Authorization of appropriations

There is authorized to be appropriated to the Department of State for the use of the United States section of the International Boundary and Water Commission, United States and Mexico, such sums as may be necessary to carry out the provisions of the treaty and title I of this Act.

(Pub. L. 92–549, title I, § 108, Oct. 25, 1972, 86 Stat. 1162.)

REFERENCES IN TEXT

This Act, referred to in text, is Pub. L. 92–549, Oct. 25, 1972, 86 Stat. 1161, known as the ''American-Mexican Boundary Treaty Act of 1972''. Title I of this Act enacted sections 277d–34 to 277d–40 of this title and amended section 1322 of Title 19, Customs Duties. For complete classification of this Act to the Code, see Short Title note set out under section 277d–34 of this title and Tables.

§ 277d–41. American-Mexican Boundary Treaty, Presidio flood control project; authorization of flood control agreement

The Secretary of State, acting through the Commissioner, is hereby authorized to conclude with the appropriate official or officials of the Government of Mexico an agreement for a coordinated plan by the United States and Mexico for international flood control works for protection of lands along the international section of the Rio Grande in the United States and in Mexico in the Presidio-Ojinaga Valley.

(Pub. L. 92–549, title II, § 201, Oct. 25, 1972, 86 Stat. 1163.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 277d–42 of this title.

§ 277d–42. Construction, operation, and maintenance of flood control works; authorization of appropriations; restrictions

If an agreement is concluded pursuant to section 277d–41 of this title, the Commissioner is authorized to construct, operate, and maintain flood control works located in the United States having substantially the characteristics described in ''Report on the Flood Control Project Rio Grande, Presidio Valley, Texas'', prepared by the United States section, International Boundary and Water Commission, United States and Mexico; and there are hereby authorized to be appropriated to the Department of State for the use of the United States section of the Commission such sums as may be necessary to carry out the provisions of title II of this Act. No part of any appropriation under this section shall be expended for flood control works on any land, site, or easement unless such land, site, or easement has been acquired under the treaty for other purposes or by donation and, in the case of a donation, the title thereto has been approved in accordance with existing rules and regulations of the Attorney General of the United States.

(Pub. L. 92–549, title II, § 202, Oct. 25, 1972, 86 Stat. 1163.)

REFERENCES IN TEXT

This Act, referred to in text, is Pub. L. 92–549, Oct. 25, 1972, 86 Stat. 1161, known as the ''American-Mexican Boundary Treaty Act of 1972''. Title II of this Act enacted sections 277d–41 and 277d–42 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 277d–34 of this title and Tables.

§ 277d–43. Definitions

In sections 277d–43 to 277d–46 of this title, the following definitions apply:

(1) Administrator

The term ''Administrator'' means the Administrator of the Environmental Protection Agency.

(2) Commission

The term ''Commission'' means the United States section of the International Boundary and Water Commission, United States and Mexico.

(3) IWTP

The term ''IWTP'' means the South Bay International Wastewater Treatment Plant constructed under the provisions of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), section 510 of the Water Quality Act of 1987 (101 Stat. 80–82), and Treaty Minutes to the Treaty for the Utilization of Waters of the Colorado and Tijuana Rivers and of the Rio Grande, dated February 3, 1944.

(4) Secondary treatment

The term ''secondary treatment'' has the meaning such term has under the Federal Water Pollution Control Act and its implementing regulations.

(5) Secretary

The term ''Secretary'' means the Secretary of State.

(6) Mexican facility

The term ''Mexican facility'' means a proposed public-private wastewater treatment facility to be constructed and operated under sections 277d–43 to 277d–46 of this title within Mexico for the purpose of treating sewage flows generated within Mexico, which flows impact the surface waters, health, and safety of the United States and Mexico.

(7) Mgd

The term ''mgd'' means million gallons per day.

(Pub. L. 106–457, title VIII, § 803, Nov. 7, 2000, 114 Stat. 1977.)

REFERENCES IN TEXT

The Federal Water Pollution Control Act, referred to in pars. (3) and (4), is act June 30, 1948, ch. 758, as amended generally by Pub. L. 92–500, § 2, Oct. 18, 1972, 86 Stat. 816, which is classified generally to chapter 26 (§ 1251 et seq.) of Title 33, Navigation and Navigable Waters. For complete classification of this Act to the Code, see Short Title note set out under section 1251 of Title 33 and Tables.

Section 510 of the Water Quality Act of 1987, referred to in par. (3), is section 510 of Pub. L. 100–4, title V, Feb. 4, 1987, 101 Stat. 80, which is not classified to the Code.

SHORT TITLE

Pub. L. 106–457, title VIII, § 801, Nov. 7, 2000, 114 Stat. 1977, provided that: ''This title [enacting this section and sections 277d–44 to 277d–46 of this title] may be cited as the 'Tijuana River Valley Estuary and Beach Sewage Cleanup Act of 2000'.''

PURPOSE

Pub. L. 106–457, title VIII, § 802, Nov. 7, 2000, 114 Stat. 1977, provided that: ''The purpose of this title [see Short Title note above] is to authorize the United States to take actions to address comprehensively the treatment of sewage emanating from the Tijuana River area, Mexico, that flows untreated or partially treated into the United States causing significant adverse public health and environmental impacts.''

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 277d–45, 277d–46 of this title.

§ 277d–44. Actions to be taken by the Commission and the Administrator

(a) Secondary treatment

(1) In general

Subject to the negotiation and conclusion of a new Treaty Minute or the amendment of Treaty Minute 283 under section 277d–45[1] of this title, and notwithstanding section 510(b)(2) of the Water Quality Act of 1987 (101 Stat. 81), the Commission is authorized and directed to provide for the secondary treatment of a total of not more than 50 mgd in Mexico—

(A) of effluent from the IWTP if such treatment is not provided for at a facility in the United States; and

(B) of additional sewage emanating from the Tijuana River area, Mexico.

(2) Additional authority

Subject to the results of the comprehensive plan developed under subsection (b) of this sec-

[1] See References in Text note below.

tion revealing a need for additional secondary treatment capacity in the San Diego-Tijuana border region and recommending the provision of such capacity in Mexico, the Commission may provide not more than an additional 25 mgd of secondary treatment capacity in Mexico for treatment described in paragraph (1).

(b) Comprehensive plan

Not later than 24 months after November 7, 2000, the Administrator shall develop a comprehensive plan with stakeholder involvement to address the transborder sanitation problems in the San Diego-Tijuana border region. The plan shall include, at a minimum—

(1) an analysis of the long-term secondary treatment needs of the region;

(2) an analysis of upgrades in the sewage collection system serving the Tijuana area, Mexico; and

(3) an identification of options, and recommendations for preferred options, for additional sewage treatment capacity for future flows emanating from the Tijuana River area, Mexico.

(c) Contract

(1) In general

Subject to the availability of appropriations to carry out this subsection and notwithstanding any provision of Federal procurement law, upon conclusion of a new Treaty Minute or the amendment of Treaty Minute 283 under section 277d–45[1] of this title, the Commission may enter into a fee-for-services contract with the owner of a Mexican facility in order to carry out the secondary treatment requirements of subsection (a) of this section and make payments under such contract.

(2) Terms

Any contract under this subsection shall provide, at a minimum, for the following:

(A) Transportation of the advanced primary effluent from the IWTP to the Mexican facility for secondary treatment.

(B) Treatment of the advanced primary effluent from the IWTP to the secondary treatment level in compliance with water quality laws of the United States, California, and Mexico.

(C) Return conveyance from the Mexican facility of any such treated effluent that cannot be reused in either Mexico or the United States to the South Bay Ocean Outfall for discharge into the Pacific Ocean in compliance with water quality laws of the United States and California.

(D) Subject to the requirements of subsection (a) of this section, additional sewage treatment capacity that provides for advanced primary and secondary treatment of sewage described in subsection (a)(1)(B) of this section in addition to the capacity required to treat the advanced primary effluent from the IWTP.

(E) A contract term of 20 years.

(F) Arrangements for monitoring, verification, and enforcement of compliance with United States, California, and Mexican water quality standards.

(G) Arrangements for the disposal and use of sludge, produced from the IWTP and the Mexican facility, at a location or locations in Mexico.

(H) Maintenance by the owner of the Mexican facility at all times throughout the term of the contract of a 20 percent equity position in the capital structure of the Mexican facility.

(I) Payment of fees by the Commission to the owner of the Mexican facility for sewage treatment services with the annual amount payable to reflect all agreed upon costs associated with the development, financing, construction, operation, and maintenance of the Mexican facility, with such annual payment to maintain the owner's 20 percent equity position throughout the term of the contract.

(J) Provision for the transfer of ownership of the Mexican facility to the United States, and provision for a cancellation fee by the United States to the owner of the Mexican facility, if the Commission fails to perform its obligations under the contract. The cancellation fee shall be in amounts declining over the term of the contract anticipated to be sufficient to repay construction debt and other amounts due to the owner that remain unamortized due to early termination of the contract.

(K) Provision for the transfer of ownership of the Mexican facility to the United States, without a cancellation fee, if the owner of the Mexican facility fails to perform the obligations of the owner under the contract.

(L) The use of competitive procedures, consistent with title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.), by the owner of the Mexican facility in the procurement of property or services for the engineering, construction, and operation and maintenance of the Mexican facility.

(M) An opportunity for the Commission to review and approve the selection of contractors providing engineering, construction, and operation and maintenance for the Mexican facility.

(N) The maintenance by the owner of the Mexican facility of all records (including books, documents, papers, reports, and other materials) necessary to demonstrate compliance with the terms of this section and the contract.

(O) Access by the Inspector General of the Department of State or the designee of the Inspector General for audit and examination of all records maintained pursuant to subparagraph (N) to facilitate the monitoring and evaluation required under subsection (d) of this section.

(P) Offsets or credits against the payments to be made by the Commission under this section to reflect an agreed upon percentage of payments that the owner of the Mexican facility receives through the sale of water treated by the facility.

(d) Implementation

(1) In general

The Inspector General of the Department of State shall monitor the implementation of

any contract entered into under this section and evaluate the extent to which the owner of the Mexican facility has met the terms of this section and fulfilled the terms of the contract.

(2) Report

The Inspector General shall transmit to Congress a report containing the evaluation under paragraph (1) not later than 2 years after the execution of any contract with the owner of the Mexican facility under this section, 3 years thereafter, and periodically after the second report under this paragraph.

(Pub. L. 106–457, title VIII, § 804, Nov. 7, 2000, 114 Stat. 1978.)

REFERENCES IN TEXT

Section 277d–45 of this title, referred to in subsec. (a)(1), was in the original ''section 1005 of this Act'', and, referred to in subsec. (c)(1), was in the original ''section 5''. Both original references were translated as if they referred to section 805 of Pub. L. 106–457, to reflect the probable intent of Congress, because Pub. L. 106–457 does not contain a section 1005 or a section 5, and section 805 of Pub. L. 106–457 relates to the conclusion of a new Treaty Minute and the amendment of Treaty Minute 283.

Section 510(b)(2) of the Water Quality Act of 1987, referred to in subsec. (a)(1), is section 510(b)(2) of Pub. L. 100–4, title V, Feb. 4, 1987, 101 Stat. 81, which is not classified to the Code.

The Federal Property and Administrative Services Act of 1949, referred to in subsec. (c)(2)(L), is act June 30, 1949, ch. 288, 63 Stat. 377, as amended. Title III of the Act is classified generally to subchapter IV (§ 251 et seq.) of chapter 4 of Title 41, Public Contracts. For complete classification of this Act to the Code, see Short Title note set out under section 471 of Title 40, Public Buildings, Property, and Works, and Tables.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 277d–43, 277d–45, 277d–46 of this title.

§ 277d–45. Negotiation of new Treaty Minute

(a) Congressional statement

In light of the existing threat to the environment and to public health and safety within the United States as a result of the river and ocean pollution in the San Diego-Tijuana border region, the Secretary is requested to give the highest priority to the negotiation and execution of a new Treaty Minute, or a modification of Treaty Minute 283, consistent with the provisions of sections 277d–43 to 277d–46 of this title, in order that the other provisions of sections 277d–43 to 277d–46 of this title to address such pollution may be implemented as soon as possible.

(b) Negotiation

(1) Initiation

The Secretary is requested to initiate negotiations with Mexico, within 60 days after November 7, 2000, for a new Treaty Minute or a modification of Treaty Minute 283 consistent with the provisions of sections 277d–43 to 277d–46 of this title.

(2) Implementation

Implementation of a new Treaty Minute or of a modification of Treaty Minute 283 under sections 277d–43 to 277d–46 of this title shall be subject to the provisions of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(3) Matters to be addressed

A new Treaty Minute or a modification of Treaty Minute 283 under paragraph (1) should address, at a minimum, the following:

(A) The siting of treatment facilities in Mexico and in the United States.

(B) Provision for the secondary treatment of effluent from the IWTP at a Mexican facility if such treatment is not provided for at a facility in the United States.

(C) Provision for additional capacity for advanced primary and secondary treatment of additional sewage emanating from the Tijuana River area, Mexico, in addition to the treatment capacity for the advanced primary effluent from the IWTP at the Mexican facility.

(D) Provision for any and all approvals from Mexican authorities necessary to facilitate water quality verification and enforcement at the Mexican facility.

(E) Any terms and conditions considered necessary to allow for use in the United States of treated effluent from the Mexican facility, if there is reclaimed water which is surplus to the needs of users in Mexico and such use is consistent with applicable United States and California law.

(F) Any other terms and conditions considered necessary by the Secretary in order to implement the provisions of sections 277d–43 to 277d–46 of this title.

(Pub. L. 106–457, title VIII, § 805, Nov. 7, 2000, 114 Stat. 1980.)

REFERENCES IN TEXT

The National Environmental Policy Act of 1969, referred to in subsec. (b)(2), is Pub. L. 91–190, Jan. 1, 1970, 83 Stat. 852, as amended, which is classified generally to chapter 55 (§ 4321 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 4321 of Title 42 and Tables.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 277d–43, 277d–44, 277d–46 of this title.

§ 277d–46. Authorization of appropriations

There is authorized to be appropriated a total of $156,000,000 for fiscal years 2001 through 2005 to carry out sections 277d–43 to 277d–46 of this title. Such sums shall remain available until expended.

(Pub. L. 106–457, title VIII, § 806, Nov. 7, 2000, 114 Stat. 1981.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 277d–43, 277d–45 of this title.

§ 277e. Disposal of lands; issuance of licenses for use of lands; compensation for injured property

The Secretary of State is authorized to lease any land heretofore or hereafter acquired under any Act, Executive order, or treaty in connec-

tion with projects, in whole or in part, constructed or administered by the Secretary of State through the said American Commissioner, or to dispose of such lands when no longer needed, subject to applicable regulations under the Federal Property and Administrative Services Act of 1949, as amended [40 U.S.C. 471 et seq.], by sale at public auction, after thirty days' advertisement, at a price not less than that which may be fixed by three disinterested appraisers, to be designated by the Secretary of State, or by private sale, or otherwise, at not less than such appraised value: *Provided*, That any of such land as shall have been donated to the United States and which is no longer needed may be reconveyed, without cost, to the grantor or his heirs: *Provided*, *further*, That the lease or disposal of any land pursuant hereto may, in the discretion of the Secretary of State, be subject to reservations in favor of the United States for rights-of-way for irrigation, drainage, river work, and other purposes, and any such disposal may be conditioned upon and made subject to inclusion of such lands in any existing irrigation district in the vicinity of such lands, the proceeds of any such lease or sale to be covered into the Treasury of the United States: *And provided further*, That in the discretion of the Secretary of State, and subject to such conditions as he may deem appropriate, conveyances of any other of such lands not needed by the United States may be made to the State to which they lie adjacent or to any similarly situated county, city, or other governmental subdivision of such State, without cost, for use for public purposes.

The Secretary of State is further authorized to issue revokable licenses for public or private use for irrigation or other structures or uses not inconsistent with the use of such lands made, or to be made, by the United States, across any lands retained by the United States, and to execute all necessary leases, title instruments, and conveyances, in order to carry out the provisions of this section.

Whenever the construction of any project or works undertaken or administered by the Secretary of State through the International Boundary and Water Commission, United States and Mexico, results in the interference with or necessitates the alteration or restoration of constructed and existing irrigation or water-supply structures, sanitary or sewage disposal works, or other structures, or physical property belonging to any municipal or private corporation, company, association, or individual, the Secretary of State may cause the restoration or reconstruction of such works, structures, or physical property or the construction of others in lieu thereof or he may compensate the owners thereof to the extent of the reasonable value thereof as the same may be agreed upon by the American Commissioner with such owner.

The Secretary of State acting through such officers as he may designate, is further authorized to consider, adjust, and pay from funds appropriated for the project, the construction of which resulted in damages, any claim for damages accruing after March 31, 1937, caused to owners of lands or other private property of any kind by reason of the operations of the United States, its officers or employees, in the survey, construction, operation, or maintenance of any project constructed or administered through the American Commissioner, International Boundary and Water Commission, United States and Mexico, if such claim for damages does not exceed $1,000 and has been filed with the American Commissioner within one year after the damage is alleged to have occurred, and when in the opinion of the American Commissioner such claim is substantiated by a report of a board appointed by the said Commissioner.

(Aug. 27, 1935, ch. 763, 49 Stat. 906; June 19, 1939, ch. 212, 53 Stat. 841; Oct. 31, 1951, ch. 654, § 2(15), 65 Stat. 707; Pub. L. 85–201, Aug. 28, 1957, 71 Stat. 475.)

REFERENCES IN TEXT

The Federal Property and Administrative Services Act of 1949, as amended, referred to in text, is act June 30, 1949, ch. 288, 63 Stat. 377, as amended. Provisions of that Act relating to disposal of Government property are classified to chapter 10 (§ 471 et seq.) of Title 40, Public Buildings, Property, and Works. For complete classification of this Act to the Code, see Short Title note set out under section 471 of Title 40 and Tables.

AMENDMENTS

1957—Pub. L. 85–201 struck out "to citizens of the United States" after "is authorized to lease" and "to American citizens" after "or to dispose of such lands" in first sentence of first paragraph, before first proviso.

1951—Act Oct. 31, 1951, inserted reference to applicable regulations of the Federal Property and Administrative Services Act of 1949, as amended, in text before first proviso of first paragraph.

1939—Act June 19, 1939, inserted last paragraph.

§ 277f. Valley Gravity Canal and Storage Project

The Secretary of State, with the approval of the President, shall designate the features of the Valley Gravity Canal and Storage Project which he deems international in character, and shall direct such changes in the general project plan as he deems advisable with respect to such features; and the features so designated shall be built, after consultation with the Bureau of Reclamation as to general design, by the American section of the International Boundary Commission, United States and Mexico, and shall be operated and maintained by said Commission insofar as their operation and maintenance in such manner is, in the opinion of the Secretary of State, necessary because of their international character. The construction, operation, and maintenance of such project shall be pursuant to the Federal reclamation laws, except as hereinbefore provided and except that—

(1) In addition to the nonreimbursable allocation to flood control or navigation which may be made by the Secretary of the Interior under section 485h(b) of title 43, the President, after consultation with the Secretary of State and the Secretary of the Interior, shall allocate such part of the total estimated cost of the project as he deems proper to the protection of American interests from drought hazards resulting from the uncontrolled and unregulated flow of the international portion of the Rio Grande below Old Fort Quitman, Texas. Provisions of law applicable with respect to allocations to flood control under section 485h(b) of title 43, shall, insofar as they

are not inconsistent with the foregoing provisions, be applicable in like manner with respect to any allocation made under this subparagraph; and

(2) All revenues received by the United States in connection with the construction, operation, and maintenance of such projects shall be covered into the Treasury as miscellaneous receipts.

(June 28, 1941, ch. 259, 55 Stat. 338.)

REFERENCES IN TEXT

The Federal reclamation laws, referred to in text, are classified generally to chapter 12 (§ 371 et seq.) of Title 43, Public Lands.

CHANGE OF NAME

International Boundary Commission, United States and Mexico, American section, to which powers, duties, and functions of International Water Commission, United States and Mexico, American section, were transferred by act June 30, 1932, ch. 314, § 510, 47 Stat. 417, reconstituted as International Boundary and Water Commission by Water Treaty of 1944.

§ 277g. Agreements to correct pollution of Rio Grande

(a) In general

The Secretary of State, acting through the United States Commissioner, International Boundary and Water Commission, United States and Mexico (hereafter in sections 277g to 277g–3 of this title referred to as the ''Commissioner''), is authorized to conclude agreements with the appropriate representative of the Ministry of Foreign Relations of Mexico for the purpose of correcting the international problem of pollution of the Rio Grande caused by discharge of raw and inadequately treated sewage and other wastes into such river from the border cities including but not limited to Ciudad Acuna, Nuevo Laredo, and Reynosa, Mexico, and Del Rio, Laredo, and Hidalgo, Texas.

(b) Content of agreements

Agreements concluded under subsection (a) of this section should consist of recommendations to the Governments of the United States and Mexico of measures to protect the health and welfare of persons along the Rio Grande from the effects of pollution, including—

(1) facilities that should be constructed, operated, and maintained in each country;

(2) estimates of the cost of plans, construction, operation, and maintenance of the facilities referred to in paragraph (1);

(3) formulas for the initial division between the United States and Mexico of the cost of plans, constructions, operation, and maintenance of the facilities referred to in paragraph (1);

(4) a method for review and adjustment of the formulas referred to in paragraph (3) at intervals of five years which recognizes that such initial formulas should not be used as a precedent in their subsequent review and adjustment; and

(5) dates for the beginning and completion of construction of the facilities referred to in paragraph (1).

(Pub. L. 100–465, § 2, Oct. 3, 1988, 102 Stat. 2272.)

SHORT TITLE

Pub. L. 100–465, § 1, Oct. 3, 1988, 102 Stat. 2272, provided that: ''This Act [enacting this section and sections 277g–1 to 277g–3 of this title] may be cited as the 'Rio Grande Pollution Correction Act of 1987'.''

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 277g–1, 277g–2, 277g–3 of this title.

§ 277g–1. Authority of Secretary of State to plan, construct, operate, and maintain facilities

The Secretary of State, acting through the Commissioner, is authorized to act jointly with the appropriate representative of the Government of Mexico and to—

(1) supervise the planning of, and

(2) supervise construction, operation, and maintenance of,

the facilities recommended in agreements concluded pursuant to section 277g of this title and approved by the Governments of the United States and Mexico.

(Pub. L. 100–465, § 3, Oct. 3, 1988, 102 Stat. 2272.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 277g, 277g–2 of this title.

§ 277g–2. Consultation with Administrator of Environmental Protection Agency and other authorities

The Secretary of State shall consult with the Administrator of the Environmental Protection Agency and other concerned Federal, State, and local government officials in implementing sections 277g to 277g–3 of this title.

(Pub. L. 100–465, § 4, Oct. 3, 1988, 102 Stat. 2273.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 277g of this title.

§ 277g–3. Authorization of appropriations

There is authorized to be appropriated such sums as may be necessary for the United States to fund its share of the cost of the plans, construction, operation, and maintenance of the facilities recommended in agreements concluded pursuant to section 277g of this title and approved by the Governments of the United States and Mexico.

(Pub. L. 100–465, § 5, Oct. 3, 1988, 102 Stat. 2273.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 277g, 277g–2 of this title.

§ 277h. Authority of the International Boundary and Water Commission to assist State and local governments

(a) Authority

The Commissioner of the United States section of the International Boundary and Water Commission may provide technical tests, evaluations, information, surveys, or others[1] similar services to State or local governments upon the

[1] So in original. Probably should be ''other''.

request of such State or local government on a reimbursable basis.

(b) Reimbursements

Reimbursements shall be paid in advance of the goods or services ordered and shall be for the estimated or actual cost as determined by the United States section of the International Boundary and Water Commission. Proper adjustment of amounts paid in advance shall be made as determined by the United States section of the International Boundary and Water Commission on the basis of the actual cost of goods or services provided. Reimbursements received by the United States section of the International Boundary and Water Commission for providing services under this section shall be credited to the appropriation from which the cost of providing the services is charged.

(Pub. L. 106–113, div. B, § 1000(a)(7) [div. A, title VII, § 702], Nov. 29, 1999, 113 Stat. 1536, 1501A–459.)

SUBCHAPTER V—GORGAS MEMORIAL LABORATORY

§ 278. Gorgas Memorial Laboratory; location; acceptance of funds from Latin American countries or other sources

There is hereby authorized to be permanently appropriated for each year, out of any money in the Treasury not otherwise appropriated, the sum of not to exceed $2,000,000 to be paid to the Gorgas Memorial Institute of Tropical and Preventive Medicine, Incorporated (hereinafter referred to as the Gorgas Memorial Institute), for the maintenance and operation by its, of a laboratory to be known as the Gorgas Memorial Laboratory, upon condition (1) that the necessary building or quarters for said laboratory shall be constructed within the five years next ensuing after this subchapter shall become a law, either upon the site offered by the Republic of Panama therefor, at, or adjacent to, the city of Panama, or upon a site in the Canal Zone to be provided by the United States; and (2) that the said Gorgas Memorial Institute be, and it is, authorized within its discretion, henceforth to accept from any of the Latin American Governments, or from any other sources, any funds which may be offered or given for the use of the Gorgas Memorial Institute for the maintenance and operation of the Gorgas Memorial Laboratory, and for carrying on the work of said Laboratory wherever deemed by the said Institute to be necessary or desirable.

(May 7, 1928, ch. 505, § 1, 45 Stat. 491; July 1, 1948, ch. 787, 62 Stat. 1213; Apr. 19, 1954, ch. 160, 68 Stat. 57; Pub. L. 86–296, § 1, Sept. 21, 1959, 73 Stat. 572; Pub. L. 89–181, Sept. 11, 1965, 79 Stat. 679; Pub. L. 93–559, § 47, Dec. 30, 1974, 88 Stat. 1816.)

REFERENCES IN TEXT

For definition of Canal Zone, referred to in text, see section 3602(b) of this title.

AMENDMENTS

1974—Pub. L. 93–559 substituted ''$2,000,000'' for ''$500,000''.

1965—Pub. L. 89–181 substituted ''not to exceed $500,000'' for ''$250,000''.

1959—Pub. L. 86–296 substituted ''$250,000'' for ''$150,000''.

1954—Act Apr. 19, 1954, provided that donations for maintenance of the Laboratory may be accepted from Latin American countries and from other sources, in lieu of provisions which required that such countries be invited to contribute, and struck out provisions that such countries be represented on the board or council directing the administration of such Laboratory in proportion to the amount of their contributions.

1948—Act July 1, 1948, substituted ''$150,000'' for ''$50,000''.

EFFECTIVE DATE OF 1965 AMENDMENT

Pub. L. 89–181 provided that the amendment made by Pub. L. 89–181 is effective for fiscal years ending after June 30, 1963.

EFFECTIVE DATE OF 1959 AMENDMENT

Section 1 of Pub. L. 86–296 provided that the amendment made by that section is effective for fiscal years ending after June 30, 1960.

ADDITIONAL APPROPRIATION FOR THE FISCAL YEAR ENDING JUNE 30, 1970

Section 505 of Pub. L. 90–574, title V, Oct. 15, 1968, 82 Stat. 1013, provided that the annual appropriation for the maintenance and operation of the Gorgas Memorial Laboratory for the fiscal year ending June 30, 1970 would be increased by $500,000.

ANNUAL APPROPRIATIONS

An annual appropriation was contained in the following appropriation acts:

Aug. 5, 1953, ch. 328, title I, 67 Stat. 368.
July 10, 1952, ch. 651, title I, 66 Stat. 550.
Oct. 22, 1951, ch. 533, title I, 65 Stat. 577.
Sept. 6, 1950, ch. 896, ch. III, title I, 64 Stat. 610.
July 20, 1949, ch. 354, title I, 63 Stat. 449.
June 3, 1948, ch. 400, title I, 62 Stat. 308.
July 9, 1947, ch. 211, title I, 61 Stat. 282.
July 5, 1946, ch. 541, title I, 60 Stat. 453.
May 21, 1945, ch. 129, title I, 59 Stat. 175.
June 28, 1944, ch. 294, title I, 58 Stat. 402.
July 1, 1943, ch. 182, title I, 57 Stat. 278.
July 2, 1942, ch. 472, title I, 56 Stat. 474.
June 28, 1941, ch. 258, title I, 55 Stat. 271.
May 14, 1940, ch. 189, title I, 54 Stat. 187.
June 29, 1939, ch. 248, title I, 53 Stat. 891.
Apr. 27, 1938, ch. 180, title I, 52 Stat. 253.
June 16, 1937, ch. 359, title I, 50 Stat. 267.
May 15, 1936, ch. 405, title I, 49 Stat. 1315.
Mar. 22, 1935, ch. 39, title I, 49 Stat. 73.
Apr. 7, 1934, ch. 104, title I, 48 Stat. 534.
Mar. 1, 1933, ch. 144, title I, 47 Stat. 1376.
July 1, 1932, ch. 361, title I, 47 Stat. 485.
Feb. 23, 1931, ch. 280, title I, 46 Stat. 1309.
Apr. 18, 1930, ch. 184, title I, 46 Stat. 173.
Jan. 25, 1929, ch. 102, title I, 45 Stat. 1094.

APPROPRIATION FOR CONSTRUCTION OF FACILITIES

Section 4 of act May 7, 1928, as added by section 2 of Pub. L. 86–296, and amended Pub. L. 86–617, July 12, 1960, 74 Stat. 396, provided that a sum not to exceed $500,000 be appropriated for construction and equipment of facilities for Gorgas Memorial Laboratory, including preparation of plans and specifications, remodeling of buildings, and site improvement, but excluding the cost of acquisition of land.

§ 278a. Annual report to Congress; examination of books and accounts

The Gorgas Memorial Institute shall make to Congress, on April 1 of each year, a full report of the operation and work of the Gorgas Memorial Laboratory during the fiscal year ending the preceding September 30, and shall include therewith a complete statement of the receipts and expenditures of said laboratory for such fiscal

year. The books and accounts of the Gorgas Memorial Laboratory shall at all times be open to examination by the Comptroller General of the United States.

(May 7, 1928, ch. 505, § 3, 45 Stat. 491; Pub. L. 95–426, title VII, § 701(a), Oct. 7, 1978, 92 Stat. 991.)

AMENDMENTS

1978—Pub. L. 95–426 substituted ''on April 1 of each year'' and ''during the fiscal year ending the preceding September 30'' for ''annually, on the first Monday in December'' and ''up to the first of November next preceding'', respectively.

TERMINATION OF REPORTING REQUIREMENTS

For termination, effective May 15, 2000, of provisions in the first sentence of this section relating to annual report to Congress, see section 3003 of Pub. L. 104–66, as amended, set out as a note under section 1113 of Title 31, Money and Finance, and page 174 of House Document No. 103–7.

§ 278b. Repealed. Pub. L. 95–426, title VII, § 701(b), Oct. 7, 1978, 92 Stat. 991

Section, act June 28, 1944, ch. 294, title I, 58 Stat. 402, related to a report to Congress of the operation and work of the laboratory, including the statement of the receipts and expenditures, such a report to cover a fiscal year period ending on June 30 of the calendar year immediately preceding the convening of each such session. Similar provisions were contained in the following prior acts:

July 1, 1943, ch. 182, title I, 57 Stat. 277.
July 2, 1942, ch. 472, title I, 56 Stat. 474.
June 28, 1941, ch. 258, title I, 55 Stat. 271.
May 14, 1940, ch. 189, title I, 54 Stat. 187.
June 29, 1939, ch. 248, 53 Stat. 891.
Apr. 27, 1938, ch. 180, title I, 52 Stat. 253.
June 16, 1937, ch. 359, title I, 50 Stat. 267.

SUBCHAPTER VI—UNITED NATIONS FOOD AND AGRICULTURE ORGANIZATION

§ 279. United States membership in the United Nations Food and Agriculture Organization

The President is hereby authorized to accept membership for the United States in the Food and Agriculture Organization of the United Nations (hereinafter referred to as the ''Organization'') the Constitution of which is set forth in appendix I of the First Report to the Governments of the United Nations by the Interim Commission on Food and Agriculture, dated August 1, 1944.

(July 31, 1945, ch. 342, § 1, 59 Stat. 529.)

§ 279a. Authorization of appropriations for payment of United States expenses in Organization; limitation of contributions

There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be required for expenditure under the direction of the Secretary of State, for the payment by the United States of its proportionate share in the expenses of the Organization: *Provided*, That the percentage contribution of the United States to the total annual budget of the Organization shall not exceed 33.33 per centum.

(July 31, 1945, ch. 342, § 2, 59 Stat. 529; Sept. 21, 1950, ch. 976, § 1(b), 64 Stat. 902; Aug. 26, 1954, ch. 937, title IV, § 421, as added July 18, 1956, ch. 627, § 8(n), 70 Stat. 559; Aug. 26, 1954, ch. 937, title V, § 544(b), as added Pub. L. 85–141, § 11(b)(2), Aug. 14, 1957, 71 Stat. 365; Pub. L. 87–195, pt. IV, § 709, Sept. 4, 1961, 75 Stat. 465.)

AMENDMENTS

1961—Pub. L. 87–195 struck out provisions which limited the annual appropriations to not more than $3,000,000.

1957—Pub. L. 85–141, § 11(b)(2), added section 544(b) to act August 26, 1954, which section 544(b) amended this section by increasing the maximum percentage contribution from 31.5 to 33.33 per centum.

1956—Act July 18, 1956, increased authorized annual appropriation from $2,000,000, to $3,000,000, and inserted provisions limiting percentage contribution of United States to total annual budget to not more than 31.5 per centum.

1950—Joint Res. Sept. 21, 1950, increased authorized annual appropriation from $1,250,000 to $2,000,000.

REPEALS

Section 709 of Pub. L. 87–195, cited as a credit to this section, was repealed by section 401 of Pub. L. 87–565, pt. IV, Aug. 1, 1962, 76 Stat. 263, except insofar as section 709 affected this section.

Section 544(b) of act Aug. 26, 1954, cited as a credit to this section, was repealed by Pub. L. 85–477, ch. IV, § 401(h), June 30, 1958, 72 Stat. 270, except insofar as such section 544(b) affected this section.

Section 421 of act August 26, 1954, cited as a credit to this section was repealed by section 8(n) of Pub. L. 85–141, except insofar as section 421 affected this section.

SIMILAR PROVISIONS

Similar provisions were contained in the Department of State Appropriation Act, 1946, act July 5, 1946, ch. 541, title I, 60 Stat. 453.

ANNUAL APPROPRIATIONS

Annual appropriations to meet the obligations of membership in various international organizations were contained in acts listed in a note set out under section 269a of this title.

LIMITATION OF CONTRIBUTIONS

Contributions by United States, except for special projects, limited to amount provided by Joint Res. Sept. 21, 1950, consent by State Department and reports to Congress, see section 262a of this title.

§ 279b. Integration of International Institute of Agriculture with Organization

In adopting this subchapter, it is the sense of the Congress that the Government of the United States should use its best efforts to bring about, as soon as practicable, the integration of the functions and the resources of the International Institute of Agriculture with those of the Organization, in a legal and orderly manner, to effect one united institution in such form as to provide an adequate research, informational, and statistical service for the industry of agriculture.

(July 31, 1945, ch. 342, § 3, 59 Stat. 530.)

§ 279c. Congressional authority necessary for acceptance of new obligations in Organization

Unless Congress by law authorizes such action, neither the President nor any person or agency shall on behalf of the United States accept any amendment under paragraph 1 of article XX of the Constitution of the Organization involving any new obligation for the United States.

(July 31, 1945, ch. 342, § 4, 59 Stat. 530.)

§ 279d. Limitation on power of Conference to impose new obligations on United States

In adopting this subchapter the Congress does so with the understanding that paragraph 2 of article XIII does not authorize the Conference of the Organization to so modify the provisions of its Constitution as to involve any new obligation for the United States.

(July 31, 1945, ch. 342, § 5, 59 Stat. 530.)

SUBCHAPTER VII—SOUTH PACIFIC COMMISSION

§ 280. Representation in South Pacific Commission; appointment of commissioners and alternates

The President is hereby authorized to accept membership for the United States in the South Pacific Commission, created by the Agreement Establishing the South Pacific Commission, signed on February 6, 1947, at Canberra, Australia, by delegates representing the Governments of Australia, the French Republic, the Kingdom of the Netherlands, New Zealand, the United Kingdom of Great Britain and Northern Ireland, and the United States of America, and to appoint the United States Commissioners, and their alternates, thereto.

(Jan. 28, 1948, ch. 38, § 1, 62 Stat. 15.)

PURPOSE OF COMMISSION

In defining the purposes of act Jan. 28, 1948, Congress stated that:

''Whereas delegates representing the Governments of Australia, the French Republic, the Kingdom of the Netherlands, New Zealand, the United Kingdom of Great Britain and Northern Ireland, and the United States of America attended the South Seas Conference held at Canberra, Australia, and signed an 'Agreement Establishing the South Pacific Commission' on February 6, 1947; and

''Whereas the purpose of the South Pacific Commission is to encourage and strengthen international cooperation in promoting the economic and social welfare and advancement of the non-self-governing territories in the South Pacific in accordance with the principles set forth in Chapter XI of the Charter of the United Nations, thereby contributing to the maintenance of international peace and security: Therefore be it''.

§ 280a. Definitions

When used in this subchapter—

(1) the term ''Secretary'' means the Secretary of State;

(2) the term ''Government agency'' means any department, independent establishment, or other agency of the Government of the United States, or any corporation wholly owned by the Government of the United States; and

(3) the term ''Commission'' means the South Pacific Commission.

(Jan. 28, 1948, ch. 38, § 2, 62 Stat. 15.)

§ 280b. Authorization of appropriations

There is hereby authorized to be appropriated to the Department of State, out of any money in the Treasury not otherwise appropriated—

(a) such[1] sums as may be required annually for the payment by the United States of its proportionate share of the expenses of the Commission and its auxiliary and subsidiary bodies, in accordance with article XIV of the agreement establishing the South Pacific Commission, as amended, except that in no event shall that payment for any fiscal year of the Commission exceed 20 per centum of all expenses apportioned among participating governments of the Commission for that year.

(b) Such additional sums as may be needed for the payment of all necessary expenses incident to participation by the United States in the activities of the Commission, including salaries of the United States Commissioners, their alternates, and appropriate staff, without regard to the civil-service laws and chapter 51 and subchapter III of chapter 53 of title 5; personal services in the District of Columbia; services as authorized by section 3109 of title 5; under such rules and regulations as the Secretary of State may prescribe, allowances for living quarters, including heat, fuel, and light and cost-of-living allowances to persons temporarily stationed abroad; hire of passenger motor vehicles and other local transportation; printing and binding without regard to section 501 of title 44 and section 5 of title 41; and such other expenses as the Secretary of State finds necessary to participation by the United States in the activities of the Commission: *Provided*, That the provisions of section 287r of this title, and regulations thereunder, applicable to expenses incurred pursuant to subchapter XVII of this chapter shall be applicable to any expenses incurred pursuant to this paragraph.

(Jan. 28, 1948, ch. 38, § 3, 62 Stat. 15; Oct. 28, 1949, ch. 782, title II, § 202(2), title XI, § 1106(a), 63 Stat. 954, 972; Sept. 21, 1950, ch. 976, § 1(c), 64 Stat. 902; Pub. L. 86–472, ch. VI, § 603, May 14, 1960, 74 Stat. 141; Pub. L. 88–263, Jan. 31, 1964, 78 Stat. 7; Pub. L. 89–91, July 27, 1965, 79 Stat. 281; Pub. L. 91–632, Dec. 31, 1970, 84 Stat. 1876; Pub. L. 92–490, Oct. 13, 1972, 86 Stat. 808.)

REFERENCES IN TEXT

The civil-service laws, referred to in subsec. (b), are set forth in Title 5, Government Organization and Employees. See, particularly, section 3301 et seq. of Title 5.

Subchapter XVII [§ 287m et seq.] of this chapter, referred to in subsec. (b), was in the original a reference to the Act of July 30, 1946 (Public Law 565, Seventy-ninth Congress).

CODIFICATION

In subsec. (b), ''chapter 51 and subchapter III of chapter 53 of title 5'' and ''section 3109 of title 5'' substituted for ''the Classification Act of 1949'' and ''section 15 of Public Law 600, Seventy-ninth Congress [5 U.S.C. 55a]'', respectively, on authority of Pub. L. 89–554, § 7(b), Sept. 6, 1966, 80 Stat. 631, the first section of which enacted Title 5, Government Organization and Employees.

''Section 501 of title 44'' substituted for ''section 11 of the Act of March 1, 1919 (44 U.S.C. 111)'' on authority of Pub. L. 90–620, § 2(b), Oct. 22, 1968, 82 Stat. 1305, the first section of which enacted Title 44, Public Printing and Documents.

[1] So in original. Probably should be capitalized.

AMENDMENTS

1972—Subsec. (a). Pub. L. 92–490 struck out ''not to exceed $250,000 per fiscal year'' after ''annually'' and inserted ''except that in no event shall that payment for any fiscal year of the Commission exceed 20 per centum of all expenses apportioned among participating governments of the Commission for that year'' after ''as amended''.

1970—Subsec. (a). Pub. L. 91–632 substituted ''$250,000'' for ''$200,000''.

1965—Subsec. (a). Pub. L. 89–91 substituted ''such sums as may be required annually, not to exceed $200,000 per fiscal year'' for ''Not more than $150,000 for the fiscal year 1965, and $150,000 for the fiscal year 1966''.

1964—Subsec. (a). Pub. L. 88–263 substituted ''$150,000 for the fiscal year 1965, and $150,000 for the fiscal year 1966,'' for ''$100,000 annually''.

1960—Subsec. (a). Pub. L. 86–472 substituted ''$100,000'' for ''$75,000''.

1950—Subsec. (a). Joint Res. Sept. 21, 1950, substituted ''$75,000'' for ''$20,000''.

1949—Subsec. (a). Act Oct. 28, 1949, substituted ''Classification Act of 1949'' for ''Classification Act of 1923''.

REPEALS

Act Oct. 28, 1949, ch. 782, cited as a credit to this section, was repealed (subject to a savings clause) by Pub. L. 89–554, Sept. 6, 1966, § 8, 80 Stat. 632, 655.

ANNUAL APPROPRIATIONS

Annual appropriations to meet the obligations of membership in various international organizations were contained in acts listed in a note set out under section 269a of this title.

LIMITATION OF CONTRIBUTIONS

Contributions by United States, except for special projects, limited to amount provided by Joint Res. Sept. 21, 1950; consent by State Department and reports to Congress, see section 262a of this title.

§ 280c. Employment of personnel with specialized skills

The Secretary is authorized, when the Commission is desirous of obtaining the services of a person having special scientific or other technical or professional qualifications, from time to time to detail, or authorize the detail of, for temporary service to or in cooperation with the Commission, any person in the employ or service of the Government of the United States who has such qualifications, with the approval of the Government agency in which such person is employed or serving, under the same conditions as those governing the detail of officers and employees of the United States Government to the government of another country in accordance with the provisions of the Act of May 25, 1938 (52 Stat. 442), as amended, except that the authority vested in the President under that Act shall be vested in the Secretary for the purpose of carrying out this section.

(Jan. 28, 1948, ch. 38, § 4, 62 Stat. 16.)

REFERENCES IN TEXT

Act of May 25, 1938 (52 Stat. 442), as amended, referred to in text, is act May 25, 1938, ch. 277, 52 Stat. 442, as amended, which was classified to section 118e of former title 5, Executive Departments and Government Officers and Employees, and was repealed by act Jan. 26, 1948, ch. 36, § 1004(a), 62 Stat. 13. Section 1004(c) of act Jan. 26, 1948, provided that any reference to provisions of act May 25, 1938 shall be construed to be applicable to the appropriate provisions of titles III and IX of act Jan. 26, 1948 [see sections 1451 et seq., 1478 and 1479 of this title].

SUBCHAPTER VIII—CARIBBEAN COMMISSION

§ 280h. Representation in Caribbean Commission; appointment of commissioners and alternates

The President is hereby authorized to accept membership for the United States in the Caribbean Commission, created by ''An agreement for the establishment of the Caribbean Commission,'' signed in Washington on October 30, 1946, by representatives of the Governments of the French Republic, the Kingdom of the Netherlands, the United Kingdom of Great Britain and Northern Ireland, and the United States of America, and to appoint the United States Commissioners, and their alternates, thereto.

(Mar. 4, 1948, ch. 97, § 1, 62 Stat. 66.)

PURPOSE OF COMMISSION

In defining the purposes of act Mar. 4, 1948, Congress stated that:

''Whereas representatives of the Governments of the French Republic, the Kingdom of the Netherlands, the United Kingdom of Great Britain and Northern Ireland, and the United States of America signed 'An Agreement for the establishment of the Caribbean Commission' in Washington on October 30, 1946, which agreement continued and extended the international cooperative arrangements initiated in 1942 between the United Kingdom of Great Britain and Northern Ireland, and the United States; and

''Whereas the purpose of the Caribbean Commission is to encourage and strengthen international cooperation in promoting the economic and social welfare and advancement of the non-self-governing territories in the Caribbean area, whose economic and social development is of vital interest to the security of the United States, in accordance with the principles set forth in chapter XI of the Charter of the United Nations: Therefore be it''.

ACCEPTANCE OF CARIBBEAN ORGANIZATION AGREEMENT

Pub. L. 87–73, June 30, 1961, 75 Stat. 194, provided: ''That the President is hereby authorized to accept on behalf of the Government of the United States of America the 'Agreement for the Establishment of the Caribbean Organization' signed at Washington on June 21, 1960, by representatives of the Governments of the Republic of France, the Kingdom of the Netherlands, the United Kingdom of Great Britain and Northern Ireland, and the United States of America; that the participation of the Commonwealth of Puerto Rico and the Virgin Islands of the United States in the Caribbean Organization is hereby authorized; that the Caribbean Organization shall, upon promulgation by the President of an Executive order to this effect, be entitled to the privileges, exemptions, and immunities conferred by the International Organizations Immunities Act (59 Stat. 669; 22 U.S.C. 288); and that the Secretary of State is hereby authorized to appoint or designate a United States observer to the Caribbean Organization.''

TERMINATION OF CARIBBEAN COMMISSION

Article III of the Agreement of the Establishment of the Caribbean Organization provides that ''On the termination of the Agreement for the establishment of the Caribbean Commission, signed at Washington on October 30, 1946, the assets of the Caribbean Commission shall be and are by virtue of this Agreement transferred to and vested in the Caribbean Organization. The Caribbean Organization is hereby authorized to assume at the same time the liabilities of the Caribbean Com-

mission and shall be regarded as the successor body to the Caribbean Commission.''

Article IV of such Agreement provides that ''The Agreement for the establishment of the Caribbean Commission shall terminate at the end of the first meeting of the Caribbean Council provided for in the Statute annexed to this Agreement.''

EX. ORD. NO. 10609. DELEGATION OF AUTHORITY TO APPOINT ALTERNATE COMMISSIONERS

Ex. Ord. No. 10609, May 7, 1955, 20 F.R. 3147, provided: By virtue of the authority vested in me by section 301 of title 3 of the United States Code (65 Stat. 713), and as President of the United States, it is ordered that the Secretary of State be, and he is hereby, designated and empowered to exercise, without the approval, ratification, or other action of the President, so much of the authority vested in the President by the first section of the Joint Resolution of March 4, 1948, entitled ''Joint Resolution providing for membership and participation by the United States in the Caribbean Commission and authorizing an appropriation therefor'' (62 Stat. 66; 22 U.S.C. 280h) as consists of authority to appoint alternate United States Commissioners to the Caribbean Commission.

DWIGHT D. EISENHOWER.

§ 280i. Authorization of appropriations

There is hereby authorized to be appropriated to the Department of State, out of any money in the Treasury not otherwise appropriated—

(a) Not more than $142,000 annually for the payment by the United States of its proportionate share of the expenses of the Commission and its auxiliary and subsidiary bodies, pursuant to article XV of the ''agreement for the Establishment of the Caribbean Commission''; and

(b) Such additional sums as may be needed for the payment of all necessary expenses incident to participation by the United States in the activities of the Commission, including salaries of the United States Commissioners, their alternates, appropriate staff, without regard to the civil-service laws, and chapter 51 and subchapter III of chapter 53 of title 5; personal services in the District of Columbia; services as authorized by section 3109 of title 5; hire of passenger motor vehicles and other local transportation; printing and binding without regard to section 501 of title 44, and section 5 of title 41; and such other expenses as the Secretary of State finds necessary to participation by the United States in the activities of the Commission: *Provided*, That the provisions of section 287r of this title, and regulations thereunder, applicable to expenses incurred pursuant to subchapter XVII of this chapter shall be applicable to any expenses incurred pursuant to this paragraph.

(Mar. 4, 1948, ch. 97, § 2, 62 Stat. 66; Oct. 28, 1949, ch. 782, title II, § 202(2), title XI, § 1106(a), 63 Stat. 954, 972.)

REFERENCES IN TEXT

The civil-service laws, referred to in subsec. (b), are set forth in Title 5, Government Organization and Employees. See, particularly, section 3301 et seq. of Title 5.

Subchapter XVII [§ 287m et seq.] of this chapter, referred to in subsec. (b), was in the original a reference to the Act of July 30, 1946 (Public Law 565, Seventy-ninth Congress).

CODIFICATION

In subsec. (b), ''chapter 51 and subchapter III of chapter 53 of title 5'' and ''section 3109 of title 5'' substituted for ''the Classification Act of 1949'' and ''section 15 of Public Law 600, Seventy-ninth Congress [5 U.S.C. 55a], respectively, on authority of Pub. L. 89–554, § 7(b), Sept. 6, 1966, 80 Stat. 631, the first section of which enacted Title 5, Government Organization and Employees.

''Section 501 of title 44'' substituted for ''section 11 of the Act of March 1, 1919 (44 U.S.C. 111)'' on authority of Pub. L. 90–620, § 2(b), Oct. 22, 1968, 82 Stat. 1305, the first section of which enacted Title 44, Public Printing and Documents.

AMENDMENTS

1949—Subsec. (b). Act Oct. 28, 1949, substituted ''Classification Act of 1949'' for ''Classification Act of 1923''.

REPEALS

Act Oct. 28, 1949, ch. 782, cited as a credit to this section, was repealed (subject to a savings clause) by Pub. L. 89–554, Sept. 6, 1966, § 8, 80 Stat. 632, 655.

ANNUAL APPROPRIATIONS

Annual appropriations to meet the obligations of membership in various international organizations were contained in acts listed in a note set out under section 269a of this title.

SUBCHAPTER IX—PAN AMERICAN RAILWAY CONGRESS

§ 280j. Representation in Congress; appointment of delegates and alternates

The President is hereby authorized to accept membership for the Government of the United States in, and to appoint the United States delegates and their alternates to, the Pan American Railway Congress, the constitution and bylaws of which were approved in Montevideo, Uruguay, April 1946, and deposited in the archives of the Pan American Union in Washington.

(June 28, 1948, ch. 686, § 1, 62 Stat. 1060.)

§ 280k. Authorization of appropriations

There is hereby authorized to be appropriated to the Department of State, out of any money in the Treasury not otherwise appropriated—

(a) Such sums as may be necessary for the payment by the United States of its proportionate share of the expenses of the Pan American Railway Congress and its Permanent Commission; and

(b) Such additional sums as may be needed for the payment of all necessary expenses incident to participation by the United States in the activities thereof, including expenses of the United States delegates, their alternates, and appropriate staff, without regard to the civil-service laws and chapter 51 and subchapter III of chapter 53 of title 5; personal services in the District of Columbia; services as authorized by section 3109 of title 5; hire of passenger motor vehicles and other local transportation; printing and binding without regard to section 501 of title 44, and section 5 of title 41; and such other expenses as the Secretary of State finds necessary to participation by the United States in the activities of the organization: *Provided*, That the provisions of section 287r of this title, and regulations thereunder, applicable to expenses incurred pursuant to subchapter XVII of this chapter shall be applicable to any expenses incurred pursuant to this subsection.

(June 28, 1948, ch. 686, § 2, 62 Stat. 1060; Oct. 28, 1949, ch. 782, title II, § 202(2), title XI, § 1106(a), 63 Stat. 954, 972; Pub. L. 91–553, Dec. 16, 1970, 84 Stat. 1441; Pub. L. 97–241, title I, § 115, Aug. 24, 1982, 96 Stat. 278.)

REFERENCES IN TEXT

The civil-service laws, referred to in subsec. (b), are set forth in Title 5, Government Organization and Employees. See, particularly, section 3301 et seq. of Title 5.

Subchapter XVII [§ 287m et seq.] of this chapter, referred to in subsec. (b), was in the original a reference to the Act of July 30, 1946 (Public Law 565, Seventy-ninth Congress).

CODIFICATION

In subsec. (b), ''chapter 51 and subchapter III of chapter 53 of title 5'' and ''section 3109 of title 5'' substituted for ''the Classification Act of 1949'' and ''section 15 of Public Law 600, Seventy-ninth Congress [5 U.S.C. 55a]'', respectively, on authority of Pub. L. 89–554, § 7(b), Sept. 6, 1966, 80 Stat. 631, the first section of which enacted Title 5, Government Organization and Employees.

''Section 501 of title 44'' substituted for ''section 11 of the Act of March 1, 1919 (44 U.S.C. 111)'' on authority of Pub. L. 90–620, § 2(b), Oct. 22, 1968, 82 Stat. 1305, the first section of which enacted Title 44, Public Printing and Documents.

AMENDMENTS

1982—Subsec. (a). Pub. L. 97–241 substituted ''Such sums as may be necessary'' for ''Not more than $15,000 annually''.

1970—Subsec. (a). Pub. L. 91–553 increased annual authorization from $5,000 to $15,000.

1949—Subsec. (b). Act Oct. 28, 1949, substituted ''Classification Act of 1949'' for ''Classification Act of 1923''.

REPEALS

Act Oct. 28, 1949, ch. 782, cited as a credit to this section, was repealed (subject to a savings clause) by Pub. L. 89–554, Sept. 6, 1966, § 8, 80 Stat. 632, 655.

ANNUAL APPROPRIATIONS

Annual appropriations to meet the obligations of membership in various international organizations were contained in acts listed in a note set out under section 269a of this title.

SUBCHAPTER X—THE INSTITUTE OF INTER-AMERICAN AFFAIRS

§§ 281 to 281b. Omitted

CODIFICATION

Sections 281 to 281b of this title contained provisions relating to the Institute of Inter-American Affairs. The Institute was created pursuant to act Aug. 5, 1947, ch. 498, 61 Stat. 780. Section 3 of such act, as amended, provided that the Institute was to have succession until June 30, 1960. Prior to such date, the Institute, together with its functions, was transferred to the Foreign Operations Administration by Reorg. Plan No. 7 of 1953, eff. Aug. 1, 1953, 18 F.R. 4541, 67 Stat. 639, set out in the Appendix to Title 5, Government Organization and Employees. The Foreign Operations Administration was abolished by Ex. Ord. No. 10610, May 9, 1955, 20 F.R. 3179, and its functions and offices were transferred to the Department of State to be administered by the International Cooperation Administration. The International Cooperation Administration was to continue to exist for a period not to exceed sixty days after the effective date of Pub. L. 87–195, Sept. 4, 1961, 75 Stat. 424 [Sept. 4, 1961], and the President was authorized to transfer offices, entities, functions, property, records, and personnel of the Administration to the Agency carrying out functions relating to international development under the provisions of section 621(b), (e) of Pub. L. 87–195. The functions of the Administration were redelegated to the Agency for International Development pursuant to President's letter of Sept. 30, 1961 and Ex. Ord. No. 10973, Nov. 3, 1961, 26 F.R. 10469, section 102 of which provided for the establishment of the Agency for International Development and section 103 of which continued the existence of the Administration until the end of Nov. 3, 1961 and authorized the Secretary to utilize the personnel, offices, entities, property, records, and funds of the Administration. See section 621 of Pub. L. 87–195 and Ex. Ord. No. 10973, classified to section 2381 of this title, and set out as a note under section 2381, respectively.

Section 281, act Aug. 5, 1947, ch. 498, § 1, 61 Stat. 780, created the Institute of Inter-American Affairs.

Section 281a, act Aug. 5, 1947, ch. 498, § 2, 61 Stat. 781, set forth the purposes of the Institute of Inter-American Affairs.

Section 281b, acts Aug. 5, 1947, ch. 498, § 3, 61 Stat. 781; Sept. 3, 1949, ch. 532, § 1, 63 Stat. 685; Apr. 5, 1952, ch. 159, § 1, 66 Stat. 43; Aug. 26, 1954, ch. 937, title V, § 544(a), 68 Stat. 862; Aug. 14, 1957, Pub. L. 85–141, § 11(b)(1), 71 Stat. 365, provided that the Institute of Inter-American Affairs have succession until June 30, 1960, and set forth the powers and duties of the Institute.

§ 281b–1. Repealed. Aug. 26, 1954, ch. 937, title V, § 544(b), 68 Stat. 862

Section, act Sept. 3, 1949, ch. 532, § 1, 63 Stat. 685, related to contract authorizations.

§§ 281b–2 to 281j. Omitted

CODIFICATION

Sections 281b–2 to 281j of this title contained provisions relating to the Institute of Inter-American Affairs. The Institute was created pursuant to act Aug. 5, 1947, ch. 498, 61 Stat. 780. Section 3 of such act, as amended, provided that the Institute was to have succession until June 30, 1960. See Codification note set out under section 281 of this title.

Section 281b–2, acts Aug. 26, 1954, ch. 937, title V, § 544(a), 68 Stat. 862; Aug. 14, 1957, Pub. L. 85–141, § 11(b)(1), 71 Stat. 365, authorized the Institute of Inter-American Affairs to make contracts for periods not to exceed five years, with the proviso that any contract extending beyond June 30, 1960, be made subject to termination by the Institute upon notice, and provided that the Institute, on and after July 1, 1954, be subject to the applicable provisions of the Budget and Accounting Act, 1921, as amended, in lieu of the provisions of the Government Corporation Control Act, as amended [31 U.S.C. 9101 et seq.].

Section 281c, act Aug. 5, 1947, ch. 498, § 4, 61 Stat. 782, provided for transfer of assets to United States Treasury upon termination of corporate life of Institute of Inter-American Affairs.

Section 281d, act Aug. 5, 1947, ch. 498, § 5, 61 Stat. 782, established a Board of Directors for Institute of Inter-American Affairs, and enumerated powers of Board.

Section 281e, act Aug. 5, 1947, ch. 498, § 6, 61 Stat. 782, provided that Institute of Inter-American Affairs be a nonprofit corporation, have no capital stock, and that no part of its revenue, earnings, or other income or property inure to benefit of its directors, officers, and employees.

Section 281f, act Aug. 5, 1947, ch. 498, § 7, 61 Stat. 782, authorized officers and employees of Institute of Inter-American Affairs to hold offices upon approval of Institute, with governments or governmental agencies of other American Republics.

Section 281g, act Aug. 5, 1947, ch. 498, § 8, 61 Stat. 782, authorized Secretary of State to detail employees of Department of State to Institute of Inter-American Affairs.

Section 281h, act Aug. 5, 1947, ch. 498, § 9, 61 Stat. 783, provided that principal office of Institute of Inter-

American Affairs be located in District of Columbia, with branch offices any place in United States or other American Republics.

Section 281i, act Aug. 5, 1947, ch. 498, § 10, 61 Stat. 783, exempted Institute of Inter-American Affairs from taxation by any Federal, State, or local taxing authority.

Section 281j, act Aug. 5, 1947, ch. 498, § 11, 61 Stat. 783, reserved right to alter, amend or repeal provisions of sections 281 to 281b and 281c to 281*l* of this title, and set forth savings clause for such provisions.

§ 281k. Repealed. Pub. L. 89–554, § 8(a), Sept. 6, 1966, 80 Stat. 654

Section, act Aug. 5, 1947, ch. 498, § 12, 61 Stat. 783, provided for transfer of property to Institute of Inter-American Affairs.

§ 281*l*. Omitted

CODIFICATION

Section, act Aug. 5, 1947, ch. 498, § 13, 61 Stat. 783, provided that Institute of Inter-American Affairs be subject to provisions of the Government Corporation Control Act. See Codification note set out under section 281 of this title.

SUBCHAPTER XI—INTERNATIONAL FINANCE CORPORATION

§ 282. Acceptance of membership by United States in International Finance Corporation

The President is hereby authorized to accept membership for the United States in the International Finance Corporation (hereinafter referred to as the ''Corporation''), provided for by the Articles of Agreement of the Corporation deposited in the archives of the International Bank for Reconstruction and Development.

(Aug. 11, 1955, ch. 788, § 2, 69 Stat. 669.)

SHORT TITLE

Section 1 of act Aug. 11, 1955, provided that: ''This Act [enacting this subchapter] may be cited as the 'International Finance Corporation Act'.''

§ 282a. Governor, executive director, and alternates of Corporation

The governor and executive director of the International Bank for Reconstruction and Development, and the alternate for each of them, appointed under section 286a of this title, shall serve as governor, director and alternates, respectively, of the Corporation.

(Aug. 11, 1955, ch. 788, § 3, 69 Stat. 669.)

§ 282b. Applicability of National Advisory Council on International Monetary and Financial Problems

The provisions of section 286b of this title, shall apply with respect to the Corporation to the same extent as with respect to the International Bank for Reconstruction and Development.

(Aug. 11, 1955, ch. 788, § 4, 69 Stat. 669; Pub. L. 101–240, title V, § 541(e)(1), Dec. 19, 1989, 103 Stat. 2518.)

AMENDMENTS

1989—Pub. L. 101–240 struck out at end ''Reports with respect to the Corporation under paragraphs 5 and 6 of subsection (b) of section 286b of this title, shall be included in the first report made thereunder after the establishment of the Corporation and in each succeeding report.''

DELEGATION OF FUNCTIONS

Functions of National Advisory Council on International Monetary and Financial Problems under this section delegated to National Advisory Council on International Monetary and Financial Policies, see section 2(a) of Ex. Ord. No. 11269, Feb. 14, 1966, 31 F.R. 2813, set out as a note under section 286b of this title.

§ 282c. Congressional authorization needed for certain actions

Unless Congress by law authorizes such action, neither the President nor any person or agency shall on behalf of the United States (a) subscribe to additional shares of stock under article II, section 3, of the Articles of Agreement of the Corporation; (b) accept any amendment under article VII of the Articles of Agreement of the Corporation; (c) make any loan to the Corporation. The United States Governor of the Corporation is authorized to agree to an amendment to article III of the articles of agreement of the Corporation to authorize the Corporation to make investments of its funds in capital stock and to limit the exercise of voting rights by the Corporation unless exercise of such rights is deemed necessary by the Corporation to protect its interests, as proposed in the resolution submitted by the Board of Directors on February 20, 1961. Unless Congress by law authorizes such action, no governor or alternate representing the United States shall vote for an increase of capital stock of the Corporation under article II, section 2(c)(ii), of the Articles of Agreement of the Corporation.

(Aug. 11, 1955, ch. 788, § 5, 69 Stat. 669; Pub. L. 87–185, Aug. 30, 1961, 75 Stat. 413.)

AMENDMENTS

1961—Pub. L. 87–185 authorized acceptance of an amendment to the articles of agreement of the Corporation to permit investment in capital stock and to limit the exercise of voting rights.

§ 282d. Federal Reserve banks as depositories

Any Federal Reserve bank which is requested to do so by the Corporation shall act as its depository or as its fiscal agent, and the Board of Governors of the Federal Reserve System shall supervise and direct the carrying out of these functions by the Federal Reserve banks.

(Aug. 11, 1955, ch. 788, § 6, 69 Stat. 669.)

§ 282e. Payment of subscriptions to Corporation by United States; dividends covered into Treasury

(a) Authority of Secretary of the Treasury

The Secretary of the Treasury is authorized to pay the subscription of the United States to the Corporation and for this purpose is authorized to use as a public-debt transaction not to exceed $35,168,000 of the proceeds of any securities hereafter issued under chapter 31 of title 31, and the purposes for which securities may be issued under that chapter are extended to include such purpose. Payment under this subsection of the subscription of the United States to the Cor-

poration and any repayment thereof shall be treated as public-debt transactions of the United States.

(b) Dividends treated as miscellaneous receipts

Any payment of dividends made to the United States by the Corporation shall be covered into the Treasury as a miscellaneous receipt.

(Aug. 11, 1955, ch. 788, § 7, 69 Stat. 670.)

CODIFICATION

In subsec. (a), ''chapter 31 of title 31'' and ''that chapter'' substituted for ''the Second Liberty Bond Act, as amended'' and ''that Act'', respectively, on authority of Pub. L. 97–258, § 4(b), Sept. 13, 1982, 96 Stat. 1067, the first section of which enacted Title 31, Money and Finance.

§ 282f. Jurisdiction and venue of actions

For the purpose of any action which may be brought within the United States or its Territories or possessions by or against the Corporation in accordance with the Articles of Agreement of the Corporation, the Corporation shall be deemed to be an inhabitant of the Federal judicial district in which its principal office in the United States is located, and any such action at law or in equity to which the Corporation shall be a party shall be deemed to arise under the laws of the United States, and the district courts of the United States shall have original jurisdiction of any such action. When the Corporation is a defendant in any such action, it may, at any time before the trial thereof, remove such action from a State court into the district court of the United States for the proper district by following the procedure for removal of causes otherwise provided by law.

(Aug. 11, 1955, ch. 788, § 8, 69 Stat. 670.)

FEDERAL RULES OF CIVIL PROCEDURE

One form of action, see rule 2, Title 28, Appendix, Judiciary and Judicial Procedure.

§ 282g. Status, privileges, and immunities of the United States

The provisions of article V, section 5(d), and article VI, sections 2 to 9, both inclusive, of the Articles of Agreement of the Corporation shall have full force and effect in the United States and its Territories and possessions upon acceptance of membership by the United States in, and the establishment of, the Corporation.

(Aug. 11, 1955, ch. 788, § 9, 69 Stat. 670.)

§ 282h. Loans to or from International Bank for Reconstruction and Development; amendment to Articles of Agreement

The United States Governor of the Corporation is authorized to agree to the amendments of the articles of agreement of the Corporation to remove the prohibition therein contained against the Corporation lending to or borrowing from the International Bank for Reconstruction and Development, and to place limitations on such borrowing.

(Aug. 11, 1955, ch. 788, § 10, as added Pub. L. 89–126, § 2, Aug. 14, 1965, 79 Stat. 519.)

§ 282i. Increase in capital stock of Corporation; subscription to additional shares

(a) The United States Governor of the Corporation is authorized—

(1) to vote for an increase of five hundred and forty thousand shares in the authorized capital stock of the Corporation; and

(2) if such increase becomes effective, to subscribe on behalf of the United States to one hundred and eleven thousand four hundred and ninety-three additional shares of the capital stock of the Corporation: *Provided, however*, That any commitment to make payment for such additional subscriptions shall be made subject to obtaining the necessary appropriations.

(b) In order to pay for the increase in the United States subscription to the Corporation provided for in this section, there are authorized to be appropriated, without fiscal year limitation, $111,493,000 for payment by the Secretary of the Treasury.

(Aug. 11, 1955, ch. 788, § 11, as added Pub. L. 95–118, title III, § 301, Oct. 3, 1977, 91 Stat. 1068.)

EFFECTIVE DATE

Section 1001 of Pub. L. 95–118 provided that: ''This Act [enacting this section and sections 262c, 262d, 262e to 262g, 284n, 285s, 285t, 286e–1f, and 290g–10 of this title, repealing sections 283y, 284m, 290g–9 of this title, and enacting provisions set out as a note under section 262c of this title] shall take effect on the date of its enactment [Oct. 3, 1977], except that no funds authorized to be appropriated by any amendment contained in title II, III, IV, V, or VI [enacting this section and sections 286e–1f, 284n, 285s, 285t, or 290g–10 of this title] may be available for use or obligation prior to October 1, 1977''.

§ 282j. Increase in capital stock of Corporation; subscription to additional shares

(a) The United States Governor of the Corporation is authorized—

(1) to vote for an increase of 650,000 shares in the authorized capital stock of the Corporation; and

(2) to subscribe on behalf of the United States to 175,162 additional shares of the capital stock of the Corporation, except that any subscription to additional shares shall be effective only to such extent or in such amounts as are provided in advance in appropriations Acts.

(b) In order to pay for the increase in the United States subscription to the Corporation provided for in this section, there are authorized to be appropriated, without fiscal year limitation, $175,162,000 for payment by the Secretary of the Treasury.

(Aug. 11, 1955, ch. 788, § 12, as added Pub. L. 99–190, § 101(i) [title I, (a)], Dec. 19, 1985, 99 Stat. 1291, 1294.)

CODIFICATION

Section 12 of act Aug. 11, 1955, is based on section 3 of H.R. 1948, Ninety-ninth Congress, as introduced Apr. 3, 1985, and enacted into law by Pub. L. 99–190.

§ 282k. Securities issued by Corporation

(a) Exemption from securities laws; reports to Securities and Exchange Commission

Any securities issued by the Corporation (including any guaranty by the Corporation, whether or not limited in scope) and any securities guaranteed by the Corporation as to both principal and interest shall be deemed to be exempted securities within the meaning of section 77c(a)(2) of title 15 and section 78c(a)(12) of title 15. The Corporation shall file with the Securities and Exchange Commission such annual and other reports with regard to such securities as the Commission shall determine to be appropriate in view of the special character of the Corporation and its operations and necessary in the public interest or for the protection of investors.

(b) Authority of Securities and Exchange Commission to suspend exemption; reports to Congress

The Securities and Exchange Commission, acting in consultation with the National Advisory Council on International Monetary and Financial Problems, is authorized to suspend the provisions of subsection (a) of this section at any time as to any or all securities issued or guaranteed by the Corporation during the period of such suspension. The Commission shall include in its annual reports to the Congress such information as it shall deem advisable with regard to the operations and effect of this section.

(Aug. 11, 1955, ch. 788, § 13, as added Pub. L. 101–513, title V, § 562(e)(1)(A), Nov. 5, 1990, 104 Stat. 2037.)

§ 282*l*. Capital stock increase

(a) Subscription authorized

(1) In general

The United States Governor of the Corporation may—

(A) vote for an increase of 1,000,000 shares in the authorized capital stock of the Corporation; and

(B) subscribe on behalf of the United States to 250,000 additional shares of the capital stock of the Corporation.

(2) Prior appropriation required

The subscription authority provided in paragraph (1) shall be effective only to such extent or in such amounts as are provided in advance in appropriations Acts.

(b) Limitations on authorization of appropriations

In order to pay for the subscription authorized in subsection (a) of this section, there are authorized to be appropriated, without fiscal year limitation, $50,000,000 for payment by the Secretary of the Treasury.

(Aug. 11, 1955, ch. 788, § 14, as added Pub. L. 102–145, § 125(a), Oct. 28, 1991, as added Pub. L. 102–266, § 102, Apr. 1, 1992, 106 Stat. 97.)

§ 282m. Authority to vote for capital increases necessary to support economic restructuring in independent states of former Soviet Union

The United States Governor of the Corporation may vote in favor of any increase in the capital stock of the Corporation that may be needed to accommodate the requirements of the independent states of the former Soviet Union (as defined in section 5801 of this title).

(Aug. 11, 1955, ch. 788, § 15, as added Pub. L. 102–511, title X, § 1005, Oct. 24, 1992, 106 Stat. 3361.)

§ 282n. Authority to agree to amendments to Articles of Agreement

The United States Governor of the Corporation is authorized to agree to amendments to the Articles of Agreement of the Corporation that would—

(1) amend Article II, Section 2(c)(ii), to increase the vote by which the Board of Governors of the Corporation may increase the capital stock of the Corporation from a three-fourths majority to a four-fifths majority; and

(2) amend Article VII(a) to increase the vote by which the Board of Governors of the Corporation may amend the Articles of Agreement of the Corporation from a four-fifths majority to an eighty-five percent majority.

(Aug. 11, 1955, ch. 788, § 16, as added Pub. L. 102–511, title X, § 1006, Oct. 24, 1992, 106 Stat. 3361.)

SUBCHAPTER XII—INTER-AMERICAN DEVELOPMENT BANK

§ 283. Acceptance of membership by United States in Inter-American Development Bank

The President is hereby authorized to accept membership for the United States in the Inter-American Development Bank (hereinafter referred to as the ''Bank''), provided for by the agreement establishing the bank (hereinafter referred to as the ''agreement'') deposited in the archives of the Organization of American States.

(Pub. L. 86–147, § 2, Aug. 7, 1959, 73 Stat. 299.)

SHORT TITLE

Section 1 of Pub. L. 86–147 provided that: ''This Act [enacting this subchapter and amending section 24 of Title 12, Banks and Banking] may be cited as the 'Inter-American Development Bank Act'.''

PROPOSALS FOR JOINT ACT BY PARTICIPANTS IN INTER-AMERICAN DEVELOPMENT BANK FOR INCREASED EXPLORATION AND EXPLOITATION OF ENERGY AND MINERAL RESOURCES OF WESTERN HEMISPHERE

Pub. L. 96–259, title I, § 102, June 3, 1980, 94 Stat. 430, which required Presidential evaluation and report on a proposal for joint action by countries of Western Hemisphere and other countries which participate in Inter-American Development Bank to increase exploration for and exploitation of energy and mineral resources of Western Hemisphere through multilateral incentives, administered by Inter-American Development Bank, was repealed by Pub. L. 101–240, title V, § 541(d)(6), Dec. 19, 1989, 103 Stat. 2518.

PAR VALUE MODIFICATION

For Congressional direction that the Secretary of the Treasury maintain the value in terms of gold of the Inter-American Development Bank's holdings of United States dollars following the establishment of a par value of the dollar at $38 for a fine troy ounce of gold pursuant to the Par Value Modification Act and for the authorization of the appropriations necessary to pro-

vide such maintenance of value, see section 5152 of Title 31, Money and Finance.

§ 283a. Appointment of officers; term of office; salary

(a) Governor and alternate governor

The President, by and with the advice and consent of the Senate, shall appoint a governor of the Bank and an alternate for the governor. The term of office for the governor and the alternate governor shall be five years, but each shall remain in office until a successor has been appointed.

(b) Executive director and alternate executive director

The President, by and with the advice and consent of the Senate, shall appoint an executive director of the Bank and an alternate Executive Director. Except as provided for in article XV, section 3, of the agreement, the term of office for the executive director shall be three years, but he shall remain in office until a successor has been appointed.

(c) Compensation

No person shall be entitled to receive any salary or other compensation from the United States for services as a governor, alternate governor, or executive director.

(Pub. L. 86–147, § 3, Aug. 7, 1959, 73 Stat. 299; Pub. L. 91–599, ch. 2, § 21(b), Dec. 30, 1970, 84 Stat. 1658.)

AMENDMENTS

1970—Subsec. (b). Pub. L. 91–599 authorized appointment of an alternate Executive Director.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 283bb of this title.

§ 283b. National Advisory Council on International Monetary and Financial Problems

The provisions of section 286b of this title shall apply with respect to the Bank to the same extent as with respect to the International Bank for Reconstruction and Development and the International Monetary Fund.

(Pub. L. 86–147, § 4, Aug. 7, 1959, 73 Stat. 299; Pub. L. 101–240, title V, § 541(e)(2), Dec. 19, 1989, 103 Stat. 2518.)

AMENDMENTS

1989—Pub. L. 101–240 struck out at end ''Reports with respect to the Bank under paragraphs (5) and (6) of subsection (b) of section 286b of this title shall be included in the first report made thereunder after the establishment of the Bank and in each succeeding report.''

DELEGATION OF FUNCTIONS

Functions of National Advisory Council on International Monetary and Financial Problems under this section delegated to National Advisory Council on International Monetary and Financial Policies, see section 2(a) of Ex. Ord. No. 11269, Feb. 14, 1966, 31 F.R. 2813, set out as a note under section 286b of this title.

§ 283c. Congressional authorization needed for certain actions

Unless Congress by law authorizes such action, neither the President nor any person or agency shall, on behalf of the United States, (a) subscribe to additional shares of stock under article II, section 3, or article IIA, section 2, of the agreement; (b) request or consent to any change in the quota of the United States under article IV, section 3, of the agreement; (c) accept any amendment under article XII of the agreement; or (d) make a loan or provide other financing to the Bank, except that loans or other financing may be provided to the Bank by a United States agency created pursuant to an Act of Congress which is authorized by law to make loans or provide other financing to international organizations. Unless Congress by law authorizes such actions, no governor or alternate appointed to represent the United States shall vote for any increase of capital stock of the Bank under article II, section 2, or article IIA, section 1, of the agreement or any increase in the resources of the Fund for Special Operations under article IV, section 3(g) thereof.

(Pub. L. 86–147, § 5, Aug. 7, 1959, 73 Stat. 299; Pub. L. 94–302, title I, § 103(a)(2), May 31, 1976, 90 Stat. 593.)

AMENDMENTS

1976—Pub. L. 94–302 inserted '', or article IIA, section 2,'' after ''article II, section 3'' and ''or article IIA, section 1,'' after ''article II, section 2,''.

EFFECTIVE DATE OF 1976 AMENDMENT

Section 103(b) of Pub. L. 94–302 provided that: ''The amendments made by paragraphs (2) and (3) of this section [amending this section and section 283h of this title] shall become effective upon approval by the Board of Governors of the Bank of the resolutions referred to in section 23 of the Inter-American Development Bank Act (22 U.S.C. 283 et seq.).''

§ 283d. Federal Reserve banks as depositories

Any Federal Reserve bank which is requested to do so by the Bank shall act as its depository or as its fiscal agent and the Board of Governors of the Federal Reserve System shall supervise and direct the carrying out of these functions by the Federal Reserve banks.

(Pub. L. 86–147, § 6, Aug. 7, 1959, 73 Stat. 300.)

§ 283e. Payment of subscription to Bank and Fund by United States

(a) Authorization of appropriations

There is hereby authorized to be appropriated, without fiscal year limitation, for the purchase of thirty-five thousand shares of capital stock in the Bank, $350 million. In addition, there is authorized to be appropriated, without fiscal year limitation, for payment of the subscription of the United States to the Fund for Special Operations, $100 million.

(b) Issuance of special notes

For the purpose of keeping to a minimum the cost to the United States of participation in the Bank, the Secretary of the Treasury, after paying the requisite part of the subscription and quota of the United States in the Bank required to be made under article II, section 4, and article IV, section 3, respectively, of the agreement, is authorized and directed to issue special notes of the United States from time to time, at par, and to deliver such notes to the Bank in ex-

change for dollars to the extent permitted by the agreement. The special notes provided for in this subsection shall be issued under the authority and subject to the provisions of chapter 31 of title 31, and the purposes for which securities may be issued under that chapter are extended to include the purposes for which special notes are authorized and directed to be issued under this subsection, but such notes shall bear no interest, shall be nonnegotiable, and shall be payable on demand of the Bank. The face amount of special notes issued to the Bank under the authority of this subsection and outstanding at any one time shall not exceed, in the aggregate, the amount of the subscription and quota of the United States actually paid to the Bank under article II, section 4, and article IV, section 3, respectively, of the agreement.

(c) Income covered into Treasury

Any payment made to the United States by the Bank as a distribution of net income shall be covered into the Treasury as a miscellaneous receipt.

(Pub. L. 86–147, § 7, Aug. 7, 1959, 73 Stat. 300.)

CODIFICATION

In subsec. (b), ''chapter 31 of title 31'' and ''that chapter'' substituted for ''the Second Liberty Bond Act, as amended'' and ''that Act'', respectively, on authority of Pub. L. 97–258, § 4(b), Sept. 13, 1982, 96 Stat. 1067, the first section of which enacted Title 31, Money and Finance.

§ 283f. Jurisdiction and venue of actions

For the purpose of any action which may be brought within the United States, its Territories or possessions, or the Commonwealth of Puerto Rico by or against the Bank in accordance with the agreement, the Bank shall be deemed to be an inhabitant of the Federal judicial district in which its principal office in the United States is located, and any such action at law or in equity to which the Bank shall be a party shall be deemed to arise under the laws of the United States, and the district courts of the United States shall have original jurisdiction of any such action. When the Bank is a defendant in any such action, it may, at any time before the trial thereof, remove such action from a State court into the district court of the United States for the proper district by following the procedure for removal of causes otherwise provided by law.

(Pub. L. 86–147, § 8, Aug. 7, 1959, 73 Stat. 300.)

§ 283g. Status, privileges, and immunities of the United States

The provisions of article X, section 4(c), and article XI, sections 2 to 9, both inclusive, of the agreement shall have full force and effect in the United States, its Territories and possessions, and the Commonwealth of Puerto Rico, upon acceptance of membership by the United States in, and the establishment of, the Bank.

(Pub. L. 86–147, § 9, Aug. 7, 1959, 73 Stat. 301.)

§ 283h. Securities issued by Bank; reports to and of Securities and Exchange Commission

(a) Exempt securities; reports of Bank to Commission

Any securities issued by the Bank (including any guarantee by the Bank, whether or not limited in scope) in connection with raising of funds for including in the Bank's capital resources as defined in article II, section 5, and article IIA, section 4, of the agreement, and any securities guaranteed by the Bank as to both principal and interest to which the commitment in article II, section 4(a)(ii), or article IIA, section 3(c), of the agreement is expressly applicable, shall be deemed to be exempted securities within the meaning of subsection (a)(2) of section 77c of title 15 and subsection (a)(12) of section 78c of title 15. The Bank shall file with the Securities and Exchange Commission such annual and other reports with regard to such securities as the Commission shall determine to be appropriate in view of the special character of the Bank and its operations and necessary in the Public interest or for the protection of investors.

(b) Suspension of exemption provisions; annual reports of Commission to Congress

The Securities and Exchange Commission, acting in consultation with the National Advisory Council on International Monetary and Financial Problems, is authorized to suspend the provisions of subsection (a) of this section at any time as to any or all securities issued or guaranteed by the Bank during the period of such suspension. The Commission shall include in its annual reports to Congress such information as it shall deem advisable with regard to the operations and effect of this section and in connection therewith shall include any views submitted for such purpose by any association of dealers registered with the Commission.

(Pub. L. 86–147, § 11, Aug. 7, 1959, 73 Stat. 301; Pub. L. 94–302, title I, § 103(a)(3), May 31, 1976, 90 Stat. 593.)

AMENDMENTS

1976—Subsec. (a). Pub. L. 94–302 struck out ''ordinary'' after ''in the Bank's'' and inserted ''and article IIA, section 4'' after ''article II, section 5'' and ''or article IIA, section 3(c)'' after ''article II, section 4(a)(ii)''.

EFFECTIVE DATE OF 1976 AMENDMENT

For effective date of amendment by Pub. L. 94–302, see section 103(b) of Pub. L. 94–302, set out as a note under section 283c of this title.

DELEGATION OF FUNCTIONS

Functions of National Advisory Council on International Monetary and Financial Problems delegated to National Advisory Council on International Monetary and Financial Policies, see section 2(a) of Ex. Ord. No. 11269, Feb. 14, 1966, 31 F.R. 2813, set out as a note under section 286b of this title.

§ 283i. Repealed. Pub. L. 101–240, title V, § 541(d)(3), Dec. 19, 1989, 103 Stat. 2518

Section, Pub. L. 86–147, § 12, Aug. 7, 1959, 73 Stat. 301, related to reports on effectiveness of section 283h of this title and section 24 of Title 12, Banks and Banking, on development of economic resources in member countries.

§ 283j. Increased United States participation in Bank activities

The United States Governor of the Bank is hereby authorized (1) to vote (A) for the increases in the authorized capital stock of the Bank under article II, Section 2, of the agreement, and (B) for an increase in the resources of the Fund for Special Operations under article IV, section 3, of the agreement, all as recommended by the Executive Directors in a report dated March 18, 1963, to the Board of Governors of the Bank; (2) to agree on behalf of the United States to subscribe to its proportionate share of the $1,000,000,000 increase in the authorized callable capital stock of the Bank; and (3) to vote for an amendment to article VIII, section 3, of the agreement to provide that the Board of Governors may, upon certain conditions, increase by one the number of Executive Directors.

(Pub. L. 86–147, § 13, as added Pub. L. 88–259, § 1, Jan. 22, 1964, 78 Stat. 3.)

§ 283j–1. Audit

(a) Establishment

The Secretary of the Treasury shall instruct the United States Executive Director to propose the establishment by the Board of Executive Directors of a program of selective but continuing independent and comprehensive audit of the Inter-American Development Bank, in accordance with such terms of reference as the Board of Executive Directors itself (or through a subcommittee), may prescribe. Such proposal shall provide that the audit reports be submitted to the Board of Executive Directors and to the Board of Governors.

(b) Scope and standards

The Secretary of the Treasury shall prepare the scope of the audit and the auditing and reporting standards for the use of the United States Executive Director in assisting in the formulation of the terms of reference.

(c) Reports

The reports of the National Advisory Council on International Monetary and Financial Policies to the Congress shall include, among other things, an appraisal of the effectiveness of the implementation and administration of the loans made by the Bank based upon the audit reports. The Comptroller General may review the reports of audit and findings issued and report to the Secretary of the Treasury and the Congress any suggestions he might have in improving the scope of the audit or auditing and reporting standards of the independent auditing firm, group, or staff.

(Pub. L. 86–147, § 14, as added Pub. L. 90–88, § 1, Sept. 22, 1967, 81 Stat. 227; amended Pub. L. 104–316, title I, § 111(b), Oct. 19, 1996, 110 Stat. 3833.)

AMENDMENTS

1996—Subsec. (b). Pub. L. 104–316 substituted ''Secretary of the Treasury shall prepare'' for ''Comptroller General of the United States shall prepare for the Secretary of the Treasury''.

Subsec. (c). Pub. L. 104–316 substituted ''may review'' for ''shall periodically review'' in second sentence.

§ 283k. Authorization of appropriations

(a) Capital stock of Inter-American Development Bank

There is hereby authorized to be appropriated, without fiscal year limitation, for payment of the increased United States subscription to the capital stock of the Inter-American Development Bank, $411,760,000.

(b) Fund for Special Operations of the Inter-American Development Bank

There is hereby authorized to be appropriated, for payment of the increased United States subscription to the Fund for Special Operations of the Inter-American Development Bank, $50,000,000.

(Pub. L. 88–259, § 2, Jan. 22, 1964, 78 Stat. 3.)

CODIFICATION

Section was not enacted as part of Pub. L. 86–147, Aug. 7, 1959, 73 Stat. 299, known as the Inter-American Development Bank Act, which comprises this subchapter.

§ 283*l*. Increase in resources of the Fund for Special Operations

(a) Authorization of vote; payment to Fund

The United States Governor of the Bank is hereby authorized to vote in favor of the resolution entitled ''Increase of Resources of the Fund for Special Operations'' proposed by the Governors at their annual meeting in April 1964, and now pending before the Board of Governors of the Bank. Upon the adoption of such resolution, the United States Governor is authorized to agree, on behalf of the United States to pay to the Fund for Special Operations of the Bank, the sum of $750,000,000, in accordance with and subject to the terms and conditions of such resolution.

(b) Authorization of appropriations

There is hereby authorized to be appropriated without fiscal year limitation, for the United States share in the increase in the resources of the Fund for Special Operations of the Bank, the sum of $750,000,000.

(c) Loan disapproval by the United States

With respect to any dollars herein provided, the voting power of the United States shall be exercised for the purpose of disapproving any loan from the Fund for Special Operations of the Bank for any project, enterprise, or activity in any country, during any period for which the President has suspended assistance to the government of such country because of any action taken on or after January 1, 1962, by the government of such country or any government agency or subdivision within such country as specified in paragraph (A), (B), or (C) of subsection (e)(1) of section 2370 of this title, and the failure of such country within a reasonable time to take appropriate steps to discharge its obligations or provide relief in accordance with provisions of such subsection.

(Pub. L. 86–147, § 15, formerly § 14, as added Pub. L. 89–6, Mar. 24, 1965, 79 Stat. 23; renumbered § 15, Pub. L. 90–88, § 1, Sept. 22, 1967, 81 Stat. 226.)

§ 283m. Additional increases in resources of the Fund for Special Operations

(a) Authorization of vote; payment to Fund

The United States Governor of the Bank is hereby authorized to vote in favor of the resolution entitled ''Increase of $1,200,000,000 in Resources of Fund for Special Operations'' proposed by the Governors at their annual meeting in April 1967 and now pending before the Board of Governors of the Bank. Upon the adoption of such resolution, the United States Governor is authorized to agree, on behalf of the United States, to pay to the Fund for Special Operations of the Bank, the sum of $900,000,000, in accordance with and subject to the terms and conditions of such resolution, and subject to the further condition that in consideration of the United States balance-of-payments deficit any local cost financing, by project or otherwise, with the funds authorized under this section to be held to the minimum possible level. The United States Governor is also authorized to vote in favor of the amendment to Annex C of the agreement, now pending before the Board of Governors of the Bank, to modify the procedure employed in the election of Executive Directors.

(b) Authorization of appropriations

There is hereby authorized to be appropriated without fiscal year limitation, for the United States share in the increase in the resources of the Fund for Special Operations of the Bank, the sum of $900,000,000.

(c) Loan disapproval by the United States

The voting power of the United States shall be exercised for the purpose of disapproving any loan which might assist the recipient country directly or indirectly to acquire sophisticated or heavy military equipment.

(Pub. L. 86–147, § 16, as added Pub. L. 90–88, § 2, Sept. 22, 1967, 81 Stat. 227.)

§ 283n. Increase in authorized capital stock; United States share; authorization of appropriations

(a) The United States Governor of the Bank is hereby authorized (1) to vote for an increase in the authorized capital stock of the Bank under article II, section 2, of the agreement as recommended by the Board of Executive Directors in its report of April 1967, to the Board of Governors of the Bank; and (2) to agree on behalf of the United States to subscribe to its proportionate share of the $1,000,000,000 increase in the authorized callable capital stock of the bank.

(b) There is hereby authorized to be appropriated, without fiscal year limitation, for payment by the Secretary of the Treasury of the increased United States subscription to the capital stock of the Inter-American Development Bank, $411,760,000.

(Pub. L. 86–147, § 17, as added Pub. L. 90–325, June 4, 1968, 82 Stat. 168.)

§ 283*o*. Increase in authorized capital stock and additional subscriptions of members thereto; increase in resources of Fund for Special Operations and contributions thereto; United States share; authorization of appropriations

(a) The United States Governor of the Bank is hereby authorized to vote in favor of the two resolutions proposed by the Governors at their annual meeting in April 1970 and now pending before the Board of Governors of the Bank, which provide for (1) an increase in the authorized capital stock to the Bank and additional subscriptions of members thereto and (2) an increase in the resources of the Fund for Special Operations and contributions thereto. Upon adoption of such resolutions the United States Governor is authorized to agree on behalf of the United States (1) to subscribe to eighty-two thousand three hundred and fifty-two shares of $10,000 par value of the increase in the authorized capital stock of the Bank of which sixty-seven thousand three hundred and fifty-two shall be callable shares and fifteen thousand shall be paid in and (2) to pay to the Fund for Special Operations an initial annual installment of $100,000,000 and, upon further authorization by the Congress two subsequent annual installments of $450,000,000 each, in accordance with and subject to the terms and conditions of such resolutions.

(b) There are hereby authorized to be appropriated, without fiscal year limitation, the amounts necessary for payment by the Secretary of the Treasury of (1) three annual installments of $50,000,000 each for the United States subscription to paid-in capital stock of the Bank; (2) two installments of $336,760,000 each for the United States subscription to the callable capital stock of the Bank; and (3) one installment of $100,000,000 for the United States share of the increase in the resources of the Fund for Special Operations of the Bank.

(Pub. L. 86–147, § 18, as added Pub. L. 91–599, ch. 2, § 21(a), Dec. 30, 1970, 84 Stat. 1658.)

§ 283p. Authorization for payment of United States contribution to increase Fund for Special Operations; authorization of appropriations

(a) The United States Governor of the Bank is authorized to pay to the Fund for Special Operations two annual installments of $450,000,000 each in accordance with and subject to the terms and conditions of the resolution adopted by the Board of Governors on December 31, 1970, concerning an increase in the resources of the Fund for Special Operations and contributions thereto.

(b) There are hereby authorized to be appropriated, without fiscal year limitation, the amounts necessary for payment by the Secretary of the Treasury of the two annual installments of $450,000,000 each for the United States share of the increase in the resources of the Fund for Special Operations of the Bank.

(Pub. L. 86–147, § 19, as added Pub. L. 92–246, § 1, Mar. 10, 1972, 86 Stat. 59.)

§ 283q. Articles of agreement; authorization to agree to amendments

The United States Governor of the Bank is authorized to agree to amendments to the provisions of the articles of agreement as provided in proposed Board of Governors resolutions entitled (a) ''Amendment of the Provisions of the Agreement Establishing the Bank with Respect to Membership and to Related Matters'' and (b) ''Amendment of the Provisions of the Agreement Establishing the Bank with Respect to the Election of Executive Directors''.

(Pub. L. 86–147, § 20, as added Pub. L. 92–246, § 1, Mar. 10, 1972, 86 Stat. 59.)

§ 283r. Expropriation of United States property; loan restrictions

The President shall instruct the United States Executive Director of the Bank to vote against any loan or other utilization of the funds of the Bank for the benefit of any country which has—

(1) nationalized or expropriated or seized ownership or control of property owned by any United States citizen or by any corporation, partnership, or association not less than 50 per centum of which is beneficially owned by United States citizens;

(2) taken steps to repudiate or nullify existing contracts or agreements with any United States citizen or any corporation, partnership, or association not less than 50 per centum of which is beneficially owned by United States citizens; or

(3) imposed or enforced discriminatory taxes or other exactions, or restrictive maintenance or operational conditions, or has taken other actions, which have the effect of nationalizing, expropriating, or otherwise seizing ownership or control of property so owned;

unless the President determines that (A) an arrangement for prompt, adequate, and effective compensation has been made, (B) the parties have submitted the dispute to arbitration under the rules of the Convention for the Settlement of Investment Disputes, or (C) good faith negotiations are in progress aimed at providing prompt, adequate, and effective compensation under the applicable principles of international law.

(Pub. L. 86–147, § 21, as added Pub. L. 92–246, § 1, Mar. 10, 1972, 86 Stat. 59.)

§ 283s. Illegal drug traffic; loan restrictions

The Secretary of the Treasury shall instruct the United States Executive Director of the Bank to vote against any loan or other utilization of the funds of the Bank for the benefit of any country with respect to which the President has made a determination, and so notified the Secretary of the Treasury, that the government of such country has failed to take adequate steps to prevent narcotic drugs and other controlled substances (as defined by the Comprehensive Drug Abuse Prevention and Control Act of 1970 [21 U.S.C. 801 et seq.]) produced or processed, in whole or in part, in such country, or transported through such country, from being sold illegally within the jurisdiction of such country to United States Government personnel or their dependents, or from entering the United States unlawfully. Such instruction shall continue in effect until the President determines, and so notifies the Secretary of the Treasury, that the government of such country has taken adequate steps to prevent such sale or entry of narcotic drugs and other controlled substances.

(Pub. L. 86–147, § 22, as added Pub. L. 92–246, § 2, Mar. 10, 1972, 86 Stat. 60.)

REFERENCES IN TEXT

The Comprehensive Drug Abuse Prevention and Control Act of 1970, referred to in text, is Pub. L. 91–513, Oct. 27, 1970, 84 Stat. 1236, as amended, which is classified principally to chapter 13 (§ 801 et seq.) of Title 21, Food and Drugs. For complete classification of this act to the Code, see Short Title note set out under section 801 of Title 21 and Tables.

§ 283t. Authorization to vote on proposed resolutions

The United States Governor of the Bank is authorized to vote for three proposed resolutions of the Board of Governors entitled (a) ''Amendments to the Agreement Establishing the Bank with respect to the Creation of the Inter-Regional Capital Stock of the Bank and to Related Matters'', (b) ''General Rules Governing Admission of Nonregional Countries to Membership in the Bank'', and (c) ''Increase in the Authorized Callable Ordinary Capital Stock and Subscriptions Thereto in Connection with the Admission of Nonregional Member Countries'', which were submitted to the Board of Governors pursuant to a resolution of the Board of Executive Directors approved on March 4, 1975.

(Pub. L. 86–147, § 23, as added Pub. L. 94–302, title I, § 103(a)(1), May 31, 1976, 90 Stat. 592.)

§ 283u. Membership in the Bank for the Bahamas and Guyana

The United States Governor of the Bank is authorized to agree to the amendments to article II, section 1(b) and article IV, section 3(b) of the Agreement Establishing the Bank, as proposed by the Board of Executive Directors, to provide for membership for the Bahamas and Guyana in the Bank at such times and in accordance with such terms as the Bank may determine.

(Pub. L. 86–147, § 24, as added Pub. L. 94–302, title I, § 103(a)(1), May 31, 1976, 90 Stat. 592.)

§ 283v. Loans to the Caribbean Development Bank

The United States Governor of the Bank is authorized to agree to the amendments to article III, sections 1, 4, and 6(b) of the Agreement Establishing the Bank, as proposed by the Board of Executive Directors, to provide for lending to the Caribbean Development Bank.

(Pub. L. 86–147, § 25, as added Pub. L. 94–302, title I, § 103(a)(1), May 31, 1976, 90 Stat. 592.)

§ 283w. Increase in authorized capital stock of Bank and increase in resources of Fund for Special Operations; United States share; authorization of appropriations

(a) The United States Governor of the Bank is hereby authorized to vote in favor of two resolu-

tions proposed by the Governors at a special meeting in July 1975, and now pending before the Board of Governors of the Bank, which provide for (1) an increase in the authorized capital stock of the Bank and additional subscriptions of members thereto and (2) an increase in the resources of the Fund for Special Operations and contributions thereto. Upon adoption of such resolutions, the United States Governor is authorized to agree on behalf of the United States (1) to subscribe to ninety-nine thousand four hundred and seventy-four shares of $10,000 par value of the increase in the authorized capital stock of the Bank of which eighty-nine thousand five hundred and twenty-six shall be callable shares and nine thousand nine hundred and forty-eight shall be paid in and (2) to contribute to the Fund for Special Operations $600,000,000, in accordance with and subject to the terms and conditions of such resolutions.

(b) There are hereby authorized to be appropriated, without fiscal year limitation, the amounts necessary for payment by the Secretary of the Treasury of (1) $1,199,997,873 for the United States subscription to the capital stock of the Bank and (2) $600,000,000 for the United States share of the increase in the resources of the Fund for Special Operations: *Provided, however*, That not more than $15,677,000 may be made available to the Fund for Special Operations for the fiscal year 1982.

(Pub. L. 86–147, § 26, as added Pub. L. 94–302, title I, § 101, May 31, 1976, 90 Stat. 591; amended Pub. L. 97–35, title XIII, § 1351(c), Aug. 13, 1981, 95 Stat. 744.)

AMENDMENTS

1981—Subsec. (b). Pub. L. 97–35 inserted provision limiting amount of appropriations available for Fund for Special Operations for fiscal year 1982.

EFFECTIVE DATE OF 1981 AMENDMENT

Amendment by Pub. L. 97–35 effective Aug. 13, 1981, except that any funds authorized to be appropriated shall not be available for use or obligation prior to Oct. 1, 1981, see section 1372 of Pub. L. 97–35, set out as an Effective Date note under section 290i of this title.

§ 283x. Subscription to additional shares; authorization of appropriations

(a) The United States Governor of the Bank is hereby authorized to vote for an additional increase of one hundred and eight thousand shares of $10,000 par value in the authorized callable capital stock of the Bank as recommended in the resolution of the Board of Governors entitled ''Increase of US$4 Billion in the Authorized Capital Stock and Subscriptions Thereto.'' Upon adoption of a Board of Governors resolution increasing the authorized capital stock of the Bank by such amount, the United States Governor is authorized to agree on behalf of the United States to subscribe to thirty-seven thousand three hundred and three shares of $10,000 par value of such additional increase in callable capital in accordance with and subject to the terms and conditions of such resolution.

(b) In order to pay for the increase in the United States subscription to the Bank provided for in this section, there is hereby authorized to be appropriated, without fiscal year limitation, $450,002,218 for payment by the Secretary of the Treasury.

(Pub. L. 86–147, § 27, as added Pub. L. 94–302, title I, § 101, May 31, 1976, 90 Stat. 591.)

§ 283y. Repealed. Pub. L. 95–118, title VII, § 702, Oct. 3, 1977, 91 Stat. 1070

Section, Pub. L. 86–147, § 28, as added Pub. L. 94–302, title I, § 103(a)(1), May 31, 1976, 90 Stat. 592; H. Res. 5, Jan. 4, 1977, set forth provisions relating to United States participation in financial assistance by Inter-American Development Bank to any country engaging in a consistent pattern of gross violations of internationally recognized human rights. See section 262d of this title.

EFFECTIVE DATE OF REPEAL

Repeal effective Oct. 3, 1977, see section 1001 of Pub. L. 95–118, set out as an Effective Date note under section 282i of this title.

§ 283z. Proposal of light-capital or intermediate technologies as part of Bank's development strategy

(a) Contents of proposed resolution

The United States Executive Director of the Bank shall propose to the Board of Executive Directors of the Bank the adoption of a resolution providing (1) that the development and utilization of light-capital or intermediate technologies should be accepted as major facets of the Bank's development strategy, and (2) that such light-capital or intermediate technologies should be developed and utilized as soon as possible in all Bank activities. Such resolution shall further provide that, by the close of the calendar year 1977, some projects that employ primarily such light-capital or intermediate technologies shall be designed and approved.

(b) Progress report to Congress

The United States Governor of the Bank shall report to the Congress no later than six months after May 31, 1976, on the proposal made under subsection (a) of this section, and no later than twelve months after such date on the progress that has been made with respect to such proposal.

(Pub. L. 86–147, § 28, formerly § 29, as added Pub. L. 94–302, title I, § 104, May 31, 1976, 90 Stat. 593; renumbered § 28, Pub. L. 96–259, title I, § 101(1), June 3, 1980, 94 Stat. 429.)

PRIOR PROVISIONS

A prior section 28 of Pub. L. 86–147, as added by section 103(a)(1) of Pub. L. 94–302, was classified to section 283y of this title prior to repeal by Pub. L. 95–118, title VII, § 702, Oct. 3, 1977, 91 Stat. 1070.

§ 283z–1. Increase in authorized capital stock of Bank and increase in resources of Fund for Special Operations

(a) United States share

The United States Governor of the Bank is authorized to vote for two resolutions which were proposed by the Governors at a special meeting in December 1978 and are pending before the Board of Governors of the Bank. These resolutions provide for (1) an increase in the authorized capital stock of the Bank and additional

subscriptions thereto, and (2) an increase in the resources of the Fund for Special Operations and contributions thereto. Upon adoption of these resolutions, the United States Governor is authorized on behalf of the United States (A) to subscribe to two hundred twenty-seven thousand eight hundred and ninety-six shares of the increase in the authorized capital stock of the Bank, of which two hundred ten thousand eight hundred and four shall be callable and seventeen thousand and ninety-two shall be paid-in, and (B) to contribute to the Fund for Special Operations $630,000,000; except that any commitment to make such subscriptions to paid-in and callable capital stock and to make such contributions to the Fund for Special Operations shall be effective only to such extent or in such amounts as are provided in advance in appropriation Acts.

(b) Authorization of appropriations

In order to pay for the increase in the United States subscription and contribution provided for in this section, there are authorized to be appropriated, without fiscal year limitation, for payment by the Secretary of the Treasury (1) $2,474,287,189 for the United States subscription to the capital stock of the Bank, and (2) $630,000,000 for the United States share of the increase in the resources of the Fund for Special Operations: *Provided, however*, That for contributions to the Fund for Special Operations, not more than $175,000,000 may be made available for the fiscal year 1982, and not more than $105,000,000 may be made available for the fiscal year 1983.

(c) Funding requirements

For the purpose of keeping to a minimum the cost to the United States, the Secretary of the Treasury—

(1) shall pay the United States contribution to the Fund for Special Operations authorized by this section by letter of credit in four annual installments; and

(2) shall take the steps necessary to obtain a certification from the Bank that any undisbursed balances resulting from drawdowns on such letter of credit will not exceed at any time the United States share of expected disbursement requirements for the following three-month period.

(d) Limitation of funds to members of Bank

None of the funds authorized to be appropriated by this section may be used for any form of assistance to any country which is not a member of the Bank.

(Pub. L. 86–147, § 29, as added Pub. L. 96–259, title I, § 101(2), June 3, 1980, 94 Stat. 429; amended Pub. L. 97–35, title XIII, § 1351(b), Aug. 13, 1981, 95 Stat. 744.)

AMENDMENTS

1981—Subsec. (b). Pub. L. 97–35 inserted provision limiting amount of appropriations available for Fund for Special Operations for fiscal years 1982 and 1983.

EFFECTIVE DATE OF 1981 AMENDMENT

Amendment by Pub. L. 97–35 effective Aug. 13, 1981, except that any funds authorized to be appropriated shall not be available for use or obligation prior to Oct. 1, 1981, see section 1372 of Pub. L. 97–35, set out as an Effective Date note under section 290i of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 283z–2 of this title.

§ 283z–2. Contribution to Inter-American Development Bank; authorization of appropriations

(a) The United States Governor of the Bank is authorized on behalf of the United States to contribute to the Fund for Special Operations $70,000,000: *Provided, however*, That any commitment to make such contribution shall be made subject to obtaining the necessary appropriations.

(b) In order to pay for a portion of the increase in the United States subscription to the capital stock of the Bank provided for in section 283z–1(a) of this title and for the United States contribution to the Fund for Special Operations provided for in this section, there are authorized to be appropriated, without fiscal year limitation, for payment by the Secretary of the Treasury, (1) $274,920,799 for the United States subscription, and (2) $70,000,000 for the United States contribution to the Fund for Special Operations: *Provided, however*, That no funds may be made available for such contribution to the Fund for Special Operations for the fiscal year 1982.

(Pub. L. 86–147, § 30, as added Pub. L. 97–35, title XIII, § 1351(a), Aug. 13, 1981, 95 Stat. 744.)

EFFECTIVE DATE

Section effective Aug. 13, 1981, except that any funds authorized to be appropriated shall not be available for use or obligation prior to Oct. 1, 1981, see section 1372 of Pub. L. 97–35, set out as a note under section 290i of this title.

§ 283z–3. Increase in authorized capital stock of Bank and increases in resources of Fund for Special Operations; United States share; authorization of appropriations

(a)(1) The United States Governor of the Bank is authorized to vote for resolutions—

(A) which were proposed by the Governors at a special meeting in February 1983;

(B) which are pending before the Board of Governors of the Bank; and

(C) which provide for—

(i) an increase in the authorized capital stock of the Bank and subscriptions thereto; and

(ii) an increase in the resources of the Fund for Special Operations and contributions thereto.

(2)(A) Upon adoption of the resolutions specified in paragraph (1), the United States Governor of the Bank is authorized on behalf of the United States to—

(i) subscribe to 427,396 shares of the increase in the authorized capital stock of the Bank; and

(ii) contribute $350,000,000 to the Fund for Special Operations.

(B) Any commitment to make such subscriptions to paid-in and callable capital stock and to

make such contributions to the Fund for Special Operations shall be effective only to such extent or in such amounts as are provided in advance in appropriation Acts.

(b) In order to pay for the increase in the United States subscription and contribution provided for in this section, there are authorized to be appropriated, without fiscal year limitation, for payment by the Secretary of the Treasury—

(1) $5,155,862,744 for the United States subscriptions to the capital stock of the Bank; and

(2) $350,000,000 for the United States share of the increase in the resources of the Fund for Special Operations.

(Pub. L. 86–147, § 31, as added Pub. L. 98–181, title X, § 1001, Nov. 30, 1983, 97 Stat. 1284.)

§ 283z–4. Amendments to Articles of Agreement in resolution on Merger of Interregional and Ordinary Capital Resources

The United States Governor of the Inter-American Development Bank is hereby authorized to agree to and to accept the amendments to the Articles of Agreement in the proposed resolution entitled ''Merger of Inter-regional and Ordinary Capital Resources''.

(Pub. L. 86–147, § 32, as added Pub. L. 100–202, § 101(e) [title I], Dec. 22, 1987, 101 Stat. 1329–131, 1329–134.)

CODIFICATION

Section 32 of Pub. L. 86–147 is based on section 501 of title V of H.R. 3750, One Hundredth Congress, as introduced Dec. 11, 1987, and enacted into law by Pub. L. 100–202.

§ 283z–5. Capital increase; increase in resources of Fund for Special Operations

(a) Authority to vote for, and to subscribe and contribute to, increase in authorized capital stock of Bank and increase in resources of Fund for Special Operations

(1) Vote authorized

The United States Governor of the Bank is authorized to vote for resolutions which—

(A) were transmitted by the Board of Executive Directors to the Governors of the Bank by resolution of April 19, 1989;

(B) are pending before the Board of Governors of the Bank; and

(C) provide for—

(i) an increase in the authorized capital stock of the Bank and subscriptions to the Bank; and

(ii) an increase in the resources of the Fund for Special Operations and contributions to the Fund.

(2) Subscription and contribution authority

To the extent and in the amounts provided in advance in appropriations Acts, on adoption of the resolutions described in paragraph (1), the United States Governor of the Bank may, on behalf of the United States—

(A) subscribe to 760,112 shares of the increase in the authorized capital stock of the Bank; and

(B) contribute $82,304,000 to the Fund for Special Operations.

(b) Limitation on authorization of appropriations

To pay for the subscription and contribution authorized under subsection (a) of this section, there are authorized to be appropriated, without fiscal year limitation, for payment by the Secretary of the Treasury—

(1) $9,169,559,712, for the United States subscription to the capital stock of the Bank; and

(2) $82,304,000, for the United States contribution to the Fund for Special Operations.

(c) Organizational changes required to be made before payment for subscription to capital stock and contribution to Fund for Special Operations

The Secretary of the Treasury may not make any payment for the subscription and contribution authorized under subsection (a) of this section unless the Bank—

(1) has established an environmental unit with responsibility for the development, evaluation, and integration of Bank policies, projects, and programs designed to promote environmentally sustainable development in borrower countries;

(2) has increased the number of the staff of the Bank with environmentally oriented responsibilities and training;

(3) provides for an increase in the number of environmentally beneficial projects and programs financed by the Bank; and

(4) has designed a process for ensuring the access of indigenous non-governmental organizations to the process for designing projects and programs.

(d) Certification of access to Bank records required before payment for subscription to capital stock and contribution to Fund for Special Operations

The Secretary of the Treasury shall not make any payment for the subscription and contribution authorized under subsection (a) of this section until the Secretary, after consultation with the United States Executive Director of the Bank, certifies to the Congress that—

(1) the Bank has given the Comptroller General of the United States access to the audit memorandum issued by the Auditor General of the Bank with respect to the November 1987 disbursement of funds to the Government of Nicaragua;

(2) the Bank has implemented and is continuing to implement revised procedures issued in 1988 for collecting loan services payments in arrears;

(3) the revised procedures referred to in paragraph (2) satisfy the recommendations of the Auditor General of the Bank; and

(4) the Comptroller General of the United States has access to all documents of the Bank on the same terms and under the same conditions as such documents are made available to the United States Executive Director of the Bank.

(Pub. L. 86–147, § 33, as added Pub. L. 101–240, title II, § 201, Dec. 19, 1989, 103 Stat. 2496.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 283z–7 of this title.

§ 283z–6. Investment in human capital

(a) In general

The Secretary of the Treasury shall instruct the United States Executive Director of the Inter-American Development Bank to propose and use the voice and vote of such director, during the 4-year period beginning on January 1, 1990, to vigorously promote an increase in the proportion of Bank lending in support of projects and programs which support investments in human capital and to seek the rapid implementation by the Bank of systematic mechanisms of consultation with locally affected populations in borrower countries either directly or through appropriate representative non-governmental organizations.

(b) "Investments in human capital" defined

As used in subsection (a) of this section, the term ''investments in human capital'' means investments in projects, policies, and programs designed to improve urban and rural health care and sanitation, basic nutrition, education, the small-producer private sector, the economic activities of women, and the development of indigenous non-governmental organizations.

(Pub. L. 86–147, § 34, as added Pub. L. 101–240, title II, § 202(a), Dec. 19, 1989, 103 Stat. 2498.)

REPORT TO CONGRESS

Section 202(b) of Pub. L. 101–240 provided that: ''The Chairman of the National Advisory Council on International Monetary and Financial Policies shall include in the report required by section 1701 of the International Financial Institutions Act [22 U.S.C. 262r] for fiscal year 1991 a report on the efforts undertaken by the United States Executive Director of the Inter-American Development Bank, and the progress to date, in achieving the objectives of section 34 of the Inter-American Development Bank Act [22 U.S.C. 283z–6].''

§ 283z–7. Limitations on policy based lending

The Secretary of the Treasury shall—

(1) take all necessary steps to encourage the Bank to limit the aggregate value of the policy based loans made by the Bank (other than policy based loans made to any country which the Bank has determined is economically less developed or has a limited market economy, which are used to purchase sovereign debt of such country or to reduce the debt or debt service burden of such country) during the 4-year period beginning on January 1, 1990, to 25 percent of the aggregate value of all loans made by the Bank during such 4-year period;

(2) take all necessary steps to encourage the Bank to limit the aggregate value of the policy based loans made by the Bank to the government of a particular country during such 4-year period, to 50 percent of the aggregate value of all loans made by the Bank to such government during such 4-year period;

(3) instruct the United States Executive Director of the Bank to explore with the other Executive Directors of the Bank ways to use a portion of the resources made available to the Bank by reason of the subscription and contribution described in section 283z–5(a)(2) of this title for debt reduction and debt service reduction for countries described in paragraph (1); and

(4) before the end of the 12-month period beginning on December 19, 1989, report to the Congress on the matters described in paragraph (3).

(Pub. L. 86–147, § 35, as added Pub. L. 101–240, title II, § 203, Dec. 19, 1989, 103 Stat. 2498.)

§ 283z–8. Increase in lending to Caribbean

The Secretary of the Treasury shall instruct the United States Executive Director of the Bank to enter into discussions with the management of the Bank and with other member country governments to seek to increase Bank lending to the Caribbean region, directly or through appropriate financial intermediaries, for viable projects which will—

(1) result in expanded regional economic integration, diversification, and industrial and agricultural production, and improved infrastructure; and

(2) seek to ensure equitable and environmentally sustainable economic growth.

(Pub. L. 86–147, § 36, as added Pub. L. 101–240, title II, § 204, Dec. 19, 1989, 103 Stat. 2499.)

§ 283z–9. Multilateral Investment Fund

(a) Authorization of contribution

The Secretary of the Treasury is authorized to contribute, and to make payment of, $500,000,000 to the Multilateral Investment Fund established pursuant to the agreements of February 11, 1992: *Provided*, That such funds shall only be disbursed from the Fund to countries that have governments that are democratically elected,[1] that do not harbor or sponsor international terrorists; that do not fail to cooperate in narcotics matters; and that do not engage in a consistent pattern of gross violations of internationally recognized human rights.

(b) Authorization of appropriations

There is hereby authorized to be appropriated without fiscal year limitation $500,000,000 for the contribution authorized in subsection (a) of this section.

(c) Environmental assessment of actions

If an Enterprise for the Americas Multilateral Investment Fund is established pursuant to this section, the Secretary of the Treasury shall instruct the United States representative to the Fund not to vote in favor of any action proposed to be taken by the Fund which may have a significant adverse effect on the environment unless an assessment of the impact of the action on the environment has been available for at least 120 days before the vote.

(Pub. L. 86–147, § 37, as added Pub. L. 102–391, title V, § 594(b), Oct. 6, 1992, 106 Stat. 1693.)

§ 283z–10. Focus on low-income areas of Latin America and Caribbean

The Secretary of the Treasury shall direct the United States Executive Director of the Bank to use the voice and vote of the United States to support an increased focus on the poorest countries in Latin America and the Caribbean, and

[1] So in original. The comma probably should be a semicolon.

on poorer areas of better off countries, and to support programs conducted by the Multilateral Investment Fund, particularly in targeting low-income countries and populations, working with nongovernmental organizations and training and assisting former combatants from civil conflicts in Latin America.

(Pub. L. 86–147, § 38, as added Pub. L. 103–306, title V, § 526(f), Aug. 23, 1994, 108 Stat. 1634.)

SUBCHAPTER XII–A—INTER-AMERICAN INVESTMENT CORPORATION

§ 283aa. Acceptance of membership

The President is hereby authorized to accept membership for the United States in the Inter-American Investment Corporation (hereinafter in this subchapter referred to as the ''Corporation'') provided for by the agreement establishing the Corporation (hereinafter in this subchapter referred to as the ''agreement'') deposited in the archives of the Inter-American Development Bank.

(Pub. L. 98–473, title I, § 101(1) [title I], Oct. 12, 1984, 98 Stat. 1884, 1885.)

CODIFICATION

Section is based on section 202 of title II of S. 2416, Ninety-eighth Congress, as introduced Mar. 13, 1984, and enacted into law by Pub. L. 98–473.

SHORT TITLE

Section 201 of title II of S. 2416, as introduced in the Senate Mar. 13, 1984, and as enacted into permanent law by section 101(1) [title I] of Pub. L. 98–473, provided that: ''This title [enacting this subchapter and amending section 276c–2 of this title and section 24 of Title 12, Banks and Banking] may be cited as the 'Inter-American Investment Corporation Act'.''

§ 283bb. Governor, Director, and alternates

The Governor and Executive Director of the Inter-American Development Bank, and the alternate for each of them, appointed under section 283a of this title, shall serve as Governor, Director, and alternates, respectively, of the Corporation.

(Pub. L. 98–473, title I, § 101(1) [title I], Oct. 12, 1984, 98 Stat. 1884, 1885.)

CODIFICATION

Section is based on section 203 of title II of S. 2416, Ninety-eighth Congress, as introduced Mar. 13, 1984, and enacted into law by Pub. L. 98–473.

§ 283cc. Applicability of Bretton Woods Agreements Act

The provisions of section 286b of this title shall apply with respect to the Corporation to the same extent as with respect to the International Bank for Reconstruction and Development and the International Monetary Fund.

(Pub. L. 98–473, title I, § 101(1) [title I], Oct. 12, 1984, 98 Stat. 1884, 1885; Pub. L. 101–240, title V, § 541(e)(3), Dec. 19, 1989, 103 Stat. 2518.)

CODIFICATION

Section is based on section 204 of title II of S. 2416, Ninety-eighth Congress, as introduced Mar. 13, 1984, and enacted into law by Pub. L. 98–473.

AMENDMENTS

1989—Pub. L. 101–240 struck out at end ''Reports with respect to the Corporation under paragraphs (5) and (6) of subsection (b) of section 286b of this title shall be included in the first and subsequent reports made thereunder after the United States accepts membership in the Corporation.''

§ 283dd. Restrictions

(a)[1] Unless authorized by law, neither the President nor any person or agency shall, on behalf of the United States—

(1) subscribe to additional shares of stock of the Corporation;

(2) vote for or agree to any amendment of the agreement which increases the obligations of the United States, or which changes the purpose or functions of the Corporation; or

(3) make a loan or provide other financing to the Corporation.

(Pub. L. 98–473, title I, § 101(1) [title I], Oct. 12, 1984, 98 Stat. 1884, 1885.)

CODIFICATION

Section is based on section 205 of title II of S. 2416, Ninety-eighth Congress, as introduced Mar. 13, 1984, and enacted into law by Pub. L. 98–473.

§ 283ee. Federal Reserve banks as depositories

Any Federal Reserve bank which is requested to do so by the Corporation shall act as its depository or as its fiscal agent, and the Board of Governors of the Federal Reserve System shall supervise and direct the carrying out of these functions by the Federal Reserve banks.

(Pub. L. 98–473, title I, § 101(1) [title I], Oct. 12, 1984, 98 Stat. 1884, 1885.)

CODIFICATION

Section is based on section 206 of title II of S. 2416, Ninety-eighth Congress, as introduced Mar. 13, 1984, and enacted into law by Pub. L. 98–473.

§ 283ff. Subscription of stock

(a) Secretary of the Treasury as subscribing authority

The Secretary of the Treasury is authorized to subscribe on behalf of the United States to five thousand one hundred shares of the capital stock of the Corporation: *Provided*, *however*, That the subscription shall be effective only to such extent or in such amounts as are provided in advance in appropriations Acts.

(b) Authorization of appropriations

There is authorized to be appropriated, without fiscal year limitation, for payment by the Secretary of the Treasury of the subscription of the United States for those shares, $51,000,000.

(c) Disposition of dividends

Any payment of dividends made to the United States by the Corporation shall be deposited into the Treasury as a miscellaneous receipt.

(Pub. L. 98–473, title I, § 101(1) [title I], Oct. 12, 1984, 98 Stat. 1884, 1885.)

CODIFICATION

Section is based on section 207 of title II of S. 2416, Ninety-eighth Congress, as introduced Mar. 13, 1984, and enacted into law by Pub. L. 98–473.

[1] So in original. No subsec. (b) has been enacted.

FIRST GENERAL CAPITAL INCREASE

Pub. L. 106–113, div. B, § 1000(a)(2) [title V, § 594], Nov. 29, 1999, 113 Stat. 1535, 1501A–122, provided in part that the Secretary of the Treasury may effect the United States participation in the first general capital increase of the Inter-American Investment Corporation, and authorized $125,180,000 to be appropriated without fiscal year limitation for payment by the Secretary for paid-in capital of the Corporation.

§ 283gg. Jurisdiction of United States courts

For the purposes of any civil action which may be brought within the United States, its territories or possessions, or the Commonwealth of Puerto Rico, by or against the Corporation in accordance with the agreement, the Corporation shall be deemed to be an inhabitant of the Federal judicial district in which its principal office within the United States or its agent appointed for the purpose of accepting service or notice of service is located, and any such action to which the Corporation shall be a party shall be deemed to arise under the laws of the United States, and the district courts of the United States, including the courts enumerated in section 460 of title 28, shall have original jurisdiction of any such action. When the Corporation is a defendant in any action in a State court, it may at any time before the trial thereof remove the action into the appropriate district court of the United States by following the procedure for removal provided in section 1446 of title 28.

(Pub. L. 98–473, title I, § 101(1) [title I], Oct. 12, 1984, 98 Stat. 1884, 1885.)

CODIFICATION

Section is based on section 208 of title II of S. 2416, Ninety-eighth Congress, as introduced Mar. 13, 1984, and enacted into law by Pub. L. 98–473.

§ 283hh. Effectiveness of agreement

Article VI, section 4(c), and article VII, sections 2 to 9, both inclusive, of the agreement shall have full force and effect in the United States, its territories and possessions, and the Commonwealth of Puerto Rico, upon acceptance of membership by the United States in the Corporation.

(Pub. L. 98–473, title I, § 101(1) [title I], Oct. 12, 1984, 98 Stat. 1884, 1885.)

CODIFICATION

Section is based on section 209 of title II of S. 2416, Ninety-eighth Congress, as introduced Mar. 13, 1984, and enacted into law by Pub. L. 98–473.

§ 283ii. Securities issued by the Corporation

(a) Exempted securities

Any securities issued by the Corporation (including any guarantee by the Corporation, whether or not limited in scope) in connection with the raising of funds for inclusion in the Corporation's resources as defined in article II, section 2 of the agreement, and any securities guaranteed by the Corporation as to both principal and interest to which the commitment in article II, section 2(e) of the agreement is expressly applicable, shall be deemed to be exempted securities within the meaning of section 77c(a)(2) of title 15 and section 78c(a)(12) of title 15. The Corporation shall file with the Securities and Exchange Commission such annual and other reports with regard to such securities as the Commission shall determine to be appropriate in view of the special character of the Corporation and its operations as necessary in the public interest or for the protection of investors.

(b) Suspension by Securities and Exchange Commission

The Securities and Exchange Commission, acting in consultation with such agency or officer as the President shall designate, is authorized to suspend the provisions of subsection (a) of this section at any time as to any or all securities issued or guaranteed by the Corporation during the period of such suspension. The Commission shall include in its annual reports to Congress such information as it shall deem advisable with regard to the operations and effect of this section and in connection therewith shall include any views submitted for such purpose by any association of dealers registered with the Commission.

(Pub. L. 98–473, title I, § 101(1) [title I], Oct. 12, 1984, 98 Stat. 1884, 1885.)

CODIFICATION

Section is based on section 210 of title II of S. 2416, Ninety-eighth Congress, as introduced Mar. 13, 1984, and enacted into law by Pub. L. 98–473.

DELEGATION OF FUNCTIONS

Section 2 of Ex. Ord. No. 12567, Oct. 2, 1986, 51 F.R. 35495, provided that: ''The functions vested in the President by Section 210 of the Inter-American Investment Corporation Act [this section] are hereby delegated to the Secretary of the Treasury.''

SUBCHAPTER XIII—INTERNATIONAL DEVELOPMENT ASSOCIATION

§ 284. Acceptance of membership by United States in International Development Association

The President is hereby authorized to accept membership for the United States in the International Development Association (hereinafter referred to as the ''Association''), provided for by the Articles of Agreement (hereinafter referred to as the ''Articles'') of the Association deposited in the archives of the International Bank for Reconstruction and Development.

(Pub. L. 86–565, § 2, June 30, 1960, 74 Stat. 293.)

SHORT TITLE

Section 1 of Pub. L. 86–565 provided that: ''This Act [enacting this subchapter] may be cited as the 'International Development Association Act'.''

PAR VALUE MODIFICATION

For Congressional direction that the Secretary of the Treasury maintain the value in terms of gold of the International Development Association's holdings of United States dollars following the establishment of a par value of the dollar at $38 for a fine troy ounce of gold pursuant to the Par Value Modification Act and for the authorization of the appropriations necessary to provide such maintenance of value, see section 5152 of Title 31, Money and Finance.

§ 284a. Governor, executive director, and alternates of Association

The Governor and Executive Director of the International Bank for Reconstruction and Development, and the alternate for each of them, appointed under section 286a of this title, shall serve as Governor, Executive Director and alternates, respectively, of the Association.

(Pub. L. 86–565, § 3, June 30, 1960, 74 Stat. 293.)

§ 284b. National Advisory Council on International Monetary and Financial Problems

The provisions of section 286b of this title, shall apply with respect to the Association to the same extent as with respect to the International Bank for Reconstruction and Development and the International Monetary Fund.

(Pub. L. 86–565, § 4, June 30, 1960, 74 Stat. 294; Pub. L. 101–240, title V, § 541(e)(4), Dec. 19, 1989, 103 Stat. 2518.)

AMENDMENTS

1989—Pub. L. 101–240 struck out at end "Reports with respect to the Association under paragraphs (5) and (6) of subsection (b) of section 286b of this title, shall be included in the first report made thereunder after the establishment of the Association and in each succeeding report."

DELEGATION OF FUNCTIONS

Functions of National Advisory Council on International Monetary and Financial Problems under this section delegated to National Advisory Council on International Monetary and Financial Policies, see section 2(a) of Ex. Ord. No. 11269, Feb. 14, 1966, 31 F.R. 2813, set out as a note under section 286b of this title.

§ 284c. Congressional authorization needed for certain actions

Unless Congress by law authorizes such action, neither the President nor any person or agency shall, on behalf of the United States, (a) subscribe to additional funds under article III, section 1, of the articles; (b) accept any amendment under article IX of the articles; or (c) make a loan or provide other financing to the Association.

(Pub. L. 86–565, § 5, June 30, 1960, 74 Stat. 294.)

§ 284d. Federal Reserve banks as depositories

Any Federal Reserve bank which is requested to do so by the Association shall act as its depository or as its fiscal agent, and the Board of Governors of the Federal Reserve System shall supervise and direct the carrying out of these functions by the Federal Reserve banks.

(Pub. L. 86–565, § 6, June 30, 1960, 74 Stat. 294.)

§ 284e. Payment of subscription to Association by United States

(a) Authorization of appropriations for subscription

There is hereby authorized to be appropriated, without fiscal year limitation, for the subscription of the United States to the Association, $320,290,000.

(b) Increase in Association resources; contribution; authorization of appropriations

The United States Governor is hereby authorized (1) to vote for an increase in the resources of the Association and (2) to agree on behalf of the United States to contribute to the Association the sum of $312 million, both as recommended by the Executive Directors, in a report dated September 9, 1963, to the Board of Governors of the Association. There is hereby authorized to be appropriated out of funds supplied by the Nation's taxpayers or out of funds borrowed on their credit, without fiscal year limitations, $312 million to provide the United States share of the increase in the resources of the Association.

(c) Issuance of special notes

For the purpose of keeping to a minimum the cost to the United States of participation in the Association, the Secretary of the Treasury is authorized and directed to issue special notes of the United States from time to time, at par, and to deliver such notes to the Association in exchange for dollars to the extent permitted by the articles. The special notes provided for in this subsection shall be issued under the authority and subject to the provisions of chapter 31 of title 31, and the purposes for which securities may be issued under that chapter are extended to include the purposes for which special notes are authorized and directed to be issued under this subsection, but such notes shall bear no interest, shall be nonnegotiable, and shall be payable on demand of the Association. The face amount of special notes issued to the Association under the authority of this subsection and outstanding at any one time shall not exceed, in the aggregate, the amount actually paid to the Association under the articles.

(d) Income covered into Treasury

Any payment made to the United States by the Association as a distribution of net income shall be covered into the Treasury as a miscellaneous receipt.

(Pub. L. 86–565, § 7, June 30, 1960, 74 Stat. 294; Pub. L. 88–310, §§ 1, 2, May 26, 1964, 78 Stat. 200.)

CODIFICATION

In subsec. (c), "chapter 31 of title 31" and "that chapter" substituted for "the Second Liberty Bond Act, as amended" and "that Act", respectively, on authority of Pub. L. 97–258, § 4(b), Sept. 13, 1982, 96 Stat. 1067, the first section of which enacted Title 31, Money and Finance.

AMENDMENTS

1964—Subsecs. (b) to (d). Pub. L. 88–310 added subsec. (b), redesignated former subsec. (b) as (c) and struck out ", after paying the requisite part of the subscription of the United States in the Association required to be made under the articles." after "Secretary of the Treasury" in first sentence and "of the subscription of the United States" after "amount" in third sentence, respectively, and redesignated former subsec. (c) as (d).

§ 284f. Jurisdiction and venue of actions

For the purpose of any action which may be brought within the United States, its possessions, or the Commonwealth of Puerto Rico, by or against the Association in accordance with the articles, the Association shall be deemed to be an inhabitant of the Federal Judicial district in which its principal office in the United States is located, and any such action at law or in eq-

uity to which the Association shall be a party shall be deemed to arise under the laws of the United States, and the district courts of the United States shall have original jurisdiction of any such action. When the Association is a defendant in any such action, it may, at any time before the trial thereof, remove such action from a State court into the district court of the United States for the proper district by following the procedure for removal of causes otherwise provided by law.

(Pub. L. 86–565, § 8, June 30, 1960, 74 Stat. 294.)

§ 284g. Status, privileges, and immunities of the United States

The provisions of article VII, section 5(d), and article VIII sections 2 to 9, both inclusive, of the articles shall have full force and effect in the United States, its possessions, and the Commonwealth of Puerto Rico, upon acceptance of membership by the United States in, and the establishment of, the Association.

(Pub. L. 86–565, § 9, June 30, 1960, 74 Stat. 295.)

§ 284h. Second replenishment; authorization of appropriations

The United States Governor is hereby authorized (1) to vote in favor of the second replenishment resolutions providing for an increase in the resources of the Association, and (2) to agree on behalf of the United States to contribute to the Association the sum of $480,000,000, as recommended by the Executive Directors in a report dated March 8, 1968, to the Board of Governors of the Association. There is hereby authorized to be appropriated, without fiscal year limitation, $480,000,000 for payment by the Secretary of the Treasury of the United States share of the increase in the resources of the Association.

(Pub. L. 86–565, § 10, as added Pub. L. 91–14, May 23, 1969, 83 Stat. 10.)

§ 284i. Third replenishment; authorization of appropriations

The United States Governor is hereby authorized to agree on behalf of the United States to contribute to the Association three annual installments of $320,000,000 each as recommended in the ''Report of the Executive Directors to the Board of Governors on Additions to IDA Resources: Third Replenishment,'' dated July 21, 1970. There is hereby authorized to be appropriated, without fiscal year limitation, the amounts necessary for payment by the Secretary of the Treasury of three annual installments of $320,000,000 each for the United States share of the increase in the resources of the Association.

(Pub. L. 86–565, § 11, as added Pub. L. 92–247, § 1, Mar. 10, 1972, 86 Stat. 60.)

§ 284j. Expropriation of United States property; loan restrictions

The President shall instruct the United States Executive Directors of the International Bank for Reconstruction and Development and the International Development Association to vote against any loan or other utilization of the funds of the Bank and the Association for the benefit of any country which has—

(1) nationalized or expropriated or seized ownership or control of property owned by any United States citizen or by any corporation, partnership, or association not less than 50 per centum of which is beneficially owned by the United States citizens;

(2) taken steps to repudiate or nullify existing contracts or agreements with any United States citizen or any corporation, partnership, or association not less than 50 per centum of which is beneficially owned by United States citizens; or

(3) imposed or enforced discriminatory taxes or other exactions, or restrictive maintenance or operational conditions, or has taken other actions, which have the effect of nationalizing, expropriating, or otherwise seizing ownership or control of property so owned;

unless the President determines that (A) an arrangement for prompt, adequate, and effective compensation has been made, (B) the parties have submitted the dispute to arbitration under the rules of the Convention for the Settlement of Investment Disputes, or (C) good faith negotiations are in progress aimed at providing prompt, adequate, and effective compensation under the applicable principles of international law.

(Pub. L. 86–565, § 12, as added Pub. L. 92–247, § 1, Mar. 10, 1972, 86 Stat. 60.)

§ 284k. Illegal drug traffic; loan restrictions

The Secretary of the Treasury shall instruct the United States Executive Directors of the International Bank for Reconstruction and Development and the International Development Association to vote against any loan or other utilization of the funds of the Bank and the Association for the benefit of any country with respect to which the President has made a determination, and so notified the Secretary of the Treasury, that the government of such country has failed to take adequate steps to prevent narcotic drugs and other controlled substances (as defined by the Comprehensive Drug Abuse Prevention and Control Act of 1970 [21 U.S.C. 801 et seq.]) produced or processed, in whole or in part, in such country, or transported through such country, from being sold illegally within the jurisdiction of such country to United States Government personnel or their dependents, or from entering the United States unlawfully. Such instruction shall continue in effect until the President determines, and so notifies the Secretary of the Treasury, that the government of such country has taken adequate steps to prevent such sale or entry of narcotic drugs and other controlled substances.

(Pub. L. 86–565, § 13, as added Pub. L. 92–247, § 2, Mar. 10, 1972, 86 Stat. 61.)

REFERENCES IN TEXT

The Comprehensive Drug Abuse Prevention and Control Act of 1970, referred to in text, is Pub. L. 91–513, Oct. 27, 1970, 84 Stat. 1236, as amended, which is classified principally to chapter 13 (§ 801 et seq.) of Title 21, Food and Drugs. For classification of this Act to the

Code, see Short Title note set out under section 801 of Title 21 and Tables.

§ 284*l*. Fourth replenishment; authorization of appropriations

(a) The United States Governor is hereby authorized to agree on behalf of the United States to pay to the Association four annual installments of $375,000,000 each as the United States contribution to the Fourth Replenishment of the Resources of the Association.

(b) In order to pay for the United States contribution, there is hereby authorized to be appropriated without fiscal year limitation four annual installments of $375,000,000 each for payment by the Secretary of the Treasury.

(Pub. L. 86–565, § 14, as added Pub. L. 93–373, § 1, Aug. 14, 1974, 88 Stat. 445.)

§ 284m. Repealed. Pub. L. 95–118, title VII, § 702, Oct. 3, 1977, 91 Stat. 1070

Section, Pub. L. 86–565, § 15, as added Pub. L. 93–373, § 3, Aug. 14, 1974, 88 Stat. 445, set forth provisions relating to United States participation in loans by the International Development Association to any country developing any nuclear explosive device. See section 262d of this title.

EFFECTIVE DATE OF REPEAL

Repeal effective Oct. 3, 1977, see section 1001 of Pub. L. 95–118, set out as an Effective Date note under section 282i of this title.

§ 284n. Fifth replenishment; authorization of appropriations

(a) The United States Governor is authorized to agree on behalf of the United States to pay to the Association $2,400,000,000 as the United States contribution to the fifth replenishment of the Resources of the Association: *Provided, however*, That any commitment to make such contributions shall be made subject to obtaining the necessary appropriations.

(b) In order to pay for the United States contribution provided for in this section, there are authorized to be appropriated, without fiscal year limitation, $2,400,000,000 for payment by the Secretary of the Treasury.

(Pub. L. 86–565, § 16, as added Pub. L. 95–118, title IV, § 401, Oct. 3, 1977, 91 Stat. 1068.)

EFFECTIVE DATE

Section effective Oct. 3, 1977, except that no funds authorized to be appropriated by this section may be available for use or obligation prior to Oct. 1, 1977, see section 1001 of Pub. L. 95–118, set out as a note under section 282i of this title.

§ 284*o*. Sixth replenishment; authorization of appropriations

(a) The United States Governor is authorized to agree on behalf of the United States to pay to the Association $3,240,000,000 as the United States contribution to the sixth replenishment of the resources of the Association: *Provided, however*, That any commitment to make such contributions shall be made subject to obtaining the necessary appropriations.

(b) In order to pay for the United States contributions provided for in this section, there is authorized to be appropriated, without fiscal year limitation, $3,240,000,000 for payment by the Secretary of the Treasury: *Provided, however*, That not more than $850,000,000 of such sum may be made available for the fiscal year 1982 and not more than $945,000,000 of such sum may be made available for the fiscal year 1983.

(Pub. L. 86–565, § 17, as added Pub. L. 97–35, title XIII, § 1321, Aug. 13, 1981, 95 Stat. 740.)

EFFECTIVE DATE

Section effective Aug. 13, 1981, see section 1372 of Pub. L. 97–35, set out as a note under section 290i of this title.

§ 284p. Seventh replenishment; authorization of appropriations

(a) The United States Governor is hereby authorized to agree on behalf of the United States to pay to the Association $2,250,000,000 as the United States contribution to the seventh replenishment of the resources of the Association, except that any commitment to make such contributions shall be made subject to obtaining the necessary appropriations.

(b) In order to pay for the United States contribution provided for in subsection (a) of this section, there are authorized to be appropriated, without fiscal year limitation, $2,250,000,000 for payment by the Secretary of the Treasury.

(Pub. L. 86–565, § 18, as added Pub. L. 98–473, title I, § 101(1) [title I], Oct. 12, 1984, 98 Stat. 1884, 1885.)

CODIFICATION

Section 18 of Pub. L. 86–565 is based on section 901 of S. 2582, Ninety-eighth Congress, as reported Apr. 18, 1984, and enacted into law by Pub. L. 98–473.

CREDITS AVAILABLE TO SUB-SAHARAN AFRICA

Pub. L. 98–473, title I, § 101(1) [title I], Oct. 12, 1984, 98 Stat. 1884, 1885, provided: "That the Secretary of the Treasury shall instruct the United States Executive Director to undertake negotiations to ensure, to the maximum extent possible consistent with the effective use of resources, that the amount of development credits made available to sub-Saharan Africa through the seventh replenishment shall equal or exceed the amount of development credits made available to sub-Saharan Africa through the sixth replenishment."

§ 284q. Special Facility for Sub-Saharan Africa

(a) The Secretary of the Treasury shall pay to the Special Facility for Sub-Saharan Africa, administered by the Association, amounts appropriated pursuant to subsection (b) of this section.

(b) For purposes of the United States contribution provided for in subsection (a) of this section, there are authorized to be appropriated, without fiscal year limitation, $225,000,000.

(Pub. L. 86–565, § 19, as added Pub. L. 99–190, § 101(i) [title I, (a)], Dec. 19, 1985, 99 Stat. 1291, 1294.)

CODIFICATION

Section 19 of Pub. L. 86–565 is based on section 102 of title I of H.R. 2253, Ninety-ninth Congress, as reported May 15, 1985, and enacted into law by Pub. L. 99–190.

CONGRESSIONAL FINDINGS

Section 101 of title I of H.R. 2253, as enacted into permanent law by section 101(i) of Pub. L. 99–190, provided that: "The Congress hereby finds that—

''(1) Sub-Saharan Africa faces a virtually unprecedented condition of human misery which threatens the lives of one hundred and fifty million people;

''(2) only the combined effort of both the African nations themselves and international aid donors can overcome the obstacles to economic development which have given rise to conditions of famine, declining food production, infant mortality, desertification, and deteriorating infrastructure;

''(3) international relief efforts have helped to address the immediate crisis of starvation in Africa and the United States has made important contributions to this effort both bilaterally and through contributions to the multilateral development institutions;

''(4) there is a serious shortfall in the external capital resources necessary to support the policy reform efforts of the African governments and to achieve the long-term development necessary to avert a chronic state of crisis in Sub-Saharan Africa;

''(5) the Special Facility for Sub-Saharan Africa will have as its primary goal the implementation of policy reforms to help the African countries to help themselves;

''(6) to succeed, these efforts must be reinforced by development resources;

''(7) the appalling conditions prevalent in the countries of Sub-Saharan Africa underscore the need for the United States to participate in a coordinated framework with the other aid donor countries; and

''(8) the Special Facility for Sub-Saharan Africa provides such a framework and it is in the humanitarian, economic, and strategic interests of the United States to participate.''

§ 284r. Eighth replenishment; authorization of appropriations

(a) The United States Governor is hereby authorized to agree on behalf of the United States to pay to the Association $2,875,000,000 to the eighth replenishment of the resources of the Association, except that any commitment to make such contributions shall be made subject to obtaining the necessary appropriations.

(b) In order to pay for the United States contribution provided for in subsection (a) of this section, there are authorized to be appropriated, without fiscal year limitation, $2,875,000,000 for payment by the Secretary of the Treasury.

(Pub. L. 86–565, § 20, as added Pub. L. 100–202, § 101(e) [title I], Dec. 22, 1987, 101 Stat. 1329–131, 1329–134.)

CODIFICATION

Section 20 of Pub. L. 86–565 is based on section 101 of title I of H.R. 3750, One Hundredth Congress, as introduced Dec. 11, 1987, and enacted into law by Pub. L. 100–202.

§ 284s. Ninth replenishment

(a) In general

The United States Governor is hereby authorized to agree on behalf of the United States to pay to the Association $3,180,000,000 to the ninth replenishment of the resources of the Association, subject to obtaining the necessary appropriations.

(b) Limitations on authorization of appropriations

In order to pay for the United States contribution provided for in subsection (a) of this section, there are authorized to be appropriated, without fiscal year limitation, $3,180,000,000 for payment by the Secretary of the Treasury.

(Pub. L. 86–565, § 21, as added Pub. L. 101–513, title V, § 562(a)(1), Nov. 5, 1990, 104 Stat. 2032.)

SUBSEQUENT REPLENISHMENTS

Pub. L. 106–113, div. B, § 1000(a)(2) [title V, § 594], Nov. 29, 1999, 113 Stat. 1535, 1501A–122, provided in part that the Secretary of the Treasury may contribute on behalf of the United States to the twelfth replenishment of the International Development Association, and authorized $2,410,000,000 to be appropriated without fiscal year limitation.

Pub. L. 105–118, title V, § 560(a), Nov. 26, 1997, 111 Stat. 2425, provided in part that the Secretary of the Treasury may contribute on behalf of the United States to the eleventh replenishment of the resources of the International Development Association, subject to obtaining the necessary appropriations, and authorized $1,600,000,000 to be appropriated without fiscal year limitation.

Pub. L. 103–87, title V, § 526, Sept. 30, 1993, 107 Stat. 952, provided in part that the Secretary of the Treasury is authorized to agree on behalf of the United States to participate in the tenth replenishment of the resources of the International Development Association, subject to obtaining the necessary appropriations, and pursuant to the tenth replenishment authorized $2,500,000,000 to be appropriated.

SUBCHAPTER XIV—ASIAN DEVELOPMENT BANK

§ 285. Acceptance of membership by United States in Asian Development Bank

The President is hereby authorized to accept membership for the United States in the Asian Development Bank (hereinafter referred to as the ''Bank'') provided for by the agreement establishing the Bank (hereinafter referred to as the ''agreement'') deposited in the archives of the United Nations.

(Pub. L. 89–369, § 2, Mar. 16, 1966, 80 Stat. 71.)

SHORT TITLE

Section 1 of Pub. L. 89–369 provided: ''That this Act [enacting this subchapter and amending section 24 of Title 12, Banks and Banking] may be cited as the 'Asian Development Bank Act'.''

PAR VALUE MODIFICATION

For Congressional direction that the Secretary of the Treasury maintain the value in terms of gold of the Asian Development Bank's holdings of United States dollars following the establishment of a par value of the dollar at $38 for a fine troy ounce of gold pursuant to the Par Value Modification Act and for the authorization of the appropriations necessary to provide such maintenance of value, see section 5152 of Title 31, Money and Finance.

§ 285a. Appointment of Governor, Alternate Governor and Director; compensation

(a) The President, by and with the advice and consent of the Senate, shall appoint a Governor of the Bank, an alternate for the Governor, and a Director of the Bank.

(b) No person shall be entitled to receive any salary or other compensation from the United States for services as a Governor or Alternate Governor. The Director may, in the discretion of the President, receive such compensation, allowances, and other benefits as, together with those received by him from the Bank, will equal those authorized for a chief of mission under the Foreign Service Act of 1980 [22 U.S.C. 3901 et seq.].

(Pub. L. 89–369, § 3, Mar. 16, 1966, 80 Stat. 71; Pub. L. 96–465, title II, § 2206(a)(1), Oct. 17, 1980, 94 Stat. 2160.)

REFERENCES IN TEXT

The Foreign Service Act of 1980, referred to in subsec. (b), is Pub. L. 96–465, Oct. 17, 1980, 94 Stat. 2071, as amended, which is classified principally to chapter 52 (§ 3901 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 3901 of this title and Tables.

AMENDMENTS

1980—Subsec. (b). Pub. L. 96–465 substituted ''a chief of mission under the Foreign Service Act of 1980'' for ''a Chief of Mission, class 2, within the meaning of the Foreign Service Act of 1946, as amended''.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96–465 effective Feb. 15, 1981, except as otherwise provided, see section 2403 of Pub. L. 96–465, set out as an Effective Date note under section 3901 of this title.

§ 285b. Coordination of policies and operations

The policies and operations of the representatives of the United States on the Bank shall be coordinated with other United States policies in such manner as the President shall direct.

(Pub. L. 89–369, § 4, Mar. 16, 1966, 80 Stat. 71; Pub. L. 101–240, title V, § 541(d)(2), (f)(3), Dec. 19, 1989, 103 Stat. 2518, 2519.)

AMENDMENTS

1989—Pub. L. 101–240 struck out subsec. (a) designation and struck out subsec. (b) which read as follows: ''An annual report with respect to United States participation in the Bank shall be submitted to the Congress by such agency or officer as the President shall designate.''

§ 285c. Congressional authorization needed for certain actions

Unless the Congress by law authorizes such action, neither the President nor any person or agency shall, on behalf of the United States, (a) subscribe to additional shares of stock of the Bank; (b) vote for or agree to any amendment of the agreement which increases the obligations of the United States, or which would change the purpose or functions of the Bank; or (c) make a loan or provide other financing to the Bank, except that funds for technical assistance note to exceed $1,000,000 in any one year may be provided to the Bank by a United States agency created pursuant to an Act of Congress which is authorized by law to provide funds to international organizations.

(Pub. L. 89–369, § 5, Mar. 16, 1966, 80 Stat. 72.)

SUBSEQUENT REPLENISHMENTS

Pub. L. 105–118, title V, § 560(a), Nov. 26, 1997, 111 Stat. 2425, provided in part that the Secretary of the Treasury may contribute on behalf of the United States to the sixth replenishment of the resources of the Asian Development Fund, subject to obtaining the necessary appropriations, and authorized $400,000,000 to be appropriated without fiscal year limitation.

Pub. L. 103–87, title V, § 526, Sept. 30, 1993, 107 Stat. 952, provided in part that the Secretary of the Treasury is authorized to agree on behalf of the United States to participate in the fifth replenishment of the Asian Development Fund, subject to obtaining the necessary appropriations.

§ 285d. Federal Reserve banks as depositories

Any Federal Reserve bank which is requested to do so by the Bank shall act as its depository or as its fiscal agent, and the Board of Governors of the Federal Reserve System shall supervise and direct the carrying out of these functions by the Federal Reserve banks.

(Pub. L. 89–369, § 6, Mar. 16, 1966, 80 Stat. 72.)

§ 285e. Authorization of appropriations; income covered into Treasury

(a) There is hereby authorized to be appropriated, without fiscal year limitation, for the purchase of twenty thousand shares of capital stock of the Bank, $200,000,000.

(b) Any payment made to the United States by the Bank as a distribution of net income shall be covered into the Treasury as a miscellaneous receipt.

(Pub. L. 89–369, § 7, Mar. 16, 1966, 80 Stat. 72.)

§ 285f. Jurisdiction and venue of actions

For the purpose of any civil action which may be brought within the United States, its territories or possessions, or the Commonwealth of Puerto Rico, by or against the Bank in accordance with the agreement, the Bank shall be deemed to be an inhabitant of the Federal judicial district in which its principal office or agency in the United States is located, and any such action to which the Bank shall be a party shall be deemed to arise under the laws of the United States, and the district courts of the United States, including the courts enumerated in section 460 of title 28, shall have original jurisdiction of any such action. When the Bank is a defendant in any action in a State court, it may, at any time before the trial thereof, remove such action into the district court of the United States for the proper district by following the procedure for removal of causes otherwise provided by law.

(Pub. L. 89–369, § 8, Mar. 16, 1966, 80 Stat. 72.)

§ 285g. Status, immunities, and privileges

The agreement, and particularly articles 49 through 56, shall have full force and effect in the United States, its territories and possessions, and the Commonwealth of Puerto Rico, upon acceptance of membership by the United States in, and the establishment of, the Bank. The President, at the time of deposit of the instrument of acceptance of membership by the United States in the Bank, shall also deposit a declaration that the United States retains for itself and its political subdivisions the right to tax salaries and emoluments paid by the Bank to its citizens or nationals.

(Pub. L. 89–369, § 9, Mar. 16, 1966, 80 Stat. 72.)

§ 285h. Securities issued by Bank as exempt securities; suspension of exemption provisions; reports to and of Securities and Exchange Commission

(a) Any securities issued by the Bank (including any guarantee by the Bank, whether or not limited in scope) in connection with raising of

funds for inclusion in the Bank's ordinary capital resources as defined in article 7 of the agreement and any securities guaranteed by the Bank as to both principal and interest to which the commitment in article 6, section 5, of the agreement is expressly applicable, shall be deemed to be exempted securities within the meaning of subsection (a)(2) of section 77c of title 15, and subsection (a)(12) of section 78c of title 15. The Bank shall file with the Securities and Exchange Commission such annual and other reports with regard to such securities as the Commission shall determine to be appropriate in view of the special character of the Bank and its operations and necessary in the public interest or for the protection of investors.

(b) The Securities and Exchange Commission, acting in consultation with such agency or officer as the President shall designate, is authorized to suspend the provisions of subsection (a) of this section at any time as to any or all securities issued or guaranteed by the Bank during the period of such suspension. The Commission shall include in its annual reports to Congress such information as it shall deem advisable with regard to the operations and effect of this section and in connection therewith shall include any views submitted for such purpose by any association of dealers registered with the Commission.

(Pub. L. 89–369, § 11, Mar. 16, 1966, 80 Stat. 73.)

§ 285i. Authorization for payment of United States contribution; United States Special Resources

(a) Subject to the provisions of this subchapter, the United States Governor of the Bank is authorized to enter into an agreement with the Bank providing for a United States contribution of $100,000,000 to the Bank in two annual installments of $60,000,000 and $40,000,000, beginning in fiscal year 1972. This contribution is referred to hereinafter in this subchapter as the ''United States Special Resources''.

(b) The United States Special Resources shall be made available to the Bank pursuant to the provisions of this subchapter and article 19 of the Articles of Agreement of the Bank, and in a manner consistent with the Bank's Special Funds Rules and Regulations.

(Pub. L. 89–369, § 12, as added Pub. L. 92–245, § 1, Mar. 10, 1972, 86 Stat. 57.)

§ 285j. United States Special Resources

(a) Development projects and programs

The United States Special Resources shall be used to finance specific high priority development projects and programs in developing member countries of the Bank with emphasis on such projects and programs in the Southeast Asia region.

(b) Authorized uses

The United States Special Resources shall be used by the Bank only for—

(1) making development loans on terms which may be more flexible and bear less heavily on the balance of payments than those established by the Bank for its ordinary operations; and

(2) providing technical assistance credits on a reimbursable basis.

(c) Eligible goods and services

(1) The United States Special Resources may be expended by the Bank only for procurement in the United States of goods produced in, or services supplied from the United States, except that the United States Governor, in consultation with the National Advisory Council on International Monetary and Financial Policies, may allow eligibility for procurement in other member countries from the United States Special Resources if he determines that such procurement eligibility would materially improve the ability of the Bank to carry out the objectives of its special funds resources and would be compatible with the international financial position of the United States.

(2) The United States Special Resources may be used to pay for administrative expenses arising from the use of the United States Special Resources, but only to the extent such expenses are not covered from the Bank's service fee or income from use of United States Special Resources.

(d) Repayment in dollars

All financing of programs and projects by the Bank from the United States Special Resources shall be repayable to the Bank by the borrowers in United States dollars.

(Pub. L. 89–369, § 13, as added Pub. L. 92–245, § 1, Mar. 10, 1972, 86 Stat. 57.)

DELEGATION OF FUNCTIONS

Functions of National Advisory Council on International Monetary and Financial Problems delegated to National Advisory Council on International Monetary and Financial Policies, see section 2(a) of Ex. Ord. No. 11269, Feb. 14, 1966, 31 F.R. 2813, set out as a note under section 286b of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 285*l* of this title.

§ 285k. Utilization of United States Special Resources

(a) The letters of credit provided for in section 285*l* of this title shall be issued to the Bank only to the extent that at the time of issuance the cumulative amount of the United States Special Resources provided to the Bank (A) constitute a minority of all special funds contributions to the Bank, and (B) are no greater than the largest cumulative contribution of any other single country contributing to the special funds of the Bank.

(b) The United States Governor of the Bank shall give due regard to the principles of (A) utilizing all special funds resources on an equitable basis, and (B) significantly shared participation by other contributors in each special fund to which United States Special Resources are provided.

(Pub. L. 89–369, § 14, as added Pub. L. 92–245, § 1, Mar. 10, 1972, 86 Stat. 58.)

§ 285*l*. Letter of credit form for United States Special Resources

The United States Special Resources will be provided to the Bank in the form of a nonnego-

tiable, noninterest-bearing, letter of credit which shall be payable to the Bank at par value on demand to meet the cost of eligible goods and services, and administrative costs authorized pursuant to section 285j(c) of this title.

(Pub. L. 89–369, § 15, as added Pub. L. 92–245, § 1, Mar. 10, 1972, 86 Stat. 58.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 285k of this title.

§ 285m. Withdrawal rights covering United States Special Resources

The United States shall have the right to withdraw all or part of the United States Special Resources and any accrued resources derived therefrom under the procedures provided for in section 8.03 of the Special Funds Rules and Regulations of the Bank.

(Pub. L. 89–369, § 16, as added Pub. L. 92–245, § 1, Mar. 10, 1972, 86 Stat. 58.)

§ 285n. Authorization of appropriations to provide United States Special Resources

For the purpose of providing United States Special Resources to the Bank there is hereby authorized to be appropriated $100,000,000, all of which shall remain available until expended.

(Pub. L. 89–369, § 17, as added Pub. L. 92–245, § 1, Mar. 10, 1972, 86 Stat. 58; amended Pub. L. 93–189, § 28, Dec. 17, 1973, 87 Stat. 732.)

AMENDMENTS

1973—Pub. L. 93–189 substituted ''$100,000,000'' for ''$60,000,000 for the fiscal year 1972 and $40,000,000 for the fiscal year 1973''.

§ 285*o*. Expropriation of United States property; loan restrictions

The President shall instruct the United States Executive Director of the Asian Development Bank to vote against any loan or other utilization of the funds of the Bank for the benefit of any country which has—

(1) nationalized or expropriated or seized ownership or control of property owned by any United States citizen or by any corporation, partnership, or association not less than 50 per centum of which is beneficially owned by United States citizens;

(2) taken steps to repudiate or nullify existing contracts or agreements with any United States citizen or any corporation, partnership, or association not less than 50 per centum of which is beneficially owned by United States citizens; or

(3) imposed or enforced discriminatory taxes or other exaction, or restrictive maintenance or operational conditions, or has taken other actions, which have the effect of nationalizing, expropriating, or otherwise seizing ownership or control of property so owned;

unless the President determines that (A) an arrangement for prompt, adequate, and effective compensation has been made, (B) the parties have submitted the dispute to arbitration under the rules of the Convention for the Settlement of Investment Disputes, or (C) good faith negotiations are in progress aimed at providing prompt, adequate, and effective compensation under the applicable principles of international law.

(Pub. L. 89–369, § 18, as added Pub. L. 92–245, § 1, Mar. 10, 1972, 86 Stat. 58.)

§ 285p. Illegal drug traffic; loan restrictions

The Secretary of the Treasury shall instruct the United States Executive Director of the Asian Development Bank to vote against any loan or other utilization of the funds of the Bank for the benefit of any country with respect to which the President has made a determination, and so notified the Secretary of the Treasury, that the government of such country has failed to take adequate steps to prevent narcotic drugs and other controlled substances (as defined by the Comprehensive Drug Abuse Prevention and Control Act of 1970 [21 U.S.C. 801 et seq.]) produced or processed, in whole or in part, in such country, or transported through such country, from being sold illegally within the jurisdiction of such country to United States Government personnel or their dependents, or from entering the United States unlawfully. Such instruction shall continue in effect until the President determines, and so notifies the Secretary of the Treasury, that the government of such country has taken adequate steps to prevent such sale or entry of narcotic drugs and other controlled substances.

(Pub. L. 89–369, § 19, as added Pub. L. 92–245, § 2, Mar. 10, 1972, 86 Stat. 58.)

REFERENCES IN TEXT

The Comprehensive Drug Abuse Prevention and Control Act of 1970, referred to in text, is Pub. L. 91–513, Oct. 27, 1970, 84 Stat. 1236, as amended, which is classified principally to chapter 13 (§ 801 et seq.) of Title 21, Food and Drugs. For complete classification of this Act to the Code, see Short Title note set out under section 801 of Title 21 and Tables.

§ 285q. Subscription to additional shares; authorization of appropriations

(a) The United States Governor of the Bank is authorized to subscribe on behalf of the United States to thirty thousand additional shares of the capital stock of the Bank in accordance with and subject to the terms and conditions of Resolution Numbered 46 adopted by the Bank's Board of Governors on November 30, 1971.

(b) In order to pay for the increase in the United States subscription to the Bank provided for in this section, there is hereby authorized to be appropriated without fiscal year limitation $361,904,726 for payment by the Secretary of the Treasury.

(Pub. L. 89–369, § 20, as added Pub. L. 93–537, Dec. 22, 1974, 88 Stat. 1735.)

§ 285r. Contribution to special funds; authorization of appropriations

(a) The United States Governor of the Bank is hereby authorized to agree to contribute on behalf of the United States $50,000,000 to the special funds of the Bank. This contribution shall be made available to the Bank pursuant to the provisions of article 19 of the articles of agreement of the Bank.

(b) In order to pay for the United States contribution to the special funds, there is hereby authorized to be appropriated without fiscal year limitation $50,000,000 for payment by the Secretary of the Treasury.

(Pub. L. 89–369, § 21, as added Pub. L. 93–537, Dec. 22, 1974, 88 Stat. 1735.)

§ 285s. Additional subscription to shares; authorization of appropriations

(a) The United States Governor of the Bank is authorized to subscribe on behalf of the United States to sixty-seven thousand and five hundred additional shares of the capital stock of the Bank: *Provided, however*, That any subscription to additional shares shall be effective only to such extent or in such amounts as are provided in advance in appropriation Acts.

(b) In order to pay for the increase in the United States subscription to the Bank provided for in this section, there are authorized to be appropriated without fiscal year limitation $814,286,250 for payment by the Secretary of the Treasury.

(Pub. L. 89–369, § 22, as added Pub. L. 95–118, title V, § 501, Oct. 3, 1977, 91 Stat. 1068; amended Pub. L. 97–35, title XIII, § 1353, Aug. 13, 1981, 95 Stat. 745.)

AMENDMENTS

1981—Subsec. (a). Pub. L. 97–35 substituted ''effective only to such extent or in such amounts as are provided in advance in appropriation Acts'' for ''made only after the amount required for such subscription has been appropriated''.

EFFECTIVE DATE OF 1981 AMENDMENT

Amendment by Pub. L. 97–35 effective Aug. 13, 1981, except that any funds authorized to be appropriated shall not be available for use or obligation prior to Oct. 1, 1981, see section 1372 of Pub. L. 97–35, set out as an Effective Date note under section 290i of this title.

EFFECTIVE DATE

Section effective Oct. 3, 1977, except that no funds authorized to be appropriated by this section may be available for use or obligation prior to Oct. 1, 1977, see section 1001 of Pub. L. 95–118, set out as a note under section 282i of this title.

§ 285t. Additional contribution to special funds; authorization of appropriations

(a) The United States Governor of the Bank is authorized to contribute on behalf of the United States $180,000,000 to the Asian Development Fund, a special fund of the Bank: *Provided, however*, That any commitment to make such contribution shall be made subject to obtaining the necessary appropriations.

(b) In order to pay for the United States contribution to the Asian Development Fund provided for in this section, there are authorized to be appropriated without fiscal year limitation $180,000,000 for payment by the Secretary of the Treasury: *Provided, however*, That not more than $14,116,177 may be made available for such contribution for the fiscal year 1982.

(Pub. L. 89–369, § 23, as added Pub. L. 95–118, title V, § 501, Oct. 3, 1977, 91 Stat. 1069; amended Pub. L. 97–35, title XIII, § 1352(c), Aug. 13, 1981, 95 Stat. 745.)

AMENDMENTS

1981—Subsec. (b). Pub. L. 97–35 inserted provision limiting amount of appropriations available for contributions for fiscal year 1982.

EFFECTIVE DATE OF 1981 AMENDMENT

Amendment by Pub. L. 97–35 effective Aug. 13, 1981, except that any funds authorized to be appropriated shall not be available for use or obligation prior to Oct. 1, 1981, see section 1372 of Pub. L. 97–35, set out as an Effective Date note under section 290i of this title.

EFFECTIVE DATE

Section effective Oct. 3, 1977, except that no funds authorized to be appropriated by this section may be available for use or obligation prior to Oct. 1, 1977, see section 1001 of Pub. L. 95–118, set out as a note under section 282i of this title.

§ 285u. Additional contribution to special funds

(a) United States share

The United States Governor of the Bank is authorized to contribute on behalf of the United States $378,250,000 to the Asian Development Fund, a special fund of the Bank, except that any commitment to make such contribution shall be made subject to obtaining the necessary appropriations.

(b) Authorization of appropriations; maximum available for certain years

In order to pay for the United States contribution to the Asian Development Fund provided for in this section, there are authorized to be appropriated, without fiscal year limitation, $378,250,000 for payment by the Secretary of the Treasury: *Provided, however*, That not more than $111,250,000 of such sum may be made available for the fiscal year 1982, and not more than $44,500,000 of such sum may be made available for the fiscal year 1983.

(c) Funding requirements

For the purpose of keeping to a minimum the cost to the United States, the Secretary of the Treasury—

(1) shall pay the United States contribution to the Asian Development Fund authorized by this section by letter of credit in four annual installments; and

(2) shall take the steps necessary to obtain a certification from the Bank that any undisbursed balances resulting from drawdowns on such letter of credit will not exceed at any time the United States share of expected disbursement requirements for the following three-month period.

(Pub. L. 89–369, § 24, as added Pub. L. 96–259, title II, § 201, June 3, 1980, 94 Stat. 430; amended Pub. L. 97–35, title XIII, § 1352(b), Aug. 13, 1981, 95 Stat. 744.)

AMENDMENTS

1981—Subsec. (b). Pub. L. 97–35 inserted provision limiting amount of appropriations for fiscal years 1982 and 1983.

EFFECTIVE DATE OF 1981 AMENDMENT

Amendment by Pub. L. 97–35 effective Aug. 13, 1981, except that any funds authorized to be appropriated shall not be available for use or obligation prior to Oct. 1, 1981, see section 1372 of Pub. L. 97–35, set out as an Effective Date note under section 290i of this title.

§ 285v. Sense of Congress respecting membership of Taiwan in Bank

It is the sense of the Congress that it is the policy of the United States that Taiwan (before January 1, 1979, known as the Republic of China) shall be permitted to retain membership in the Asian Development Bank and that the United States Executive Director of the Bank shall notify the Bank that a serious review of future United States participation, including any future payments to the Asian Development Fund, would ensue if Taiwan were expelled from the Bank.

(Pub. L. 89–369, § 25, as added Pub. L. 96–259, title II, § 201, June 3, 1980, 94 Stat. 430.)

§ 285w. Contribution to Asian Development Fund; authorization of appropriations

(a) The United States Governor of the Bank is authorized to contribute on behalf of the United States $66,750,000 to the Asian Development Fund, a special fund of the Bank: *Provided, however*, That any commitment to make such contribution shall be made subject to obtaining the necessary appropriations.

(b) In order to pay for the United States contribution to the Asian Development Fund provided for in this section, there is authorized to be appropriated, without fiscal year limitation, $66,750,000 for payment by the Secretary of the Treasury: *Provided, however*, That no funds may be made available for such contribution for the fiscal year 1982.

(Pub. L. 89–369, § 26, as added Pub. L. 97–35, title XIII, § 1352(a), Aug. 13, 1981, 95 Stat. 744.)

EFFECTIVE DATE

Section effective Aug. 13, 1981, except that any funds authorized to be appropriated shall not be available for use or obligation prior to Oct. 1, 1981, see section 1372 of Pub. L. 97–35, set out as a note under section 290i of this title.

§ 285x. Additional subscription to shares

(a) United States share

(1) The United States Governor of the Bank is authorized to subscribe on behalf of the United States to one hundred twenty-three thousand three hundred and seventy-five additional shares of the capital stock of the Bank.

(2) Any subscription to the capital stock of the Bank shall be effective only to such extent or in such amounts as are provided in advance in appropriation Acts.

(b) Authorization of appropriations

In order to pay for the increase in the United States subscription to the Bank provided for in subsection (a) of this section, there are authorized to be appropriated, without fiscal year limitation, $1,322,999,476 for payment by the Secretary of the Treasury.

(c) Continued membership of Republic of China in Bank

(1) The Congress hereby finds that—

(A) the Republic of China (Taiwan) is a charter member in good standing of the Asian Development Bank;

(B) the Republic of China has grown from a borrower to a lender in the Asian Development Bank; and

(C) the Republic of China provides, through its economic success, a model for other nations in Asia.

(2) It is the sense of the Congress that—

(A) Taiwan, Republic of China, should remain a full member of the Asian Development Bank, and that its status within that body should remain unaltered no matter how the issue of the People's Republic of China's application for membership is disposed of;

(B) the President and the Secretary of State should express support of Taiwan, Republic of China, making it clear that the United States will not countenance attempts to expel Taiwan, Republic of China, from the Asian Development Bank; and

(C) the Secretary of the Senate and Clerk of the House shall transmit a copy of this resolution to the President with the request that he transmit such copy to the Board of Governors of the Asian Development Bank.

(Pub. L. 89–369, § 27, as added Pub. L. 98–181, title X, § 1002, Nov. 30, 1983, 97 Stat. 1285.)

§ 285y. Additional contribution to special funds; authorization of appropriations

(a)(1) The United States Governor of the Bank is authorized to contribute on behalf of the United States $520,000,000 to the Asian Development Fund, a special fund of the Bank.

(2) Any commitment to make the contribution authorized in paragraph (1) shall be made subject to obtaining the necessary appropriations.

(b) In order to pay for the United States contribution to the Asian Development Fund provided for in this section, there are authorized to be appropriated, without fiscal year limitation, $520,000,000 for payment by the Secretary of the Treasury.

(Pub. L. 89–369, § 28, as added Pub. L. 98–181, title X, § 1002, Nov. 30, 1983, 97 Stat. 1286.)

§ 285z. Additional contribution to special funds; authorization of appropriations

(a) The United States Governor of the Bank is authorized to contribute on behalf of the United States $584,280,000 to the Asian Development Fund, a special Fund of the Bank, except that any commitment to make such contributions shall be made subject to obtaining the necessary appropriations.

(b) In order to pay for the United States contribution provided for in subsection (a) of this section, there are authorized to be appropriated, without fiscal year limitation, $584,280,000 for payment by the Secretary of the Treasury.

(Pub. L. 89–369, § 29, as added Pub. L. 100–202, § 101(e) [title I], Dec. 22, 1987, 101 Stat. 1329–131, 1329–134.)

CODIFICATION

Section 29 of Pub. L. 89–369 is based on section 201 of title II of H.R. 3750, One Hundredth Congress, as introduced Dec. 11, 1987, and enacted into law by Pub. L. 100–202.

§ 285aa. Capital increase

(a) Subscription authorized

(1) The United States Governor of the Bank may subscribe on behalf of the United States to

35,230 additional shares of the capital stock of the Bank. (2) Any subscription by the United States to the capital stock of the Bank shall be effective only to such extent or in such amounts as are provided in advance in appropriations Acts.

(b) Limitations on authorization of appropriations

In order to pay for the increase in the United States subscription to the Bank provided for in subsection (a) of this section, there are authorized to be appropriated, without fiscal year limitation, $213,000,000 for payment by the Secretary of the Treasury.

(Pub. L. 89–369, § 30, as added Pub. L. 102–145, § 125(b), as added Pub. L. 102–266, § 102, Apr. 1, 1992, 106 Stat. 97.)

SUBCHAPTER XV—INTERNATIONAL MONETARY FUND AND BANK FOR RECONSTRUCTION AND DEVELOPMENT

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in sections 286q, 290k–5, 290*l*–2, 290*o*–2 of this title.

§ 286. Acceptance of membership by United States in International Monetary Fund

The President is hereby authorized to accept membership for the United States in the International Monetary Fund (hereinafter referred to as the ''Fund''), and in the International Bank for Reconstruction and Development (hereinafter referred to as the ''Bank''), provided for by the Articles of Agreement of the Fund and the Articles of Agreement of the Bank as set forth in the Final Act of the United Nations Monetary and Financial Conference dated July 22, 1944, and deposited in the archives of the Department of State.

(July 31, 1945, ch. 339, § 2, 59 Stat. 512.)

SHORT TITLE OF 1968 AMENDMENT

Pub. L. 90–349, June 19, 1968, 82 Stat. 188 [enacting sections 286n to 286r of this title and amending sections 412, 415, 417, and 467 of Title 12, Banks and Banking], is known as the ''Special Drawing Rights Act''. For complete classification of this Act to the Code, see Short Title note set out under section 286n of this title and Tables.

SHORT TITLE

Section 1 of act July 31, 1945, provided: ''This act [enacting this subchapter and amending section 822a of former Title 31, Money and Finance] may be cited as the 'Bretton Woods Agreements Act'.''

PAR VALUE MODIFICATION

For Congressional direction that the Secretary of the Treasury maintain the value in terms of gold of the holdings in United States dollars of the International Monetary Fund and of the International Bank for Reconstruction and Development following the establishment of a par value of the dollar at $38 for a fine troy ounce of gold pursuant to the Par Value Modification Act and for the authorization of the appropriation necessary to provide such maintenance of value, see section 5152 of Title 31, Money and Finance.

§ 286a. Appointments

(a) Governors and executive directors; term of office

The President, by and with the advice and consent of the Senate, shall appoint a governor of the Fund who shall also serve as a governor of the Bank, and an executive director of the Fund and an executive director of the Bank. The executive directors so appointed shall also serve as provisional executive directors of the Fund and the Bank for the purposes of the respective Articles of Agreement. The term of office for the governor of the Fund and of the Bank shall be five years. The term of office for the executive directors shall be two years, but the executive directors shall remain in office until their successors have been appointed.

(b) Alternates; term of office

The President, by and with the advice and consent of the Senate, shall appoint an alternate for the governor of the Fund and an alternate for the governor of the Bank. The President, by and with the advice and consent of the Senate, shall appoint an alternate for each of the executive directors. The alternate for each executive director shall be appointed from among individuals recommended to the President by the executive director. The terms of office for alternates for the governor and the executive directors shall be the same as the terms specified in subsection (a) of this section for the governor and executive directors.

(c) Governor to serve as councillor; alternates and associates

Should the provisions of Schedule D of the Articles of Agreement of the Fund apply, the Governor of the Fund shall also serve as councillor, shall designate an alternate for the councillor, and may designate associates.

(d) Compensation for services

(1) No person shall be entitled to receive any salary or other compensation from the United States for services as a Governor, executive director, councillor, alternate, or associate.

(2) The United States executive director of the Fund shall not be compensated by the Fund at a rate in excess of the rate provided for an individual occupying a position at level IV of the Executive Schedule under section 5315 of title 5. The United States alternate executive director of the Fund shall not be compensated by the Fund at a rate in excess of the rate provided for an individual occupying a position at level V of the Executive Schedule under section 5316 of title 5.

(3) The Secretary of the Treasury shall instruct the United States executive director of the Fund to present to the Fund's Executive Board a comprehensive set of proposals, consistent with maintaining high levels of competence of Fund personnel and consistent with the Articles of Agreement, with the objective of assuring that salaries and other compensation accorded Fund employees do not exceed those received by persons filling similar levels of responsibility within national government service or private industry. The Secretary shall report these proposals together with any measures adopted by the Fund's Executive Board to the Congress prior to February 1, 1979.

(July 31, 1945, ch. 339, § 3, 59 Stat. 512; Pub. L. 93–94, Aug. 15, 1973, 87 Stat. 314; Pub. L. 94–564, § 2, Oct. 19, 1976, 90 Stat. 2660; Pub. L. 95–435, § 2, Oct. 10, 1978, 92 Stat. 1051.)

AMENDMENTS

1978—Subsec. (d). Pub. L. 95–435 designated existing provisions as par. (1) and added pars. (2) and (3).

1976—Subsec. (c). Pub. L. 94–564, § 2(1), amended subsec. (c) generally to provide that the Governor serve as councillor and designate an alternate and associates. Former provisions relating to compensation were included in subsec. (d).

Subsec. (d). Pub. L. 94–564, § 2(2), added subsec. (d).

1973—Subsec. (b). Pub. L. 93–94 substituted ''and an alternate for the governor of the Bank'' for ''who shall also serve as alternate for the governor of the Bank''.

EFFECTIVE DATE OF 1976 AMENDMENT

Section 9 of Pub. L. 94–564 provided that: ''The amendments made by sections 2, 3, 4, 5, 6, and 7 of this Act [amending this section, sections 286c, 286e–2, 286*o*, 286q, and 286r of this title, and section 822a of former Title 31, Money and Finance] shall become effective upon the entry into force of the amendments to the Articles of Agreement of the International Monetary Fund approved in Resolution Numbered 31–4 of the Board of Governors of the Fund.'' Such amendments entered into force Apr. 1, 1978.

LEVELS OF FUND SALARIES AND MINIMIZATION OF TRAVEL COSTS

Pub. L. 96–389, § 9, Oct. 7, 1980, 94 Stat. 1554, provided that: ''The United States Executive Director to the Fund shall seek to insure (a) that Fund salaries do not exceed those levels endorsed by the Fund Bank Joint Committee on Staff Compensation Issues; and (b) that travel costs are minimized by limiting first class and supersonic travel to instances where no reasonable alternative exists.''

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 282a, 284a, 290k–1, 290*o*–1 of this title.

§ 286b. National Advisory Council on International Monetary and Financial Problems

(a) Establishment and composition

In order to coordinate the policies and operations of the representatives of the United States on the Fund and the Bank and of all agencies of the Government which make or participate in making foreign loans or which engage in foreign financial, exchange or monetary transactions, there is hereby established the National Advisory Council on International Monetary and Financial Problems (hereinafter referred to as the ''Council''), consisting of the Secretary of the Treasury, as Chairman, the Secretary of State, the Secretary of Commerce, the Chairman of the Board of Governors of the Federal Reserve System, the President of the Export-Import Bank of the United States, and during such period as the Foreign Operations Administration shall continue to exist, the Director of the Foreign Operations Administration.

(b) Duties and functions; reports by Council

(1) The Council, after consultation with the representatives of the United States on the Fund and the Bank, shall recommend to the President general policy directives for the guidance of the representatives of the United States on the Fund and the Bank.

(2) The Council shall advise and consult with the President and the representatives of the United States on the Fund and the Bank on major problems arising in the administration of the Fund and the Bank.

(3) The Council shall coordinate, by consultation or otherwise, so far as is practicable, the policies and operations of the representatives of the United States on the Fund and the Bank, the Export-Import Bank of the United States and all other agencies of the Government to the extent that they make or participate in the making of foreign loans or engage in foreign financial, exchange or monetary transactions.

(4) Whenever, under the Articles of Agreement of the Fund or the Articles of Agreement of the Bank, the approval, consent or agreement of the United States is required before an act may be done by the respective institutions, the decision as to whether such approval, consent, or agreement, shall be given or refused shall (to the extent such decision is not prohibited by section 286c of this title) be made by the Council, under the general direction of the President. No governor, executive director, or alternate representing the United States shall vote in favor of any waiver of condition under article V, section 4, or in favor of any declaration of the United States dollar as a scarce currency under article VII, section 3, of the Articles of Agreement of the Fund, without prior approval of the Council.

(5) The Council shall make such reports and recommendations to the President as he may from time to time request, or as the Council may consider necessary to more effectively or efficiently accomplish the purposes of this subchapter or the purposes for which the Council is created.

(6) The general policy objectives for the guidance of the United States Executive Director of the Bank shall take into account the effect that development assistance loans have upon individual industry sectors and international commodity markets—

(A) to minimize projected adverse impacts; and

(B) to avoid, wherever possible, government subsidization of production and exports of international commodities without regard to economic conditions in the markets for such commodities.

(c) Reports to Council

The representatives of the United States on the Fund and the Bank, and the Export-Import Bank of the United States (and all other agencies of the Government to the extent that they make or participate in the making of foreign loans or engage in foreign financial, exchange or monetary transactions) shall keep the Council fully informed of their activities and shall provide the Council with such further information or data in their possession as the Council may deem necessary to the appropriate discharge of its responsibilities under this subchapter.

(July 31, 1945, ch. 339, § 4, 59 Stat. 512; Apr. 3, 1948, ch. 169, title I, § 106, 62 Stat. 141; Oct. 10, 1951, ch. 479, title V, § 501(e)(2), 65 Stat. 378; 1953 Reorg. Plan No. 5, eff. June 30, 1953, 18 F.R. 3741, 67 Stat. 637; 1953 Reorg. Plan No. 7, eff. Aug. 1, 1953, 18 F.R. 4541, 67 Stat. 639; Aug. 9, 1954, ch. 660, § 2, 68 Stat. 678; Pub. L. 89–126, § 1(1), Aug. 14, 1965, 79 Stat. 519; Pub. L. 90–267, § 1(a), Mar. 13, 1968, 82 Stat. 47; Pub. L. 98–181, title VIII, § 808(a), Nov. 30, 1983, 97 Stat. 1273; Pub. L. 101–240, title V, § 541(d)(1), (f)(1), Dec. 19, 1989, 103 Stat. 2518, 2519.)

AMENDMENTS

1989—Subsec. (b). Pub. L. 101–240 redesignated pars. (7) and (8) as (5) and (6), respectively, and struck out former pars. (5) and (6) which read as follows:

''(5) The Council shall transmit to the President and to the Congress an annual report with respect to the participation of the United States in the Fund and Bank.

''(6) Each such report shall contain such data concerning the operations and policies of the Fund and Bank, such recommendations concerning the Fund and Bank, and such other data and material as the Council may deem appropriate.''

1983—Subsec. (b)(8). Pub. L. 98–181 added par. (8).

1965—Subsec. (b)(5). Pub. L. 89–126 substituted provisions requiring an annual report, for provisions which required the Council to report from time to time, but not less frequently than every six months.

Subsec. (b)(6). Pub. L. 89–126 struck out provisions which required special reports on operations and policies of the Fund and Bank and prescribed contents of such reports, and inserted provisions requiring the annual report to contain such data concerning the operations and policies of the Fund and Bank, such recommendations concerning the Fund and the Bank, and such other data and material as deemed appropriate.

1954—Subsec. (a). Act Aug. 9, 1954, provided membership on Council for President of the Export-Import Bank of Washington.

1951—Subsec. (a). Act Oct. 10, 1951, substituted ''Mutual Security Agency'' for ''Economic Cooperation Administration'', and ''Director for Mutual Security'' for ''Administrator for Economic Cooperation''.

1948—Subsec. (a). Act Apr. 3, 1948, ch. 169, title I, § 106, 62 Stat. 141, added Administrator for Economic Cooperation, during existence of the Administration, to membership of National Advisory Council.

CHANGE OF NAME

''Export-Import Bank of Washington'' changed in text to ''Export-Import Bank of the United States'' to conform to such change in name in the Export-Import Bank Act of 1945, section 635 et seq. of Title 12, Banks and Banking, provided for in section 1(a) of Pub. L. 90–267.

EFFECTIVE DATE OF 1954 AMENDMENT

Amendment by act Aug. 9, 1954, effective upon initial appointment of President, First Vice President, and one member of the Board of Directors of the Export-Import Bank of Washington, see section 4 of act Aug. 9, 1954, set out as a note under section 635a of Title 12, Banks and Banking.

REPEALS

Act Apr. 3, 1948, cited as a credit to this section, was repealed by act June 20, 1952, ch. 449, § 7(c), 66 Stat. 144.

TRANSFER OF FUNCTIONS

National Advisory Council on International Monetary and Financial Problems abolished and its functions, together with functions of its chairman and other officers, transferred to President by sections 1(b) and 3(a) of Reorg. Plan No. 4 of 1965, eff. July 27, 1965, 30 F.R. 9353, 79 Stat. 1321, set out in the Appendix to Title 5, Government Organization and Employees.

Function of Chairman of Board of Directors of Export-Import Bank of Washington of being a member of National Advisory Council on International Monetary and Financial Problems abolished by Reorg. Plan No. 5 of 1953, eff. June 30, 1953, 18 F.R. 3741, 67 Stat. 637, set out in the Appendix to Title 5.

Foreign Operations Administration abolished by Ex. Ord. No. 10610, May 9, 1955, 20 F.R. 3179, and its functions and offices transferred to Department of State to be administered by International Cooperation Administration. For later transfer, see section 2381 of this title, and notes set out under that section.

Office of Director for Mutual Security abolished and functions of Director transferred to Director of Foreign Operations Administration by Reorg. Plan No. 7 of 1953, eff. Aug. 1, 1953, 18 F.R. 4541. Section 4 of said Reorg. Plan No. 7 of 1953, specifically provided that Director of Foreign Operations Administration shall be a member of National Advisory Council on International Monetary and Financial Problems.

EX. ORD. NO. 11269. NATIONAL ADVISORY COUNCIL ON INTERNATIONAL MONETARY AND FINANCIAL POLICIES

Ex. Ord. No. 11269, Feb. 14, 1966, 31 F.R. 2813, as amended by Ex. Ord. No. 11334, Mar. 7, 1967, 32 F.R. 3933; Ex. Ord. No. 11808, Sept. 30, 1974, 39 F.R. 35563; Ex. Ord. No. 11977, Mar. 14, 1977, 42 F.R. 14671; Ex. Ord. No. 12164, Sept. 29, 1979, 44 F.R. 56681; Ex. Ord. No. 12188, Jan. 2, 1980, 45 F.R. 989; Ex. Ord. No. 12403, Feb. 8, 1983, 48 F.R. 6087; Ex. Ord. No. 12567, Oct. 2, 1986, 51 F.R. 35495; Ex. Ord. No. 12647, Aug. 2, 1988, 53 F.R. 29323; Ex. Ord. No. 12766, June 18, 1991, 56 F.R. 28463; Ex. Ord. No. 13118, § 10(9), Mar. 31, 1999, 64 F.R. 16598, provided:

By virtue of the authority vested in me by Reorganization Plan No. 4 of 1965 (30 F.R. 9353) [set out in the Appendix to Title 5, Government Organization and Employees], and as President of the United States, it is ordered as follows:

SECTION 1. *Establishment of Council.* (a) There is hereby established the National Advisory Council on International Monetary and Financial Policies, hereinafter referred to as the Council.

(b) The Council shall be composed of the following members: the Secretary of the Treasury, who shall be the chairman of the Council, the Assistant to the President for Economic Affairs, who shall be Deputy Chairman of the Council, the Secretary of State, the United States Trade Representative, the Secretary of Commerce, the Chairman of the Board of Governors of the Federal Reserve System, the Administrator of the United States Agency for International Development, and the President of the Export-Import Bank of Washington [now the Export-Import Bank of the United States].

(c) Whenever matters within the jurisdiction of the Council may be of interest to Federal agencies not represented on the Council under Section 1(b) of this order, the Chairman of the Council may consult with such agencies and may invite them to designate representatives to participate in meetings and deliberations of the Council.

SEC. 2. *Functions of the Council.* (a) Exclusive of the functions delegated by the provisions of Section 3, below, and subject to the limitations contained in subsection (b) of this Section, all of the functions which are now vested in the President in consequence of their transfer to him effected by the provisions of Section 1(b) of Reorganization Plan No. 4 of 1965 are hereby delegated to the Council.

(b) The functions under Sections 4(a) and 4(b)(3) of the Bretton Woods Agreements Act, including those made applicable to the International Finance Corporation, the Inter-American Development Bank, and the International Development Association (22 U.S.C. 286b(a) and (b)(3); 282b; 283b; 284b), to the extent that such functions consist of coordination of policies, are hereby delegated to the Council. The functions so delegated shall be deemed to include the authority to review proposed individual loan, financial, exchange, or monetary transactions to the extent necessary or desirable to effectuate the coordination of policies.

(c) The Council shall perform with respect to the Asian Development Bank, African Development Fund,, [sic] African Development Bank, Inter-American Investment Corporation, Multilateral Investment Guarantee Agency, and European Bank for Reconstruction and Development, the same functions as those delegated to it by subsections (a) and (b) of this section with respect to other international financial institutions.

SEC. 3. *Functions of the Secretary of the Treasury.* (a) Functions which are now vested in the President in

consequence of their transfer to him effected by the provisions of Section 1(b) of Reorganization Plan No. 4 of 1965 are hereby delegated to the Secretary of the Treasury to the extent of the following:

(1) Authority, subject to the provisions of Section 7 of this Order, to instruct representatives of the United States to international financial organizations.

(2) Authority provided for in Section 4(b)(4) of the Bretton Woods Agreements Act (22 U.S.C. 286b(b)(4)). Such authority, insofar as it relates to the development aspects of the policies, programs, or projects of the International Bank for Reconstruction and Development shall be exercised subject to the provisions of Section 7 of this Order.

(b) In carrying out the functions delegated to him by subsection (a) of this Section the Secretary shall consult with the Council.

(c) Nothing in this order shall be deemed to derogate from the responsibilities of the Secretary of State with respect to the foreign policy of the United States.

(d) The Secretary of the Treasury shall perform, with respect to the Asian Development Bank, African Development Fund,, [sic] African Development Bank, Inter-American Investment Corporation, Multilateral Investment Guarantee Agency, and European Bank for Reconstruction and Development, the same functions as those delegated to him by subsections (a) and (b) of this section with respect to other international financial institutions.

(e) The Secretary of the Treasury is hereby delegated the functions conferred upon the President by Section 203(b) and Section 207 of the Act of May 31, 1976 (90 Stat. 593 and 594, 22 U.S.C. 290g–1 and 290g–5), subject to the provisions of Section 7 of this Order.

SEC. 4. *Information*. (a) All agencies and officers of the Government, including representatives of the United States to international financial organizations, (1) shall keep the Council or the Secretary of the Treasury, as the case may be, fully informed concerning the foreign loan, financial, exchange, and monetary transactions in which they engage or may engage or with respect to which they have other responsibility, and (2) shall provide the Council, the Secretary of State, and the Secretary with such further information or data in their possession as the Council, the Secretary of State, or the Secretary, as the case may be, may deem necessary to the appropriate discharge of the responsibilities of the Council, the Secretary of State, and Secretary under Sections 2 and 3 of this order, respectively.

(b) The Council shall from time to time transmit to all appropriate agencies and officers of the Government statements of the policies of the Council under this order and such other information relating to the abovementioned transactions or to the functions of the Council hereunder as the Council shall deem desirable.

SEC. 5. *Executive Order No. 10033*. Section 2(a) of Executive Order No. 10033 of February 8, 1949 [set out as a note under section 286f of this title], is hereby amended by substituting for the name ''National Advisory Council on International Monetary and Financial Problems'' the following: ''National Advisory Council on International Monetary and Financial Policies.''

SEC. 6. *Effective date*. The provisions of this order shall be effective as of January 1, 1966.

SEC. 7. *Functions of the Secretary of State*. The Secretary of State shall advise both the Secretary of the Treasury and the appropriate United States representatives to the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the Asian Development Bank, the African Development Fund,, [sic] African Development Bank, Inter-American Investment Corporation, Multilateral Investment Guarantee Agency, and European Bank for Reconstruction and Development on the development aspects of matters relating to those institutions and their activities.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 262, 282b, 283b, 283cc, 284b, 290g–2, 290i–3, 290k–5, 290*l*–2, 290m, 290*o*–2 of this title.

§§ 286b–1, 286b–2. Repealed. Pub. L. 101–240, title V, § 541(d)(1), (5), Dec. 19, 1989, 103 Stat. 2518

Section 286b–1, Pub. L. 91–599, ch. 3, § 31, Dec. 30, 1970, 84 Stat. 1658, related to annual report to Congress of National Advisory Council on International Monetary and Financial Policies.

Section 286b–2, act July 31, 1945, ch. 339, § 50, as added Nov. 30, 1983, Pub. L. 98–181, title VIII, § 813, 97 Stat. 1276, related to reports to Congress by National Advisory Council on International Monetary and Financial Policies and Secretary of the Treasury.

§ 286c. Congressional authorization needed for certain actions

Unless Congress by law authorizes such action, neither the President nor any person or agency shall on behalf of the United States (a) request or consent to any change in the quota of the United States under article III, section 2(a), of the Articles of Agreement of the Fund; (b) propose a par value for the United States dollar under paragraph 2, paragraph 4, or paragraph 10 of schedule C of the Articles of Agreement of the Fund; (c) propose any change in the par value of the United States dollar under paragraph 6 of schedule C of the Articles of Agreement of the Fund, or approve any general change in par values under paragraph 11 of schedule C; (d) subscribe to additional shares of stock under article II, section 3, of the Articles of Agreement of the Bank; (e) accept any amendment under article XXVIII of the Articles of Agreement of the Fund or Article VIII of the Articles of Agreement of the Bank; (f) make any loan to the Fund or the Bank; or (g) approve any disposition of Fund gold, unless the Secretary certifies to the Congress that such disposition is necessary for the Fund to restitute gold to its members, or for the Fund to provide liquidity that will enable the Fund to meet member country claims on the Fund or to meet threats to the systemic stability of the international financial system. Unless Congress by law authorizes such action, no governor or alternate appointed to represent the United States shall vote for an increase of capital stock of the Bank under article II, section 2, of the Articles of Agreement of the Bank, if such increase involves an increased subscription on the part of the United States. Neither the President nor any person or agency shall, on behalf of the United States, consent to any borrowing (other than borrowing from a foreign government or other official public source) by the Fund of funds denominated in United States dollars, unless the Secretary of the Treasury transmits a notice of such proposed borrowing to both Houses of the Congress at least 60 days prior to the date on which such borrowing is scheduled to occur.

(July 31, 1945, ch. 339, § 5, 59 Stat. 514; Pub. L. 89–126, § 1(2), Aug. 14, 1965, 79 Stat. 519; Pub. L. 94–564, § 3, Oct. 19, 1976, 90 Stat. 2660; Pub. L. 95–147, § 4(a)(1), Oct. 28, 1977, 91 Stat. 1228; Pub. L. 98–181, title VIII, § 811, Nov. 30, 1983, 97 Stat. 1274; Pub. L. 106–113, div. B, § 1000(a)(5) [title V, § 504(d)(1)], Nov. 29, 1999, 113 Stat. 1536, 1501A–317.)

AMENDMENTS

1999—Pub. L. 106–113, which directed substitution of ''approve any disposition of Fund gold, unless the Secretary certifies to the Congress that such disposition is necessary for the Fund to restitute gold to its members, or for the Fund to provide liquidity that will enable the Fund to meet member country claims on the Fund or to meet threats to the systemic stability of the international financial system.'' for ''approve either the disposition of more than 25 million ounces of Fund gold for the benefit of the Trust Fund established by the Fund on May 6, 1976, or the establishment of any additional trust fund whereby resources of the International Monetary Fund would be used for the special benefit of a single member, or of a particular segment of the membership, of the Fund.'' in cl. (g) of first sentence, was executed by making the substitution for text which ended with ''the fund.'' rather than ''the Fund.'', to reflect the probable intent of Congress.

1983—Pub. L. 98–181 inserted provision prohibiting the President or any person or agency from consenting to a borrowing of funds denominated in dollars unless notice of such borrowing is transmitted to Congress at least 60 days prior to such borrowing.

1977—Pub. L. 95–147 added to cl. (g) provisions relating to disposition of more than 25 million ounces of Fund gold for the benefit of the Trust Fund.

1976—Pub. L. 94–564 amended cls. (a) to (g) generally.

1965—Pub. L. 89–126 inserted ''if such increase involves an increased subscription on the part of the United States''.

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment effective Apr. 1, 1978, see section 9 of Pub. L. 94–564, set out as a note under section 286a of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 286b of this title.

§ 286d. Federal Reserve banks as depositories

Any Federal Reserve bank which is requested to do so by the Fund or the Bank shall act as its depository or as its fiscal agent, and the Board of Governors of the Federal Reserve System shall supervise and direct the carrying out of these functions by the Federal Reserve banks.

(July 31, 1945, ch. 339, § 6, 59 Stat. 514.)

§ 286e. Payment of subscriptions to Fund and Bank by United States; issuance of special notes; income covered into Treasury

The Secretary of the Treasury is authorized to pay the balance of the subscription of the United States to the Fund not provided for in subsection (a) and to pay the subscription of the United States to the Bank from time to time when payments are required to be made to the Bank. For the purpose of making these payments, the Secretary of the Treasury is authorized to use as a public-debt transaction $8,675,000,000 of the proceeds of any securities hereafter issued under chapter 31 of title 31, and the purposes for which securities may be issued under that chapter are extended to include such purpose. Payment under this paragraph of the subscription of the United States to the Fund or the Bank and repayments thereof shall be treated as public-debt transactions of the United States.

For the purpose of keeping to a minimum the cost to the United States of participation in the Fund and the Bank, the Secretary of the Treasury, after paying the subscription of the United States to the Fund, and any part of the subscription of the United States to the Bank required to be made under article II, section 7(i), of the Articles of Agreement of the Bank, is authorized and directed to issue special notes of the United States from time to time at par and to deliver such notes to the Fund and the Bank in exchange for dollars to the extent permitted by the respective Articles of Agreement. The special notes provided for in this paragraph shall be issued under the authority and subject to the provisions of chapter 31 of title 31, and the purposes for which securities may be issued under that chapter are extended to include the purposes for which special notes are authorized and directed to be issued under this paragraph, but such notes shall bear no interest, shall be nonnegotiable, and shall be payable on demand of the Fund or the Bank, as the case may be. The face amount of special notes issued to the Fund under the authority of this paragraph and outstanding at any one time shall not exceed in the aggregate the amount of the subscription of the United States actually paid to the Fund and the dollar equivalent of currencies and gold which the United States shall have purchased from the Fund in accordance with the Articles of Agreement, and the face amount of such notes issued to the Bank and outstanding at any one time shall not exceed in the aggregate the amount of the subscription of the United States actually paid to the Bank under article II, section 7(i) of the Articles of Agreement of the Bank.

Any payment made to the United States by the Fund or the Bank as a distribution of net income shall be covered into the Treasury as a miscellaneous receipt.

(July 31, 1945, ch. 339, § 7(b)–(d), 59 Stat. 514; Pub. L. 86–48, § 2, June 17, 1959, 73 Stat. 80; Pub. L. 87–490, § 2, June 19, 1962, 76 Stat. 105.)

REFERENCES IN TEXT

Subsection (a), referred to in the first par., means section 7(a) of act July 31, 1945, ch. 339, 59 Stat. 514, which generally amended subsec. (c) of section 822a of former Title 31, Money and Finance. Section 822a(c) of former Title 31 was repealed and reenacted as section 5302(d) of Title 31 by Pub. L. 97–258, § 4(a), Sept. 13, 1982, 96 Stat. 1067, the first section of which enacted Title 31.

CODIFICATION

In first and second pars., ''chapter 31 of title 31'' and ''that chapter'' substituted for ''the Second Liberty Bond Act, as amended'' and ''that Act'', respectively, on authority of Pub. L. 97–258, § 4(b), Sept. 13, 1982, 96 Stat. 1067, the first section of which enacted Title 31, Money and Finance.

Section is based on subsecs. (b) to (d) of section 7 of act July 31, 1945. Subsec. (a) of section 7 amended section 822a of former Title 31. See References in Text note above.

AMENDMENTS

1962—Pub. L. 87–490 included in the limitation of face amount of special notes issued to the Fund the dollar equivalent of currencies and gold which the United States shall have purchased from the Fund in accordance with the Articles of Agreement.

1959—Pub. L. 86–48 struck out ''of $950,000,000'' after ''is authorized to pay the balance'', and substituted ''$8,675,000,000'' for ''not to exceed $4,125,000,000''.

INCREASE IN QUOTA OF UNITED STATES; APPROPRIATION REQUIREMENTS; TRANSFERS AND CREDITS; RESTRICTIONS

Pub. L. 96–544, Dec. 17, 1980, 94 Stat. 3213, provided that: ''For an increase in the United States quota in the International Monetary Fund, the dollar equivalent of 4,202.5 million Special Drawing Rights (approximately $5,537,839,000), to remain available until expended, and balances equivalent to the current SDR value of the United States quota in the Fund shall be merged with this appropriation. Amounts equivalent to the United States reserve position in the Fund shall be credited to this appropriation. Amounts available in this account may be transferred to the Fund by the Secretary of the Treasury to meet United States obligations in the Fund in an amount not to exceed at any time the United States quota in the Fund. The amounts provided for valuation adjustments of Fund holdings of United States dollars shall continue to be available for this purpose and shall be available for transfers to this appropriation account for the purpose of such adjustments. In the administration of these funds it shall be the policy of the United States:

''(1) that the Palestine Liberation Organization should not be given membership in the Fund or be given observer status or any other official status at any meeting sponsored by or associated with the Fund;

''(2) that the United States Executive Director of the Fund shall promptly notify the Fund of such policy;

''(3) that in the event that the Fund provides either membership, observer status, or any other official status to the Palestine Liberation Organization, such action would result in a serious diminution of United States support; and

''(4) that upon review of such action, the President would be required to report his recommendations to the Congress with regard to any further United States participation in the Fund.''

§ 286e–1. Increase in quota of United States and in capital stock of Bank; subscription to additional shares

(a) The United States Governor of the Fund is authorized to request and consent to an increase of $1,375,000,000 in the quota of the United States under article III, section 2, of the articles of agreement of the Fund, as proposed in the resolution of the Board of Governors of the Fund dated February 2, 1959.

(b) The United States Governor of the Bank is authorized (1) to vote for increases in the capital stock of the Bank under article II, section 2, of the articles of agreement of the Bank, as recommended in the resolution of the Board of Governors of the Bank dated February 2, 1959, and (2) if such increases become effective, to subscribe on behalf of the United States to thirty-one thousand seven hundred and fifty additional shares of stock under article II, section 3, of the articles of agreement of the Bank.

(July 31, 1945, ch. 339, § 16, as added Pub. L. 86–48, § 1, June 17, 1959, 73 Stat. 80.)

§ 286e–1a. Increase in capital stock of Bank

The United States Governor of the Bank is authorized to vote for an increase of $1,000,000,000 in the authorized capital stock of the Bank under article II, section 2, of the articles of agreement of the Bank, as recommended in the report, dated November 6, 1962, to the Board of Governors of the Bank by the Bank's Executive Directors.

(July 31, 1945, ch. 339, § 19, as added Pub. L. 88–178, Nov. 13, 1963, 77 Stat. 334.)

§ 286e–1b. Increase in quota of United States; authorization of appropriations

(a) The United States Governor of the Fund is authorized to consent to an increase of $1,035,000,000 in the quota of the United States in the Fund.

(b) In order to pay the increase in the United States subscription to the Fund provided for in this section, there is hereby authorized to be appropriated $1,035,000,000, to remain available until expended.

(July 31, 1945, ch. 339, § 20, as added Pub. L. 89–31, June 2, 1965, 79 Stat. 119.)

§ 286e–1c. Additional increase in quota of United States

(a) The United States Governor of the Fund is authorized to consent to an increase of $1,540,000,000 in the quota of the United States in the Fund.

(b) In order to pay the increase in the United States quota in the Fund provided for in this section, there is hereby authorized to be appropriated $1,540,000,000, to remain available until expended.

(July 31, 1945, ch. 339, § 22, as added Pub. L. 91–599, ch. 1, § 1, Dec. 30, 1970, 84 Stat. 1657.)

§ 286e–1d. Increase in capital stock of Bank; subscription to additional shares; authorization of appropriations

(a) The United States Governor of the Bank is authorized (1) to vote for an increase of $3,000,000,000 in the authorized capital stock of the Bank, and (2) if such increase becomes effective, to subscribe on behalf of the United States to two thousand four hundred and sixty-one additional shares of the capital stock of the Bank.

(b) In order to pay for the increase in the United States subscription to the Bank provided for in this section, there is hereby authorized to be appropriated $246,100,000 to remain available until expended.

(July 31, 1945, ch. 339, § 23, as added Pub. L. 91–599, ch. 1, § 1, Dec. 30, 1970, 84 Stat. 1657.)

§ 286e–1e. Equivalent increase in quota of United States

The United States Governor of the Fund is authorized to consent to an increase in the quota of the United States in the Fund equivalent to 1,705 million Special Drawing Rights.

(July 31, 1945, ch. 339, § 25, as added Pub. L. 94–564, § 1, Oct. 19, 1976, 90 Stat. 2660.)

§ 286e–1f. Additional increase in capital stock of Bank; subscription to additional shares; authorization of appropriations

(a) The United States Governor of the Bank is authorized—

(1) to vote for an increase of seventy thousand shares in the authorized capital stock of the Bank; and

(2) if such increase becomes effective, to subscribe on behalf of the United States to thirteen thousand and five additional shares of the capital stock of the Bank: *Provided, however*, That any subscription to additional shares shall be effective only to such extent or in such amounts as are provided in advance in appropriations Acts.

(b) In order to pay for the increase in the United States subscription to the Bank provided for in this section, there are authorized to be appropriated, without fiscal year limitation, $1,568,856,318 for payment by the Secretary of the Treasury.

(July 31, 1945, ch. 339, § 27, as added Pub. L. 95–118, title II, § 201, Oct. 3, 1977, 91 Stat. 1067; amended Pub. L. 97–35, title XIII, § 1312, Aug. 13, 1981, 95 Stat. 740.)

AMENDMENTS

1981—Subsec. (a)(2). Pub. L. 97–35 substituted ''effective only to such extent or in such amounts as are provided in advance in appropriations Acts'' for ''made only after the amount required for such subscription has been appropriated''.

EFFECTIVE DATE OF 1981 AMENDMENT

Amendment by Pub. L. 97–35 effective Aug. 13, 1981, except that any funds authorized to be appropriated shall not be available for use or obligation prior to Oct. 1, 1981, see section 1372 of Pub. L. 97–35, set out as an Effective Date note under section 290i of this title.

EFFECTIVE DATE

Section effective Oct. 3, 1977, except that no funds authorized to be appropriated by this section may be available for use or obligation prior to Oct. 1, 1977, see section 1001 of Pub. L. 95–118, set out as a note under section 282i of this title.

§ 286e–1g. Additional increase in quota of United States; condition

The United States Governor of the Fund is authorized to consent to an increase in the quota of the United States in the Fund equivalent to 4,202.5 million Special Drawing Rights, limited to such amounts as are appropriated in advance in appropriation Acts.

(July 31, 1945, ch. 339, § 32, as added and amended Pub. L. 96–389, §§ 1, 11, Oct. 7, 1980, 94 Stat. 1551, 1555.)

AMENDMENTS

1980—Pub. L. 96–389, § 11, substituted ''limited to such amounts as are appropriated in advance in appropriation Acts'' for ''to such extent or in such amounts as are provided in appropriations Acts''.

EFFECTIVE DATE

Section effective Oct. 7, 1980, see section 12 of Pub. L. 96–389, set out as a note under section 286s of this title.

§ 286e–1h. Increase of subscription of stock; authority of United States Governor of Bank; authorization of appropriations

(a) The United States Governor of the Bank is authorized—

(1) to vote to increase by three hundred and sixty-five thousand shares the authorized capital stock of the Bank; and

(2) to subscribe on behalf of the United States to not more than seventy-three thousand and ten shares of the capital stock of the Bank: *Provided, however*, That not more than seven and one-half percent ($658,305,195) of the price of the shares subscribed may be paid in to the Bank on subscription, with the remainder of that price ($8,149,256,155) being subject to call only when a call on unpaid subscriptions is required to meet obligations of the Bank for funds borrowed or on loans guaranteed by it and not for use by the Bank in its lending activities or for administrative expenses: *Provided further*, That any subscription to such additional shares shall be effective only to such extent or in such amounts as are provided in advance in appropriations Acts.

(b) In order to pay for the paid-in portion of the United States subscription to the Bank provided for in this section, there is authorized to be appropriated, without fiscal year limitation, $658,305,195 for payment by the Secretary of the Treasury: *Provided, however*, That not more than $109,720,549 of such sum may be made available for each of the fiscal years 1982, 1983, and 1984.

(July 31, 1945, ch. 339, § 39, as added Pub. L. 97–35, title XIII, § 1311, Aug. 13, 1981, 95 Stat. 740.)

EFFECTIVE DATE

Section effective Aug. 13, 1981, except that any funds authorized to be appropriated shall not be available for use or obligation prior to Oct. 1, 1981, see section 1372 of Pub. L. 97–35, set out as a note under section 290i of this title.

§ 286e–1i. Increase in United States quota; consultations with Congress

(a) The United States Governor of the Fund is authorized to consent to an increase in the quota of the United States in the Fund equivalent to 5,310,800,000 Special Drawing Rights, limited to such amounts as are provided in advance in appropriations Acts.

(b)(1) The Secretary of the Treasury shall consult with the chairman and the ranking minority member of—

(A) the Committee on Banking, Finance and Urban Affairs and the Committee on Appropriations of the House of Representatives, and any appropriate subcommittee of each such committee; and

(B) the committee on Foreign Relations, the Committee on Appropriations, and the Committee on Banking, Housing, and Urban Affairs of the Senate, and any appropriate subcommittee of each such committee,

for purposes of discussing the position of the executive branch and the views of the Congress with respect to any international negotiations being held to consider any future quota increase for the International Monetary Fund which may involve an increased contribution, subscription, or loan by the United States.

(2) Such consultation shall be made—

(A) not later than thirty days before the initiation of such international negotiations;

(B) during the period in which such negotiations are being held, in a frequent and timely manner; and

(C) before a session of such negotiations is held at which the United States representatives may agree to such quota increase.

(July 31, 1945, ch. 339, § 41, as added Pub. L. 98–181, title VIII, § 802(a)(4), Nov. 30, 1983, 97 Stat. 1268.)

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.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 286y of this title.

§ 286e–1j. Additional increase in capital stock of Bank; subscription to additional shares; authorization of appropriations

(a) The United States Governor of the Bank is authorized—

(1) to vote for an increase of seventy thousand shares in the authorized capital stock of the Bank; and

(2) to subscribe on behalf of the United States to twelve thousand four hundred and fifty-three additional shares of the capital stock of the Bank, except that any subscription to such additional shares shall be effective only to such extent or in such amounts as are provided in advance in appropriations Acts.

(b) In order to pay for the increase in the United States subscription to the Bank provided for in this section, there are authorized to be appropriated, without fiscal year limitation, $1,502,267,655 for payment by the Secretary of the Treasury.

(July 31, 1945, ch. 339, § 51, as added Pub. L. 99–190, § 101(i) [title I, (a)], Dec. 19, 1985, 99 Stat. 1291, 1294.)

CODIFICATION

Section 51 of act July 31, 1945, is based on section 301 of title III of H.R. 2253, Ninety-ninth Congress, as reported May 15, 1985, and enacted into law by Pub. L. 99–190.

§ 286e–1k. Capital stock increase

(a) Increase authorized

The United States Governor of the Bank is authorized—

(1) to vote for an increase of 620,000 shares in the authorized capital stock of the Bank; and

(2) to subscribe on behalf of the United States to 116,262 additional shares of the capital stock of the Bank, except that any subscription to such additional shares shall be effective only to such extent or in such amounts as are provided in advance in appropriations Acts.

(b) Authorization of appropriations

In order to pay for the increase in the United States subscription to the Bank provided for in this section, there are authorized to be appropriated, without fiscal year limitation, $14,025,266,370, for payment by the Secretary of the Treasury.

(July 31, 1945, ch. 339, § 53, as added Pub. L. 100–461, title V, § 555, Oct. 1, 1988, 102 Stat. 2268–36.)

CODIFICATION

Section 53 of act July 31, 1945, is based on section 1 of H.R. 4645, One Hundredth Congress, as reported Sept. 28, 1988, and enacted into law by Pub. L. 100–461.

§ 286e–1*l*. Quota increase

The United States Governor of the Fund may consent to an increase in the quota of the United States in the Fund equivalent to 8,608,500,000 Special Drawing Rights, limited to such amounts as are provided in advance in appropriations Acts.

(July 31, 1945, ch. 339, § 56, as added Pub. L. 102–511, title X, § 1001, Oct. 24, 1992, 106 Stat. 3357.)

§ 286e–1m. Quota increase

(a) In general

The United States Governor of the Fund may consent to an increase in the quota of the United States in the Fund equivalent to 10,622,500,000 Special Drawing Rights.

(b) Subject to appropriations

The authority provided by subsection (a) of this section shall be effective only to such extent or in such amounts as are provided in advance in appropriations Acts.

(July 31, 1945, ch. 339, § 61, as added Pub. L. 105–277, div. A, § 101(d) [title VI, § 608], Oct. 21, 1998, 112 Stat. 2681–150, 2681–224.)

§ 286e–2. Loans to Fund

(a) Limitation; balance of payments and reserve position considerations

In order to carry out the purposes of the decisions of January 5, 1962, February 24, 1983, and January 27, 1997, as amended in accordance with their terms, of the Executive Directors of the International Monetary Fund, the Secretary of the Treasury is authorized to make loans, in an amount not to exceed the equivalent of 6,712,000,000 Special Drawing Rights, limited to such amounts as are provided in advance in appropriations Acts, except that prior to activation, the Secretary of the Treasury shall certify that supplementary resources are needed to forestall or cope with an impairment of the international monetary system and that the Fund has fully explored other means of funding, to the Fund under article VII, section 1(i), of the Articles of Agreement of the Fund. Any loan under the authority granted in this subsection shall be made with due regard to the present and prospective balance of payments and reserve position of the United States.

(b) Authorization of appropriations; repayments available for loans to Fund

For the purpose of making loans to the International Monetary Fund pursuant to this sec-

tion, there is authorized to be appropriated 6,712,000,000 Special Drawing Rights, except that prior to activation, the Secretary of the Treasury shall certify whether supplementary resources are needed to forestall or cope with an impairment of the international monetary system and that the Fund has fully explored other means of funding, to remain available until expended to meet calls by the International Monetary Fund. Any payments made to the United States by the International Monetary Fund as a repayment on account of the principal of a loan made under this section shall continue to be available for loans to the International Monetary Fund.

(c) Interest and charges covered into Treasury; additional authorization of appropriations for payment of charges for purchase of currencies or gold from Fund

Payments of interest and charges to the United States on account of any loan to the International Monetary Fund shall be covered into the Treasury as miscellaneous receipts. In addition to the amount authorized in subsection (b) of this section, there is authorized to be appropriated such amounts as may be necessary for the payment of charges in connection with any purchases of currencies or gold by the United States from the International Monetary Fund.

(d) Amendment to Executive Directors' decision prohibited; conditions

Unless the Congress by law so authorizes, neither the President, the Secretary of the Treasury, nor any other person acting on behalf of the United States, may instruct the United States Executive Director to the Fund to consent to any amendment to the Decision of February 24, 1983, or the Decision of January 27, 1997, of the Executive Directors of the Fund, if the adoption of such amendment would significantly alter the amount, terms, or conditions of participation by the United States in the General Arrangements to Borrow or the New Arrangements to Borrow, as applicable.

(July 31, 1945, ch. 339, § 17, as added Pub. L. 87–490, § 1, June 19, 1962, 76 Stat. 105; amended Pub. L. 94–564, § 4, Oct. 19, 1976, 90 Stat. 2661; Pub. L. 98–181, title VIII, § 802(a)(1)–(3), Nov. 30, 1983, 97 Stat. 1268; Pub. L. 105–277, div. A, § 101(d) [title VI, § 609], Oct. 21, 1998, 112 Stat. 2681–150, 2681–224.)

AMENDMENTS

1998—Subsec. (a). Pub. L. 105–277, § 101(d) [title VI, § 609(1)], substituted "February 24, 1983, and January 27, 1997" for "and February 24, 1983" and "6,712,000,000" for "4,250,000,000".

Subsec. (b). Pub. L. 105–277, § 101(d) [title VI, § 609(2)], substituted "6,712,000,000" for "4,250,000,000".

Subsec. (d). Pub. L. 105–277, § 101(d) [title VI, § 609(3)], inserted "or the Decision of January 27, 1997," after "February 24, 1983," and "or the New Arrangements to Borrow, as applicable" before period at end.

1983—Subsec. (a). Pub. L. 98–181, § 802(a)(1), substituted "decisions of January 5, 1962, and February 24, 1983, as amended in accordance with their terms" for "decision of January 5, 1962", and "in an amount not to exceed the equivalent of 4,250,000,000 Special Drawing Rights, limited to such amounts as are provided in advance in appropriations Acts, except that prior to activation, the Secretary of the Treasury shall certify that supplementary resources are needed to forestall or cope with an impairment of the international monetary system and that the fund has fully explored other means of funding" for "not to exceed $2,000,000,000 outstanding at any one time".

Subsec. (b). Pub. L. 98–181, § 802(a)(2), substituted "4,250,000,000 Special Drawing Rights, except that prior to activation, the Secretary of the Treasury shall certify whether supplementary resources are needed to forestall or cope with an impairment of the international monetary system and that the Fund has fully explored other means of funding" for "$2,000,000,000".

Subsec. (d). Pub. L. 98–181, § 802(a)(3), added subsec. (d).

1976—Subsec. (a). Pub. L. 94–564 substituted "section 1(i)" for "section 2(i)".

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment effective Apr. 1, 1978, see section 9 of Pub. L. 94–564, set out as a note under section 286a of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 2 sections 645, 901.

§ 286e–3. Transfers to stabilization fund of purchase of currencies or gold from International Monetary Fund; administration; utilization of fund resources for repayments

Any purchases of currencies or gold by the United States from the International Monetary Fund may be transferred to and administered by the fund established by section 5302 of title 31, for use in accordance with the provisions of that section. The Secretary of the Treasury is authorized to utilize the resources of that fund for the purpose of any repayments in connection with such transactions.

(July 31, 1945, ch. 339, § 18, as added Pub. L. 87–490, § 1, June 19, 1962, 76 Stat. 105.)

CODIFICATION

"Section 5302 of title 31" substituted in text for "section 10 of the Gold Reserve Act of 1934, as amended (31 U.S.C. 822a)" on authority of Pub. L. 97–258, § 4(b), Sept. 13, 1982, 96 Stat. 1067, the first section of which enacted Title 31, Money and Finance.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 31 section 5302.

§ 286e–4. Loans to International Finance Corporation; amendment to Articles of Agreement

The United States Governor of the Bank is authorized to agree to an amendment to the articles of agreement of the Bank to permit the Bank to make, participate in, or guarantee loans to the International Finance Corporation for use in the lending operations of the latter.

(July 31, 1945, ch. 339, § 21, as added Pub. L. 89–126, § 1(3), Aug. 14, 1965, 79 Stat. 519.)

§ 286e–5. Amendments to Articles of Agreement

The United States Governor of the Fund is authorized to accept the amendments to the Articles of Agreement of the Fund approved in resolution numbered 31–4 of the Board of Governors of the Fund.

(July 31, 1945, ch. 339, § 24, as added Pub. L. 94–564, § 1, Oct. 19, 1976, 90 Stat. 2660.)

§ 286e–5a. Additional amendments to Articles of Agreement

The United States Governor of the Bank is hereby authorized to agree to and to accept the amendment to the Articles of Agreement in the proposed resolution entitled ''Amendment to the Articles of Agreement of the Bank'', forwarded to the United States on February 27, 1987.

(July 31, 1945, ch. 339, § 52, as added Pub. L. 100–202, § 101(e) [title I], Dec. 22, 1987, 101 Stat. 1329–131, 1329–134.)

CODIFICATION

Section 52 of act July 31, 1945, is based on section 601 of title VI of H.R. 3750, One Hundredth Congress, as introduced Dec. 11, 1987, and enacted into law by Pub. L. 100–202.

§ 286e–5b. Acceptance of amendments to Articles of Agreement of the Fund

The United States Governor of the Fund may agree to and accept the amendments to the Articles of Agreement of the Fund as proposed in the resolution numbered 45–3 of the Board of Governors of the Fund that was approved by such Board on June 28, 1990.

(July 31, 1945, ch. 339, § 57, as added Pub. L. 102–511, title X, § 1001, Oct. 24, 1992, 106 Stat. 3357.)

§ 286e–6. Vote against establishment of Council

The United States Governor of the Fund is directed to vote against the establishment of a Council authorized under Article XII, Section 1 of the Fund Articles of Agreement as amended, if under any circumstances the United States' vote in the Council would be less than its weighted vote in the Fund.

(July 31, 1945, ch. 339, § 26, as added Pub. L. 94–564, § 1, Oct. 19, 1976, 90 Stat. 2660.)

§ 286e–7. Supplementary Financing Facility

(a) Availability of resources

For the purpose of participation of the United States in the Supplementary Financing Facility (hereinafter referred to as the ''facility'') established by the decision numbered 5508–(77/127) of the Executive Directors of the Fund, the Secretary of the Treasury is authorized to make resources available as provided in the decision numbered 5509–(77/127) of the Fund, in an amount not to exceed the equivalent of 1,450 million Special Drawing Rights.

(b) Adjustments in the value of monetary assets

The Secretary of the Treasury shall account, through the fund established by section 5302 of title 31, for any adjustment in the value of monetary assets held by the United States in respect of United States participation in the facility.

(c) Authorization of appropriations

Notwithstanding any other provision of this section, the authority of the Secretary to enter into agreements making resources available under this section shall be limited to such amounts as are appropriated in advance in appropriation Acts. Effective October 1, 1978, there are hereby authorized to be appropriated to the Secretary of the Treasury, without fiscal year limitation, such sums as are necessary to carry out subsection (a) of this section, but not to exceed an amount of dollars equivalent to 1,450 million Special Drawing Rights.

(July 31, 1945, ch. 339, § 28, as added Pub. L. 95–435, § 1, Oct. 10, 1978, 92 Stat. 1051.)

CODIFICATION

In subsec. (b), ''section 5302 of title 31'' substituted for ''section 10 of the Gold Reserve Act of 1934, as amended (31 U.S.C. 822a)'' on authority of Pub. L. 97–258, § 4(b), Sept. 13, 1982, 96 Stat. 1067, the first section of which enacted Title 31, Money and Finance.

§ 286e–8. Treatment of creditors in debt rescheduling

The Secretary of the Treasury shall instruct the United States executive director to seek to assure that no decision by the International Monetary Fund undermines or departs from United States policy regarding the comparability of treatment of public and private creditors in cases of debt rescheduling where official United States credits are involved.

(July 31, 1945, ch. 339, § 29, as added Pub. L. 95–435, § 3, Oct. 10, 1978, 92 Stat. 1052; amended Pub. L. 96–389, § 5, Oct. 7, 1980, 94 Stat. 1554.)

AMENDMENTS

1980—Pub. L. 96–389 struck out ''on the use of the facility'' after ''Monetary Fund''.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96–389 effective Oct. 7, 1980, see section 12 of Pub. L. 96–389, set out as an Effective Date note under section 286s of this title.

§ 286e–9. Stabilization programs

The Secretary of the Treasury shall instruct the United States executive director on the Executive Board of the International Monetary Fund to initiate a wide consultation with the managing director of the Fund and other member country executive directors with regard to encouraging the staff of the Fund to formulate stabilization programs which, to the maximum feasible extent, foster a broader base of productive investment and employment, especially in those productive activities which are designed to meet basic human needs.

(July 31, 1945, ch. 339, § 30, as added Pub. L. 95–435, § 4, Oct. 10, 1978, 92 Stat. 1052; amended Pub. L. 96–389, § 2(b), Oct. 7, 1980, 94 Stat. 1553; Pub. L. 101–240, title V, § 541(d)(1), (f)(2), Dec. 19, 1989, 103 Stat. 2518, 2519.)

AMENDMENTS

1989—Pub. L. 101–240 struck out subsec. (a) designation and struck out subsec. (b) which read as follows: ''In order to gain a better understanding of the social, political and economic impact of the Fund's stabilization programs on borrowing countries, especially as it relates to the poor majority within those countries, the United States Governor of the Fund shall prepare and submit, not later than 180 days after the close of each calendar year, a report to the Congress. Such report shall evaluate, to the maximum extent feasible, with respect to countries to which loans are made during each year, the effects of policies of those countries which result from the standby agreements on basic human needs in such countries.''

1980—Subsec. (a). Pub. L. 96–389, § 2(b)(1), struck out ''entered into pursuant to loans from the Supplementary Financing Facility'' after ''stabilization programs''.

Subsec. (b). Pub. L. 96–389, § 2(b)(2), (3), struck out ''entered into pursuant to loans from the Supplementary Financing Facility'' after ''stabilization programs'' and ''by the Supplementary Financing Facility'' after ''loans are made''.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96–389 effective Oct. 7, 1980, see section 12 of Pub. L. 96–389, set out as an Effective Date note under section 286s of this title.

§ 286e–10. Repealed. Pub. L. 97–35, title XIII, § 1371(a)(1), Aug. 13, 1981, 95 Stat. 746

Section, act July 31, 1945, ch. 339, § 31, as added Oct. 10, 1978, Pub. L. 95–435, § 4, 92 Stat. 1052, required an annual report to Congress on the status of internationally recognized human rights in each country which draws on funds under the Supplementary Financing Facility of the International Monetary Fund.

EFFECTIVE DATE OF REPEAL

Repeal effective Aug. 13, 1981, see section 1372 of Pub. L. 97–35, set out as an Effective Date note under section 290i of this title.

§ 286e–11. Assistance by the Fund to any country harboring international terrorists

The Secretary of the Treasury shall instruct the Executive Director of the United States to the International Monetary Fund to work in opposition to any extension of financial or technical assistance by the Supplemental Financing Facility or by any other agency or facility of such Fund to any country the government of which—

(1) permits entry into the territory of such country to any person who has committed an act of international terrorism, including any act of aircraft hijacking, or otherwise supports, encourages, or harbors such person; or

(2) fails to take appropriate measures to prevent any such person from committing any such act outside the territory of such country.

(Pub. L. 95–435, § 6, Oct. 10, 1978, 92 Stat. 1053.)

CODIFICATION

Section was not enacted as part of act July 31, 1945, ch. 339, 59 Stat. 512, known as the Bretton Woods Agreements Act, which comprises this subchapter.

§ 286e–12. Contribution to Interest Subsidy Account of Enhanced Structural Adjustment Facility of International Monetary Fund

(a) Contribution authorized

(1) In general

Subject to paragraph (2), the United States Governor of the Fund may contribute $150,000,000 to the Interest Subsidy Account of the Enhanced Structural Adjustment Facility of the Fund on behalf of the United States.

(2) Condition

The United States Governor of the Fund may not make a commitment to contribute any amount authorized to be contributed under paragraph (1) before an amount equal to such amount has been appropriated for such purpose.

(b) Limitation on authorization of appropriations

To pay for the contribution authorized by subsection (a) of this section, there are authorized to be appropriated not to exceed $150,000,000, without fiscal year limitation, for payment by the Secretary of the Treasury.

(July 31, 1945, ch. 339, § 54, as added Pub. L. 101–240, title III, § 301, Dec. 19, 1989, 103 Stat. 2500.)

§ 286e–13. Approval of fund pledge to sell gold to provide resources for Reserve Account of Enhanced Structural Adjustment Facility Trust

The Secretary of the Treasury is authorized to instruct the United States Executive Director of the Fund to vote to approve the Fund's pledge to sell, if needed, up to 3,000,000 ounces of the Fund's gold, to restore the resources of the Reserve Account of the Enhanced Structural Adjustment Facility Trust to a level that would be sufficient to meet obligations of the Trust payable to lenders which have made loans to the Loan Account of the Trust that have been used for the purpose of financing programs to Fund members previously in arrears to the Fund.

(July 31, 1945, ch. 339, § 58, as added Pub. L. 102–511, title X, § 1001, Oct. 24, 1992, 106 Stat. 3357.)

§ 286f. Obtaining and furnishing information to the Fund

(a) Required disclosure

Whenever a request is made by the Fund to the United States as a member to furnish data under article VIII, section 5, of the Articles of Agreement of the Fund, the President may, through any agency he may designate, require any person to furnish such information as the President may determine to be essential to comply with such request. In making such determination the President shall seek to collect the information only in such detail as is necessary to comply with the request of the Fund. No information so acquired shall be furnished to the Fund in such detail that the affairs of any person are disclosed.

(b) Penalty for refusal

In the event any person refuses to furnish such information when requested to do so, the President, through any designated governmental agency, may by subpoena require such person to appear and testify or to appear and produce records and other documents, or both. In case of contumacy by, or refusal to obey a subpoena served upon any such person, the district court for any district in which such person is found or resides or transacts business, upon application by the President or any governmental agency designated by him, shall have jurisdiction to issue an order requiring such person to appear and give testimony or appear and produce records and documents, or both; and any failure to obey such order of the court may be punished by such court as a contempt thereof.

(c) Penalty for unlawful disclosures

It shall be unlawful for any officer or employee of the Government, or for any advisor or

consultant to the Government, to disclose, otherwise than in the course of official duty, any information obtained under this section, or to use any such information for his personal benefit. Whoever violates any of the provisions of this subsection shall, upon conviction, be fined not more than $5,000, or imprisoned for not more than five years, or both.

(d) "Person" defined

The term ''person'' as used in this section means an individual, partnership, corporation or association.

(July 31, 1945, ch. 339, § 8, 59 Stat. 515.)

EX. ORD. NO. 10033. REGULATIONS GOVERNING THE PROVIDING OF STATISTICAL INFORMATION TO INTERGOVERNMENTAL ORGANIZATIONS

Ex. Ord. No. 10033, Feb. 8, 1949, 14 F.R. 561, as amended by Ex. Ord. No. 11269, Feb. 14, 1966, 31 F.R. 2813; Ex. Ord. No. 12013, Oct. 7, 1977, 42 F.R. 54931; Ex. Ord. No. 12318, Aug. 21, 1981, 46 F.R. 42833, provided:

SECTION 1. Except as provided in section 2 hereof, the Director of the Office of Management and Budget, hereinafter referred to as the Director, (a) shall determine, with the concurrence of the Secretary of State, what statistical information shall be provided in response to official requests received by the United States Government from any intergovernmental organization of which this country is a member, and (b) shall determine which Federal executive agency or agencies shall prepare the statistical information thus to be provided. The statistical information so prepared shall be transmitted to the requesting intergovernmental organization through established channels by the Secretary of State or by any Federal executive agency now or hereafter authorized by the Secretary of State to transmit such information.

SEC. 2. (a) The National Advisory Council on International Monetary and Financial Policies, hereinafter referred to as the National Advisory Council, shall determine, after consultation with the Director, what information is essential in order that the United States Government may comply with official requests for information received from the International Monetary Fund or the International Bank for Reconstruction and Development.

(b) The Director shall determine which Federal executive agency or agencies shall collect or make available information found essential under section 2(a) hereof.

(c) In the collection of information pursuant to a determination made by the Director under section 2(b) hereof in response to a request under article VIII, section 5, of the Articles of Agreement of the International Monetary Fund, the authority conferred on the President by section 8 of the Bretton Woods Agreements Act [this section] to require any person to furnish such information, by subpoena or otherwise, may be exercised by each of the following-named agencies:

Department of Agriculture.
Department of Commerce.
Department of the Interior.
Department of Labor.
Department of the Treasury.
Board of Governors of the Federal Reserve System.
Federal Communications Commission.
Federal Deposit Insurance Corporation.
Federal Power Commission.
Federal Trade Commission.
Interstate Commerce Commission.
Securities and Exchange Commission.
United States Maritime Commission.
United States Tariff Commission [now the United States International Trade Commission].

(d) The information collected or made available under section 2 of this order shall be submitted to the National Advisory Council for review and for presentation to the said Fund or Bank.

(e) As used in this order, the word ''person'' means an individual, partnership, corporation, or association.

SEC. 3. The Director's determination of any matter under section 1 or section 2(b) of this order shall be made after consulting appropriate Federal executive agencies and giving due consideration to any responsibility now exercised by any of them in relation to an intergovernmental organization.

SEC. 4. This order shall not be construed to authorize the Director or the National Advisory Council to provide, or to require any Federal executive agency to provide, to an intergovernmental organization (a) information during any period of time when the agency having primary responsibility for security of the specified information declares that it must be withheld from the intergovernmental organization in the interest of military security, or (b) information which any Federal executive agency is required by law to maintain on a confidential basis.

SEC. 5. The Director and the National Advisory Council are authorized to prescribe such regulations as may be necessary to carry out their respective responsibilities under this order.

SEC. 6. To the extent that this order conflicts with any previous Executive order, the provisions of this order shall control.

SEC. 7. [Revoked by Ex. Ord. No. 12318, Aug. 21, 1981, 46 F.R. 42833]

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 286z of this title; title 31 section 5315.

§ 286g. Jurisdiction and venue of actions

For the purpose of any action which may be brought within the United States or its Territories or possessions by or against the Fund or the Bank in accordance with the Articles of Agreement of the Fund or the Articles of Agreement of the Bank, the Fund or the Bank, as the case may be, shall be deemed to be an inhabitant of the Federal judicial district in which its principal office in the United States is located, and any such action at law or in equity to which either the Fund or the Bank shall be a party shall be deemed to arise under the laws of the United States, and the district courts of the United States shall have original jurisdiction of any such action. When either the Fund or the Bank is a defendant in any such action, it may, at any time before the trial thereof, remove such action from a State court into the district court of the United States for the proper district by following the procedure for removal of causes otherwise provided by law.

(July 31, 1945, ch. 339, § 10, 59 Stat. 516.)

§ 286h. Status, privileges, and immunities of the United States

The provisions of article IX, sections 2 to 9, both inclusive, and the first sentence of article VIII, section 2(b), of the Articles of Agreement of the Fund, and the provisions of article VI, section 5(i), and article VII, sections 2 to 9, both inclusive, of the Articles of Agreement of the Bank, shall have full force and effect in the United States and its Territories and possessions upon acceptance of membership by the United States in, and the establishment of, the Fund and the Bank, respectively.

(July 31, 1945, ch. 339, § 11, 59 Stat. 516.)

§ 286i. Stabilization loans by Bank; amendment to Articles of Agreement

The governor and executive director of the Bank appointed by the United States are directed to obtain promptly an official interpretation by the Bank as to its authority to make or guarantee loans for programs of economic reconstruction and the reconstruction of monetary systems, including long-term stabilization loans. If the Bank does not interpret its powers to include the making or guaranteeing of such loans, the governor of the Bank representing the United States is directed to propose promptly and support an amendment to the Articles of Agreement for the purpose of explicitly authorizing the Bank, after consultation with the Fund, to make or guarantee such loans. The President is authorized and directed to accept an amendment to that effect on behalf of the United States.

(July 31, 1945, ch. 339, § 12, 59 Stat. 516.)

§ 286j. Use of Fund resources

(a) Official interpretation of authority of Fund

The governor and executive director of the Fund appointed by the United States are directed to obtain promptly an official interpretation by the Fund as to whether its authority to use its resources extends beyond current monetary stabilization operations to afford temporary assistance to members in connection with seasonal, cyclical, and emergency fluctuations in the balance of payment of any member for current transactions, and whether it has authority to use its resources to provide facilities for relief, reconstruction, or armaments, or to meet a large or sustained outflow of capital on the part of any member.

(b) Proposal of amendment

If the interpretation by the Fund answers in the affirmative any of the questions stated in subsection (a) of this section, the governor of the Fund representing the United States is directed to propose promptly and support an amendment to the Articles of Agreement for the purpose of expressly negativing such interpretation. The President is authorized and directed to accept an amendment to that effect on behalf of the United States.

(July 31, 1945, ch. 339, § 13, 59 Stat. 517.)

§ 286k. Further promotion of international economic relations

(a) Congressional declaration of policy

In the realization that additional measures of international economic cooperation are necessary to facilitate the expansion and balanced growth of international trade and render most effective the operations of the Fund and the Bank, it is declared to be the policy of the United States to seek to bring about further agreement and cooperation among nations and international bodies, as soon as possible, on ways and means which will best reduce obstacles to and restrictions upon international trade, eliminate unfair trade practices, promote mutually advantageous commercial relations, and otherwise facilitate the expansion and balanced growth of international trade and promote the stability of international economic relations. In considering the policies of the United States in foreign lending and the policies of the Fund and the Bank, particularly in conducting exchange transactions, the Council and the United States representatives on the Fund and the Bank shall give careful consideration to the progress which has been made in achieving such agreement and cooperation.

(b) Transmittal of information to Congressional committees

The President shall, upon the request of any committee of the Congress with legislative or oversight jurisdiction over monetary policy or the International Monetary Fund, provide to such committee any appropriate information relevant to that committee's jurisdiction which is furnished to any department or agency of the United States by the International Monetary Fund. The President shall comply with this provision consistent with United States membership obligations in the International Monetary Fund and subject to such limitations as are appropriate to the sensitive nature of the information.

(July 31, 1945, ch. 339, § 14, 59 Stat. 517; Pub. L. 95–147, § 4(a)(2), Oct. 28, 1977, 91 Stat. 1228.)

AMENDMENTS

1977—Pub. L. 95–147 designated existing provisions as subsec. (a) and added subsec. (b).

§ 286k–1. Securities issued by Bank as exempt securities; reports filed with Security and Exchange Commission

(a) Any securities issued by International Bank for Reconstruction and Development (including any guaranty by the bank, whether or not limited in scope), and any securities guaranteed by the bank as to both principal and interest, shall be deemed to be exempted securities within the meaning of subsection (a)(2) of section 77c of title 15, and subsection (a)(12) of section 78c of title 15. The bank shall file with the Securities and Exchange Commission such annual and other reports with regard to such securities as the Commission shall determine to be appropriate in view of the special character of the bank and its operations and necessary in the public interest or for the protection of investors.

(b) Repealed. Pub. L. 101–240, title V, § 541(d)(1), Dec. 19, 1989, 103 Stat. 2518.

(July 31, 1945, ch. 339, § 15, as added June 29, 1949, ch. 276, § 2, 63 Stat. 298; amended Pub. L. 101–240, title V, § 541(d)(1), Dec. 19, 1989, 103 Stat. 2518.)

AMENDMENTS

1989—Subsec. (b). Pub. L. 101–240 struck out subsec. (b) which related to contents of National Advisory Council reports provided for in section 286b of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 286k–2 of this title.

§ 286k–2. Suspension of right of International Bank to issue securities under section 286k–1; report of Securities and Exchange Commission

The Securities and Exchange Commission acting in consultation with the National Advisory

Council on International Monetary and Financial Problems is authorized to suspend the provisions of section 286k–1 (a) of this title at any time as to any or all securities issued or guaranteed by the bank during the period of such suspension. The Commission shall include in its annual reports to Congress such information as it shall deem advisable with regard to the operations and effect of this section, and section 286k–1 of this title and section 24 of title 12 and in connection therewith shall include any views submitted for such purpose by any association of dealers registered with the Commission.

(June 29, 1949, ch. 276, § 3, 63 Stat. 299.)

CODIFICATION

Section was not enacted as part of act July 31, 1945, ch. 339, 59 Stat. 512, known as the Bretton Woods Agreements Act, which comprises this subchapter.

DELEGATION OF FUNCTIONS

Functions of National Advisory Council on International Monetary and Financial Problems delegated to National Advisory Council on International Monetary and Financial Policies, see section 2(a) of Ex. Ord. No. 11269, Feb. 14, 1966, 31 F.R. 2813, set out as a note under section 286b of this title.

§ 286*l*. British loan; authorization to Secretary of the Treasury to carry out agreement

The Secretary of the Treasury, in consultation with the National Advisory Council on International Monetary and Financial Problems, is authorized to carry out the agreement dated December 6, 1945, between the United States and the United Kingdom which was transmitted by the President to the Congress on January 30, 1946, and the action of the Secretary of the Treasury in signing the agreement dated March 6, 1957, amending said agreement is approved.

(July 15, 1946, ch. 577, § 1, 60 Stat. 535; Pub. L. 85–21, Apr. 20, 1957, 71 Stat. 17.)

REFERENCES IN TEXT

Agreement dated December 6, 1945, between the United States and the United Kingdom, referred to in text, is set out as a note below.

CODIFICATION

Section was not enacted as a part of act July 31, 1945, ch. 339, 59 Stat. 512, known as the Bretton Woods Agreements Act, which comprises this subchapter.

AMENDMENTS

1957—Pub. L. 85–21 inserted ", and the action of the Secretary of the Treasury in signing the agreement dated March 6, 1957, amending said agreement is approved".

DELEGATION OF FUNCTIONS

Functions of National Advisory Council on International Monetary and Financial Problems delegated to National Advisory Council on International Monetary and Financial Policies, see section 2(a) of Ex. Ord. No. 11269, Feb. 14, 1966, 31 F.R. 2813, set out as a note under section 286b of this title.

PURPOSES

In defining the purposes of act July 15, 1946, sections 286*l* and 286m of this title, Congress stated that:

"Whereas in the Bretton Woods Agreements Act [this subchapter] the Congress has declared it to be the policy of the United States 'to seek to bring about further agreement and cooperation among nations and international bodies, as soon as possible, on ways and means which will best reduce obstacles to and restrictions upon international trade, eliminate unfair trade practices, promote mutually advantageous commercial relations, and otherwise facilitate the expansion and balanced growth of international trade and promote the stability of international economic relations'; and

"Whereas in further implementation of the purposes of the Bretton Woods Agreements, the Governments of the United States and the United Kingdom have negotiated an agreement dated December 6, 1945, designed to expedite the achievement of stable and orderly exchange arrangements, the prompt elimination of exchange restrictions and discriminations, and other objectives of the above-mentioned policy declared by the Congress."

FINANCIAL AGREEMENT BETWEEN THE GOVERNMENTS OF THE UNITED STATES AND THE UNITED KINGDOM

It is hereby agreed between the Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland as follows:

1. Effective date of the agreement: The effective date of this Agreement shall be the date on which the Government of the United States notifies the Government of the United Kingdom that the Congress of the United States has made available the funds necessary to extend to the Government of the United Kingdom the line of credit in accordance with the provisions of this Agreement.

2. Line of credit: The Government of the United States will extend to the Government of the United Kingdom a line of credit of $3,750,000,000 which may be drawn upon at any time between the effective date of this Agreement and December 31, 1951, inclusive.

3. Purpose of the line of credit: The purpose of the line of credit is to facilitate purchases by the United Kingdom of goods and services in the United States, to assist the United Kingdom to meet transitional postwar deficits in its current balance of payments, to help the United Kingdom to maintain adequate reserves of gold and dollars, and to assist the Government of the United Kingdom to assume the obligations of multilateral trade, as defined in this and other agreements.

4. Amortization and interest:

(i) The amount of the line of credit drawn by December 31, 1951, shall be repaid in 50 annual installments beginning on December 31, 1951, with interest at the rate of 2 percent per annum. Interest for the year 1951 shall be computed on the amount outstanding on December 31, 1951, and for each year thereafter, interest shall be computed on the amount outstanding on January 1 of each such year.

Forty-nine annual installments of principal repayments and interest shall be equal, calculated at the rate of $31,823,000 for each $1,000,000,000 of the line of credit drawn by December 31, 1951, and the fiftieth installment shall be at the rate of $31,840,736.65 for each such $1,000,000,000. Each installment shall consist of the full amount of the interest due and the remainder of the installment shall be the principal to be repaid in that year. Payments required by this section are subject to the provisions of section 5.

(ii) The Government of the United Kingdom may accelerate repayment of the amount drawn under this line of credit.

5. Deferment of annual installments.

(i) In any calendar year after December 31, 1956, in which the Government of the United Kingdom advises the Government of the United States that it finds that a deferment is necessary in view of the present and prospective conditions of international exchange and the level of its gold and foreign exchange reserves, the Government of the United Kingdom may defer the payment of the annual installment for that year of principal repayment and interest specified under Section 4. Not more than seven (7) annual installments may be so deferred. The first of any such deferred installments shall

be paid on December 31, 2001, and the others shall be paid annually thereafter, in order.

(ii) In addition, the installment of interest in respect of the year 1956 is hereby deferred, in lieu of any right of waiver hitherto existing. This installment shall be paid on December 31 of the year following that in which the last of all other installments, including installments deferred under the preceding paragraph, is due.

(iii) Deferred installments shall bear interest at the rate of 2 percent per annum, payable annually on December 31 of each year following that in which deferment occurs.

(iv) Payment of deferred installments may be accelerated, in whole or in part, at the option of the Government of the United Kingdom. [Amended Mar. 6, 1957, eff. Apr. 25, 1957.]

6. Relation of this line of credit to other obligations. The Government of the United Kingdom undertakes not to defer an installment under Section 5 of this Agreement in any year, unless it also defers the installment due in that year under the Financial Agreement between the Government of Canada and the Government of the United Kingdom, dated March 6, 1946. [Amended Mar. 6, 1957, eff. Apr. 25, 1957.]

7. Sterling area exchange arrangements: The Government of the United Kingdom will complete arrangements as early as practicable and in any case not later than one year after the effective date of this Agreement, unless in exceptional cases a later date is agreed upon after consultation, under which immediately after the completion of such arrangements the sterling receipts from current transactions of all sterling area countries (apart from any receipts arising out of military expenditure by the Government of the United Kingdom prior to December 31, 1948, to the extent to which they are treated by agreement with the countries concerned on the same basis as the balances accumulated during the war) will be freely available for current transactions in any currency area without discrimination; with the result that any discrimination arising from the so-called sterling area dollar pool will be entirely removed and that each member of the sterling area will have its current sterling and dollar receipts at its free disposition for current transactions anywhere.

8. Other exchange arrangements:

(i) Government of the United Kingdom agrees that after the effective date of this Agreement it will not apply exchange controls in such a manner as to restrict (a) payments or transfers in respect of products of the United States permitted to be imported into the United Kingdom or other current transactions between the two countries or (b) the use of sterling balances to the credit of residents of the United States arising out of current transactions. Nothing in this paragraph (i) shall affect the provisions of Article VII of the Articles of Agreement of the International Monetary Fund when those Articles have come into force.

(ii) The Governments of the United States and the United Kingdom agree that not later than one year after the effective date of this Agreement, unless in exceptional cases a later date is agreed upon after consultation, they will impose no restrictions on payments and transfers for current transactions. The obligations of this paragraph (ii) shall not apply:

(a) to balances of third countries and their nationals accumulated before this paragraph (ii) becomes effective; or

(b) to restrictions imposed in conformity with the Articles of Agreement of the International Monetary Fund, provided that the Governments of the United Kingdom and the United States will not continue to invoke the provisions of Article XIV, Section 2 of those Articles after this paragraph (ii) becomes effective, unless in exceptional cases after consultation they agree otherwise; or

(c) to restrictions imposed in connection with measures designed to uncover and dispose of assets of Germany and Japan.

(iii) This section and section 9, which are in anticipation of more comprehensive arrangements by multilateral agreement, shall operate until December 31, 1951.

9. Import arrangements: If either the Government of the United States or the Government of the United Kingdom imposes or maintains quantitative import restrictions, such restrictions shall be administered on a basis which does not discriminate against imports from the other country in respect of any product; provided that this undertaking shall not apply in cases in which (a) its application would have the effect of preventing the country imposing such restrictions from utilizing, for the purchase of needed imports, inconvertible currencies accumulated up to December 31, 1946, or (b) there may be special necessity for the country imposing such restrictions to assist, by measures not involving a substantial departure from the general rule of non-discrimination, a country whose economy has been disrupted by war, or (c) either government imposes quantitative restrictions having equivalent effect to any exchange restrictions which that government is authorized to impose in conformity with Article VII of the Articles of Agreement of the International Monetary Fund. The provisions of this section shall become effective as soon as practicable but not later than December 31, 1946.

10. Accumulated sterling balances:

(i) The Government of the United Kingdom intends to make agreements with the countries concerned, varying according to the circumstances of each case, for an early settlement covering the sterling balances accumulated by sterling area and other countries prior to such settlement (together with any future receipts arising out of military expenditure by the Government of the United Kingdom to the extent to which they are treated on the same basis by agreement with the countries concerned). The settlements with the sterling area countries will be on the basis of dividing these accumulated balances into three categories (a) balances to be released at once and convertible into any currency for current transactions, (b) balances to be similarly released by installments over a period of years beginning in 1951, and (c) balances to be adjusted as a contribution to the settlement of war and postwar indebtedness and in recognition of the benefits which the countries concerned might be expected to gain from such a settlement. The Government of the United Kingdom will make every endeavor to secure the early completion of these arrangements.

(ii) In consideration of the fact that an important purpose of the present line of credit is to promote the development of multilateral trade and facilitate its early resumption on a non-discriminatory basis, the Government of the United Kingdom agrees that any sterling balances released or otherwise available for current payments will, not later than one year after the effective date of this Agreement unless in special cases a later date is agreed upon after consultation, be freely available for current transactions in any currency area without discrimination.

11. Definitions:

For the purposes of this Agreement:

(i) The term ''current transactions'' shall have the meaning prescribed in Article XIX (i) of the Articles of Agreement of the International Monetary Fund.

(ii) The term ''sterling area'' means the United Kingdom and the other territories declared by the Defence (Finance) Definition of the Sterling Area) (No. 2) Order, 1944, to be included in the sterling area, namely ''the following territories excluding Canada and Newfoundland, that is to say—

(a) any Dominion,

(b) any other part of His Majesty's dominions,

(c) any territory in respect of which a mandate on behalf of the League of Nations has been accepted by His Majesty and is being exercised by His Majesty's Government in the United Kingdom or in any Dominion,

(d) any British protectorate or protected State,

(e) Egypt, the Anglo-Egyptian Sudan and Iraq.

(f) Iceland and the Faroe Islands.''

12. Consultation on Agreement: Either government shall be entitled to approach the other for a reconsider-

ation of any of the provisions of this Agreement, if in its opinion the prevailing conditions of international exchange justify such reconsideration, with a view to agreeing upon modifications for presentation to their respective legislatures.

Signed in duplicate at Washington, District of Columbia this 6th day of December, 1945.

For the Government of the United States of America:

FRED M. VINSON,
Secretary of the Treasury
of the United States of America.

For the Government of the United Kingdom of Great Britain and Northern Ireland:

HALIFAX.

§ 286m. Amount of loan; public-debt transaction; disposition of interest payments

For the purpose of carrying out the agreement dated December 6, 1945, between the United States and the United Kingdom, the Secretary of the Treasury is authorized to use as a public-debt transaction not to exceed $3,750,000,000 of the proceeds of any securities issued after July 15, 1946, under chapter 31 of title 31, and the purposes for which securities may be issued under that chapter are extended to include such purpose. Payments to the United Kingdom under this section and section 286*l* of this title and pursuant to the agreement and repayments thereof shall be treated as public-debt transactions of the United States. Payments of interest to the United States under the agreement shall be covered into the Treasury as miscellaneous receipts.

(July 15, 1946, ch. 577, § 2, 60 Stat. 535.)

REFERENCES IN TEXT

Agreement dated December 6, 1945, between the United States and the United Kingdom, referred to in text, is set out as a note under section 286*l* of this title.

CODIFICATION

"Chapter 31 of title 31" and "that chapter" substituted in text for "the Second Liberty Bond Act, as amended" and "that Act", respectively, on authority of Pub. L. 97–258, § 4(b), Sept. 13, 1982, 96 Stat. 1067, the first section of which enacted Title 31, Money and Finance.

Section was not enacted as a part of act July 31, 1945, ch. 339, 59 Stat. 512, known as the Bretton Woods Agreement Act, which comprises this subchapter.

§ 286n. Special Drawing Rights

The President is hereby authorized (a) to accept the amendment to the articles of agreement of the International Monetary Fund (hereinafter referred to as the "Fund"), attached to the April 1968 report by the Executive Directors to the Board of Governors of the Fund, for the purpose of (i) establishing a facility based on Special Drawing Rights in the Fund and (ii) giving effect to certain modifications in the present rules and practices of the Fund, and (b) to participate in the special drawing account established by the amendment.

(Pub. L. 90–349, § 2, June 19, 1968, 82 Stat. 188.)

CODIFICATION

Section was not enacted as part of act July 31, 1945, ch. 339, 59 Stat. 512, known as the Bretton Woods Agreement Act, which comprises this subchapter.

SHORT TITLE

Section 1 of Pub. L. 90–349 provided: "That this Act [enacting this section and sections 286*o* to 286r of this title and amending sections 412, 415, 417, and 467 of Title 12, Banks and Banking] may be cited as the 'Special Drawing Rights Act'."

§ 286*o*. Administration as part of the Exchange Stabilization Fund

(a) Special Drawing Rights

Special Drawing Rights allocated to the United States pursuant to article XVIII of the Articles of Agreement of the Fund, and Special Drawing Rights otherwise acquired by the United States, shall be credited to the account of, and administered as part of, the Exchange Stabilization Fund established by section 5302 of title 31.

(b) Deposit in and withdrawal from Fund

The proceeds resulting from the use of Special Drawing Rights by the United States, and payments of interest to the United States pursuant to article XX, article XXIV, and article XXV of the Articles of Agreement of the Fund, shall be deposited in the Exchange Stabilization Fund. Currency payments by the United States in return for Special Drawing Rights, and payments of charges or assessments pursuant to article XX, article XXIV, and article XXV of the Articles of Agreement of the Fund, shall be made from the resources of the Exchange Stabilization Fund.

(Pub. L. 90–349, § 3, June 19, 1968, 82 Stat. 188; Pub. L. 94–564, § 5(1), (2), Oct. 19, 1976, 90 Stat. 2661.)

CODIFICATION

In subsec. (a), "section 5302 of title 31" substituted for "section 10 of the Gold Reserve Act of 1934, as amended (31 U.S.C. 822a)" on authority of Pub. L. 97–258, § 4(b), Sept. 13, 1982, 96 Stat. 1067, the first section of which enacted Title 31, Money and Finance.

Section was not enacted as part of act July 31, 1945, ch. 339, 59 Stat. 512, known as the Bretton Woods Agreement Act, which comprises this subchapter.

AMENDMENTS

1976—Subsec. (a). Pub. L. 94–564, § 5(1), substituted "article XVIII" for "article XXIV".

Subsec. (b). Pub. L. 94–564, § 5(2), substituted "article XX, article XXIV, and XXV" for "article XXVI, article XXX, and article XXXI" wherever appearing.

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment effective Apr. 1, 1978, see section 9 of Pub. L. 94–564, set out as a note under section 286a of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 31 section 5302.

§ 286p. Issuance, purpose, and redemption of Special Drawing Rights certificates

(a) The Secretary of the Treasury is authorized to issue to the Federal Reserve banks, and such banks shall purchase, Special Drawing Right certificates in such form and in such denominations as he may determine, against any Special Drawing Rights held to the credit of the Exchange Stabilization Fund. Such certificates shall be issued and remain outstanding only for the purpose of financing the acquisition of Special Drawing Rights or for financing exchange stabilization operations. The amount of Special

Drawing Right certificates issued and outstanding shall at no time exceed the value of the Special Drawing Rights held against the Special Drawing Right certificates. The proceeds resulting from the issuance of Special Drawing Right certificates shall be covered into the Exchange Stabilization Fund.

(b) Special Drawing Right certificates owned by the Federal Reserve banks shall be redeemed from the resources of the Exchange Stabilization Fund at such times and in such amounts as the Secretary of the Treasury may determine.

(Pub. L. 90–349, § 4, June 19, 1968, 82 Stat. 188.)

CODIFICATION

Section was not enacted as part of act July 31, 1945, ch. 339, 59 Stat. 512, known as the Bretton Woods Agreement Act, which comprises this subchapter.

§ 286q. Limitation on allocations to the United States

(a) Unless Congress by law authorizes such action, neither the President nor any person or agency shall on behalf of the United States vote to allocate in each basic period Special Drawing Rights under article XVIII, sections 2 and 3, of the Articles of Agreement of the Fund so that allocations to the United States in that period exceed an amount equal to the United States quota in the Fund as authorized under the Bretton Woods Agreements Act [22 U.S.C. 286 et seq.].

(b)(1) Neither the President nor any person or agency shall on behalf of the United States vote to allocate Special Drawing Rights under article XVIII, sections 2 and 3, of the Articles of Agreement of the Fund without consultations by the Secretary of the Treasury at least 90 days prior to any such vote, with the Chairman and ranking minority members of the Committee on Foreign Relations and 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, and the appropriate subcommittees thereof.

(2) Such consultations shall include an explanation of the consistency of such proposal to allocate with the requirements of the Articles of Agreement of the Fund, in particular the requirement that in all its decisions with respect to allocation of Special Drawing Rights, the Fund shall ''seek to meet the long-term global need, as and when it arises, to supplement existing reserve assets in such manner as will promote the attainment of its purposes and will avoid economic stagnation and deflation as well as excess demand and inflation in the world''.

(Pub. L. 90–349, § 6, June 19, 1968, 82 Stat. 189; Pub. L. 91–599, ch. 1, § 2, Dec. 30, 1970, 84 Stat. 1657; Pub. L. 94–564, § 5(3), Oct. 19, 1976, 90 Stat. 2661; Pub. L. 98–181, title VIII, § 803, Nov. 30, 1983, 97 Stat. 1270.)

REFERENCES IN TEXT

The Bretton Woods Agreements Act, referred to in subsec. (a), is act July 31, 1945, ch. 339, 59 Stat. 512, as amended, which is classified principally to this subchapter (§ 286 et seq.). For complete classification of this Act to the Code, see Short Title note set out under section 286 of this title and Tables.

CODIFICATION

Section was not enacted as part of act July 31, 1945, ch. 339, 59 Stat. 512, known as the Bretton Woods Agreement Act, which comprises this subchapter.

AMENDMENTS

1983—Pub. L. 98–181 designated existing provisions as subsec. (a) and added subsec. (b).

1976—Pub. L. 94–564 substituted ''article XVIII'' for ''article XXIV''.

1970—Pub. L. 91–599 inserted ''in each basic period'' after ''vote to allocate'' and substituted ''allocations to the United States in that period exceed an amount equal to the United States quota in the Fund as authorized under the Bretton Woods Agreements Act'' for ''net cumulative allocations to the United States exceed an amount equal to the United States quota in the Fund as heretofore authorized under the Bretton Woods Agreements Act of 1945, as amended''.

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.

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment effective Apr. 1, 1978, see section 9 of Pub. L. 94–564, set out as a note under section 286a of this title.

§ 286r. United States participation in special drawing account

The provisions of article XXI(b) of the Articles of Agreement of the Fund shall have full force and effect in the United States and its territories and possessions when the United States becomes a participant in the special drawing account.

(Pub. L. 90–349, § 7, June 19, 1968, 82 Stat. 189; Pub. L. 94–564, § 5(4), Oct. 19, 1976, 90 Stat. 2661.)

CODIFICATION

Section was not enacted as part of act July 31, 1945, ch. 339, 59 Stat. 512, known as the Bretton Woods Agreement Act, which comprises this subchapter.

AMENDMENTS

1976—Pub. L. 94–564 substituted ''article XXI(b)'' for ''article XXVII(b)''.

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment effective Apr. 1, 1978, see section 9 of Pub. L. 94–564, set out as a note under section 286a of this title.

§ 286s. Consideration of basic human needs in economic adjustment programs supported by Fund

(a) Formulation and design of programs

The President shall instruct the Secretary of the Treasury, the Secretary of State, and other appropriate Federal officials to use all appropriate means to encourage countries, in formulating economic adjustment programs to deal

with their balance of payments difficulties, to design those programs so as to safeguard, to the maximum feasible extent, jobs, investment, real per capita income, policies to reduce the gap in wealth between rich and poor, and social programs such as health, housing, and education.

(b) Changes in Fund guidelines, policies, and decisions; review prior to approval of standby arrangements; coordination among institutions; coordination between Fund and Bank; periodic analyses

To ensure the effectiveness of economic adjustment programs supported by Fund resources and the reinforcement of those programs by longer term efforts to promote sustained growth and improved living conditions—

(1) United States representatives to the Fund shall recommend and shall work for changes in Fund guidelines, policies, and decisions that would—

(A) permit stand-by arrangements to be extended beyond three years, as necessary to enable Fund members to implement their economic adjustment programs successfully;

(B) provide that in approving any economic adjustment program the Fund shall take into account the effect such program will have on jobs, investment, real per capita income, the gap in wealth between the rich and poor, and social programs such as health, housing, and education, in order to seek to minimize the adverse impact of those adjustment programs on basic human needs; and

(C) provide that letters of intent submitted to the Fund in support of an economic adjustment program reflect that the member country has taken into account the effect such program will have on the factors listed in subparagraph (B);

(2)(A) before voting on the approval of any standby arrangement with respect to any economic adjustment program, the United States Executive Director shall review—

(i) any analysis of factors prepared by the Fund or the member country in accordance with subparagraphs (B) and (C) of paragraph (1), or

(ii) if no such analysis is prepared and available for such review, an analysis which shall be prepared by the United States Governor of the Fund which examines the effect of the program on the factors listed in subparagraph (B) of paragraph (1); and

(B) the United States Executive Director of the Fund shall take into account the analysis reviewed pursuant to subparagraph (A) of this paragraph in voting on approval of that standby arrangement;

(3) United States representatives to the Fund, to the Bank, and to other appropriate institutions shall work toward improving coordination among these institutions and, in particular, shall work toward formulation of programs in association with economic adjustment programs supported by Fund resources which (A) will, among other things, promote employment, investment, real income per capita, improvements in income distribution, and the objectives of social programs such as health, housing, and education, and (B) will, to the maximum extent feasible and consistent with the borrowing country's need to improve its balance of payments position within a reasonable period, ameliorate any adverse effects of economic adjustment programs on the poor;

(4) United States representatives to the Fund and the Bank shall seek amendments to decisions on policies on the use of Fund and Bank resources to provide that, where countries are seeking Extended Fund Facility or upper credit tranche drawings from the Fund and are eligible to receive financing from the Bank, the Fund and Bank will coordinate their financing activities in order—

(A) to take into account the effects of economic adjustment programs on the areas listed in clause (A) of paragraph (3),

(B) to provide, to the extent feasible, Bank project loans designed to safeguard and further basic human needs in countries adopting economic adjustment programs supported by Fund resources, and

(C) to provide, as appropriate, Bank financing for programs of structural adjustment that will facilitate development of a productive economic base and greater attainment of basic human needs objectives over the longer term; and

(5) United States representatives to the Fund and the Bank shall request the Fund and the Bank to provide periodic analyses of the effects of economic adjustment programs supported by Fund or Bank financing on jobs, investment, real income per capita, income distribution, and social programs such as health, housing, and education.

(July 31, 1945, ch. 339, § 33, as added Pub. L. 96–389, § 2(a), Oct. 7, 1980, 94 Stat. 1551; amended Pub. L. 101–240, title V, § 541(d)(1), Dec. 19, 1989, 103 Stat. 2518.)

AMENDMENTS

1989—Subsec. (c). Pub. L. 101–240 struck out subsec. (c) which required inclusion of statement detailing progress made in carrying out subsecs. (a) and (b) requirements in Council's annual report to Congress.

EFFECTIVE DATE

Section 12 of Pub. L. 96–389 provided that: "This Act [enacting this section and sections 286e–1g and 286t to 286x of this title, amending sections 286e–1g, 286e–8, and 286e–9 of this title and section 27 of former Title 31, Money and Finance, and enacting provisions set out as notes under sections 286a and 286t of this title and section 822a of former Title 31] shall take effect on its date of enactment [Oct. 7, 1980], except that funds may not be appropriated under any authorization contained in this Act for any period prior to October 1, 1980."

§ 286t. Omitted

CODIFICATION

Section, act July 31, 1945, ch. 339, § 34, as added Oct. 7, 1980, Pub. L. 96–389, § 4(b), 94 Stat. 1553, directed the Secretary of the Treasury, in cooperation with the United States Director of the Fund, to study and report to Congress prior to May 15, 1981, with respect to adequacy of Fund resources and method of increasing Fund liquidity, promotion of more direct recycling of oil surpluses, and methods of providing adequate resources for balance-of-payments financing.

RECYCLING BALANCE-OF-PAYMENTS SURPLUSES BY OIL EXPORTING COUNTRIES

Section 4(a) of Pub. L. 96–389 provided that: ''It is the sense of the Congress that (1) the interests of the United States and those of other member countries require an effective International Monetary Fund equipped with resources adequate to facilitate orderly balance-of-payments adjustments; (2) persistent balance-of-payments surpluses in oil exporting countries have placed, and will continue to place, severe strains on the resources of oil importing countries and on the liquidity of the Fund; (3) these strains can only be relieved if the oil exporting countries assume a greater burden for financing balance-of-payments deficits through direct methods of recycling their surpluses and through proportionally greater contributions to the Fund and to the international lending institutions; and (4) the Fund must explore innovative proposals to encourage more direct recycling of oil surpluses and to increase its own liquidity.''

§ 286u. Dollar-Special Drawing Rights substitution account

It is the sense of the Congress that the Secretary of the Treasury and the United States Executive Director of the Fund shall encourage member countries of the Fund to negotiate a dollar-Special Drawing Rights substitution account in which equitable burden sharing would exist among participants in the account.

(July 31, 1945, ch. 339, § 35, as added Pub. L. 96–389, § 4(b), Oct. 7, 1980, 94 Stat. 1554; amended Pub. L. 97–35, title XIII, § 1371(a)(2), Aug. 13, 1981, 95 Stat. 746.)

AMENDMENTS

1981—Pub. L. 97–35 struck out reporting requirement on progress toward achieving account.

EFFECTIVE DATE OF 1981 AMENDMENT

Amendment by Pub. L. 97–35 effective Aug. 13, 1981, see section 1372 of Pub. L. 97–35, set out as an Effective Date note under section 290i of this title.

EFFECTIVE DATE

Amendment by Pub. L. 96–389 effective Oct. 7, 1980, see section 12 of Pub. L. 96–389, set out as a note under section 286s of this title.

§ 286v. Membership for Taiwan in Fund

It is the sense of the Congress that it is the policy of the United States that Taiwan (before January 1, 1979, known as the Republic of China) shall be granted appropriate membership in the Fund and that the United States Executive Director of the Fund shall so notify the Fund.

(July 31, 1945, ch. 339, § 36, as added Pub. L. 96–389, § 6, Oct. 7, 1980, 94 Stat. 1554.)

EFFECTIVE DATE

Section effective Oct. 7, 1980, see section 12 of Pub. L. 96–389, set out as a note under section 286s of this title.

§ 286w. Denial of membership or other status in Fund for Palestine Liberation Organization; United States participation in Fund if membership or other status granted; report by President to Congress

It is the policy of the United States that the Palestine Liberation Organization should not be given membership in the Fund or be given observer status or any other official status at any meeting sponsored by or associated with the Fund. The United States Executive Director of the Fund shall promptly notify the Fund of such policy.

In the event that the Fund provides either membership, observer status, or any other official status to the Palestine Liberation Organization, such action would result in a serious diminution of United States support. Upon review of such action, the President would be required to report his recommendations to the Congress with regard to any further United States participation in the Fund.

(July 31, 1945, ch. 339, § 37, as added Pub. L. 96–389, § 7, Oct. 7, 1980, 94 Stat. 1554.)

EFFECTIVE DATE

Section effective Oct. 7, 1980, see section 12 of Pub. L. 96–389, set out as a note under section 286s of this title.

§ 286x. Assistance to private sector of El Salvador, Nicaragua, and other nations

It is the sense of the Congress that in providing assistance through loans or other means to any nation, in particular El Salvador and Nicaragua, the Fund and the Bank should encourage programs which assist the private sector to create an environment which will stabilize the economy of the nation; and that the United States representatives to the Fund and the Bank shall promote the use of assistance by the Fund and the Bank to encourage such programs.

(July 31, 1945, ch. 339, § 38, as added Pub. L. 96–389, § 8, Oct. 7, 1980, 94 Stat. 1554.)

EFFECTIVE DATE

Section effective Oct. 7, 1980, see section 12 of Pub. L. 96–389, set out as a note under section 286s of this title.

§ 286y. Promoting conditions for exchange rate stability

(a) In order to help assure that the resources provided under section 286e–1i of this title are used to support pro-growth policies which will help establish the economic conditions necessary for more appropriate financial and exchange rate alignment and stability, it is the sense of Congress that the Secretary of the Treasury shall—

(1) in consultation with the Secretary of State and the United States Trade Representative, initiate discussions with other countries regarding the economic dislocations which result from structural exchange rate imbalances; and

(2) instruct the United States Executive Director of the Fund to work for adoption of policies in the Fund, both within the framework of article IV (of the Articles of Agreement of the Fund) consultations and with respect to the conditions associated with Fund-supported balance of payments adjustments programs, which promote conditions contributing to the stability of exchange rates and avoid the manipulation of exchange rates between major currencies. Among other initiatives, the Secretary of the Treasury shall propose strengthening the article IV consultation procedures of the Fund to attempt to ensure that countries which are artificially maintain-

ing undervalued or overvalued rates of exchange agree to adopt market determined exchange rates.

(b) In determining his vote on extensions of assistance to any Fund borrower, the United States Executive Director of the Fund shall take into account whether such borrower's policies are consistent with the requirements of article IV of the Articles of Agreement of the Fund.

(July 31, 1945, ch. 339, § 40, as added Pub. L. 98–181, title VIII, § 801, Nov. 30, 1983, 97 Stat. 1267.)

§ 286z. Collection and exchange of information on monetary and financial problems

(a) Sense of Congress

It is the sense of the Congress that—

(1) the lack of sufficient information currently available to allow members of the Fund to make sound and prudent decisions concerning their public and private sector international borrowing, and to allow lenders to make sound and prudent decisions concerning their international lending, threatens the stability of the international monetary system; and

(2) in recognition of the Fund's duties, as provided particularly by article VIII of the Articles of Agreement of the Fund, to act as a center for the collection and exchange of information on monetary and financial problems, the Fund should adopt necessary and appropriate measures to ensure that more complete and timely financial information will be available.

(b) Initiation by United States Executive Director of discussions with other Directors; adoption of procedures

To this end, the Secretary of the Treasury shall instruct the United States Executive Director of the Fund to initiate discussions with other directors of the Fund and with Fund management, and to propose and vote for, the adoption of procedures, within the Fund—

(1) to collect and disseminate information, on a quarterly basis, from and to Fund members, and to such other persons as the Fund deems appropriate, concerning—

(A) the extension of credit by banks or nonbanks to private and public entities, including all government entities, instrumentalities, and central banks of member countries; and

(B) the receipt of such credit by those private and public entities of member countries, where such banks or nonbanks are not principally established within the borders of the member country to which the credits are extended; and

(2) to disseminate publicly information which is developed in the course of the Fund's collection, and to review and comment on efforts which the Fund determines would serve to enhance the informational base upon which international borrowing and lending decisions are taken.

(c) "Credit" defined

For purposes of this section, the term ''credit'' includes—

(1) outstanding loans to private and public entities, including government entities, instrumentalities, and central banks of any member, and

(2) unused lines of credit which have been made available to those private and public entities of any member,

where such loans or lines of credit are repayable in freely convertible currency.

(d) Providing necessary information

The President is authorized to use the authority provided under section 286f of this title to require any person (as defined in such section) subject to the jurisdiction of the United States to provide such information as the Fund determines to be necessary in order to carry out the provisions of this section.

(July 31, 1945, ch. 339, § 42, as added Pub. L. 98–181, title VIII, § 802(a)(4), Nov. 30, 1983, 97 Stat. 1269.)

§ 286aa. Instructions to United States Executive Director; Communist dictatorships

The Congress hereby finds that Communist dictatorships result in severe constraints on labor and capital mobility and other highly inefficient labor and capital supply rigidities which contribute to balance of payments deficits in direct contradiction of the goals of the International Monetary Fund. Therefore, the Secretary of the Treasury shall instruct the United States Executive Director of the Fund to actively oppose any facility involving use of Fund credit by any Communist dictatorship, unless the Secretary of the Treasury certifies and documents in writing upon request and so notifies and appears, if requested, before the Foreign Relations and Banking, Housing, and Urban Affairs Committees of the Senate and the Banking, Finance and Urban Affairs Committee of the House of Representatives, at least twenty-one days in advance of any vote on such drawing that such drawing—

(1) provides the basis for correcting the balance of payments difficulties and restoring a sustainable balance of payments position;

(2) would reduce the severe constraints on labor and capital mobility or other highly inefficient labor and capital supply rigidities and advances market-oriented forces in that country; and

(3) is in the best economic interest of the majority of the people in that country.

Should the Secretary not meet a request to appear before the aforementioned committees at least twenty-one days in advance of any vote on any facility involving use of Fund credit by any communist dictatorship and certify and document in writing that these three conditions have been met, the United States Executive Director shall vote against such program.

(July 31, 1945, ch. 339, § 43, as added Pub. L. 98–181, title VIII, § 804, Nov. 30, 1983, 97 Stat. 1270; amended Pub. L. 103–149, § 4(b)(6), Nov. 23, 1993, 107 Stat. 1505.)

AMENDMENTS

1993—Pub. L. 103–149 struck out ''(a)'' before ''The Congress'' and struck out subsec. (b) which related to

use of International Monetary Fund credit by any country which practices apartheid.

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.

§ 286bb. Elimination of predatory agricultural export subsidies

The Secretary of the Treasury shall instruct the United States Executive Director of the Fund to propose and work for the adoption of a policy encouraging Fund members to eliminate all predatory agricultural export subsidies which might result in the reduction of other member countries' exports.

(July 31, 1945, ch. 339, § 44, as added Pub. L. 98–181, title VIII, § 805, Nov. 30, 1983, 97 Stat. 1271.)

§ 286cc. Sustaining economic growth

(a) Economic adjustment programs

(1) The President shall instruct the Secretary of the Treasury, the Secretary of State, and other appropriate Federal officials, and shall request the Chairman of the Board of Governors of the Federal Reserve System, to use all appropriate means to encourage countries to formulate economic adjustment programs to deal with their balance of payment difficulties and external debt owed to private banks.

(2) Such economic adjustment programs should be designed to safeguard, to the maximum extent feasible, international economic growth, world trade, employment, and the long-term solvency of banks, and to minimize the likelihood of civil disturbances in countries needing economic adjustment programs.

(b) Changes in Fund guidelines; limitations on debt service exceptions

To ensure the effectiveness of economic adjustment programs supported by Fund resources—

(1) the United States Executive Director of the Fund shall recommend and shall work for changes in Fund guidelines, policies, and decisions which would—

(A) convert short-term bank debt which was made at high interest rates into long-term debt at lower rates of interest;

(B) assure that the annual external debt service, which shall include principal, interest, points, fees, and other charges required of the country involved, is a manageable and prudent percentage of the projected annual export earnings of such country; and

(C) provide that in approving any economic adjustment program the Fund shall take into account the number of countries applying to the Fund for economic adjustment programs and the aggregate effects that such programs will have on international economic growth, world trade, exports and employment of other member countries, and the long-term solvency of banks; and

(2) except as provided in subsection (c) of this section, the United States Executive Director of the Fund shall oppose and vote against providing assistance from the Fund for any economic adjustment program for a country in which the annual external debt service exceeds 85 per centum of the annual export earnings of such country, unless the Secretary of the Treasury first determines and provides written documentation to the Committee on Banking, Housing, and Urban Affairs and the Committee on Foreign Relations of the Senate and the Committee on Banking, Finance and Urban Affairs of the House of Representatives that—

(A) the economic adjustment program converts high interest rate, short-term bank debt into long-term debt at significantly narrower interest rate spreads than the average interest rate spreads prevailing on bank debt reschedulings negotiated between August 1982 and August 1983 for countries receiving assistance from the Fund for economic adjustment programs in order to minimize the burdens of adjustment on the debtor nation, provided that such interest rate spreads are consistent with that nation's need to obtain adequate external private financing;

(B) the annual external debt service required of the country involved is a manageable and prudent percentage of the projected annual export earnings of such country; and

(C) the economic adjustment program will not have an adverse impact on international economic growth, world trade, exports, and employment of other member countries, and the long-term solvency of banks.

(c) Emergencies and extraordinary circumstances

The provisions of subsection (b)(2) of this section shall not apply in any case in which the Secretary of the Treasury first determines and provides written documentation to the Committee on Banking, Housing, and Urban Affairs and the Committee on Foreign Relations of the Senate and the Committee on Banking, Finance and Urban Affairs of the House of Representatives that—

(1) an emergency exists in a nation that has applied to the Fund for assistance that requires an immediate short-term loan to avoid disrupting orderly financial markets;

(2) a sudden decrease in export earnings in the country applying to the Fund for assistance has increased the ratio of annual external debt service to annual export earnings, to greater than 85 per centum for a period projected to be no more than one year; or

(3) other extraordinary circumstances exist which warrant waiving the provisions of subsection (b)(2) of this section.

(July 31, 1945, ch. 339, § 45, as added Pub. L. 98–181, title VIII, § 806, Nov. 30, 1983, 97 Stat. 1272.)

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.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 262r of this title.

§ 286dd. Fund bailouts of banks; rescheduling of debt

The Secretary of the Treasury shall instruct the United States Executive Director of the Fund—

(1) to oppose and vote against any Fund drawing by a member country where, in his judgment, the Fund resources would be drawn principally for the purpose of repaying loans which have been imprudently made by banking institutions to the member country; and

(2) to work to insure that the Fund encourages borrowing countries and banking institutions to negotiate, where appropriate, a rescheduling of debt which is consistent with safe and sound banking practices and the country's ability to pay.

(July 31, 1945, ch. 339, § 46, as added Pub. L. 98–181, title VIII, § 807, Nov. 30, 1983, 97 Stat. 1273.)

§ 286ee. International cooperation

The Secretary of the Treasury shall instruct the United States Executive Director of the Fund to propose that the Fund adopt the following policies with respect to international lending:

(1) In its consultations with a member government on its economic policies pursuant to article IV of the Articles of Agreement of the Fund, the Fund should—

(A) intensify its examination of the trend and volume of external indebtedness of private and public borrowers in the member country and comment, as appropriate, in its report to the Executive Board from the viewpoint of the contribution of such borrowings to the economic stability of the borrower; and

(B) consider to what extent and in what form these comments might be made available to the international banking community and the public.

(2) As part of any Fund-approved stabilization program, the Fund should give consideration to placing limits on public sector external short- and long-term borrowing.

(3) As a part of its annual report, and at such times as it may consider desirable, the Fund should publish its evaluation of the trend and volume of international lending as it affects the economic situation of lenders, borrowers, and the smooth functioning of the international monetary system.

(July 31, 1945, ch. 339, § 47, as added Pub. L. 98–181, title VIII, § 809, Nov. 30, 1983, 97 Stat. 1274.)

§ 286ff. Fund interest rates

The Secretary of the Treasury shall instruct the United States Executive Director of the Fund to propose and work for the adoption of Fund policies regarding the rate of remuneration paid on use of member's quota subscriptions and the rate of charges on Fund drawings to bring those rates in line with market rates.

(July 31, 1945, ch. 339, § 48, as added Pub. L. 98–181, title VIII, § 810, Nov. 30, 1983, 97 Stat. 1274.)

§ 286gg. Elimination of trade restrictions

(a) Promotion of fair trade as financial assistance policy

(1) The Secretary of the Treasury shall instruct the United States Executive Director of each of the multilateral development banks (in this section referred to as the ''banks'') and of the Fund to initiate a wide consultation with the Managing Director of each of the banks and of the Fund and the other directors of the banks and of the Fund with regard to the development of financial assistance policies which, to the maximum feasible extent—

(A) reduce obstacles to and restrictions upon international trade and investment in goods and services;

(B) eliminate unfair trade and investment practices; and

(C) promote mutually advantageous economic relations.

(2) The Secretary of the Treasury shall work closely in this effort with the Trade Policy Committee.

(3) As part of this effort, the Secretary of the Treasury shall also instruct the United States Executive Director of each of the banks and of the Fund to encourage close cooperation between their staff and the Secretariat of the World Trade Organization (as the term ''World Trade Organization'' is defined in section 3501(8) of title 19).

(b) Agreement to eliminate unfair trade practices as condition of financial assistance

(1) The Secretary of the Treasury shall instruct the United States Executive Director of each of the banks and of the Fund, prior to the extension to any country of financial assistance by the banks and by the Fund, to work to have the banks and the Fund obtain the agreement of such country to eliminate, in a manner consistent with its balance of payments adjustment program, unfair trade and investment practices with respect to goods and services which the United States Trade Representative, after consultation with the Trade Policy Committee, has determined to have a significant deleterious effect on the international trading system.

(2) Such practices include—

(A) the provision of predatory export subsidies, employed in connection with the exporting of agricultural commodities and products thereof to foreign countries;

(B) the provision of other export subsidies, such as government subsidized below-market interest rate financing for commodities or manufactured goods;

(C) unreasonable import restrictions;

(D) the imposition of trade-related performance requirements on foreign investment; and

(E) practices which are inconsistent with international agreements.

(c) United States position on requests for loans or drawing under bank and Fund programs; progress made in eliminating unfair trade practices

(1) In determining the United States position on requests for loans or periodic drawing under bank and Fund programs, the Secretary of the Treasury shall take full account of the progress countries have made in achieving targets for eliminating or phasing out the practices referred to in subsection (b) of this section.

(2) In the event that the United States supports a request for loans or drawing by a country that has not achieved the bank and Fund targets relating to such practices specified in its program, the Secretary of the Treasury shall report to the appropriate committees of the Congress the reasons for the United States position.

(d) "Multilateral development banks" defined

For purposes of this section, the term ''multilateral development banks'' means the International Bank for Reconstruction and Development, the Inter-American Development Bank, the African Development Bank, and the Asian Development Bank.

(July 31, 1945, ch. 339, § 49, as added Pub. L. 98–181, title VIII, § 812, Nov. 30, 1983, 97 Stat. 1275; amended Pub. L. 99–500, § 101(f) [title V, § 555], Oct. 18, 1986, 100 Stat. 1783–213, 1783–240, and Pub. L. 99–591, § 101(f) [title V, § 555], Oct. 30, 1986, 100 Stat. 3341–214, 3341–240; Pub. L. 106–36, title I, § 1002(c), June 25, 1999, 113 Stat. 133.)

CODIFICATION

Pub. L. 99–591 is a corrected version of Pub. L. 99–500.

AMENDMENTS

1999—Subsec. (a)(3). Pub. L. 106–36 substituted ''Secretariat of the World Trade Organization (as the term 'World Trade Organization' is defined in section 3501(8) of title 19)'' for ''GATT Secretariat''.

1986—Subsec. (a)(1). Pub. L. 99–500 and Pub. L. 99–591, § 101(f) [title V, § 555(b)], inserted ''each of the multilateral development banks (in this section referred to as the 'banks') and of'', ''each of the banks and of'', and ''banks and of the'', and substituted ''development of financial'' for ''development of Fund financial''.

Subsec. (a)(3). Pub. L. 99–500 and Pub. L. 99–591, § 101(f) [title V, § 555(c)], inserted ''each of the banks and of'' and substituted ''their staff'' for ''Fund staff''.

Subsec. (b)(1). Pub. L. 99–500 and Pub. L. 99–591, § 101(f) [title V, § 555(d)], inserted ''each of the banks and of'', ''the banks and by'', and ''the banks and''.

Subsec. (c). Pub. L. 99–500 and Pub. L. 99–591, § 101(f) [title V, § 555(e), (f)], inserted ''bank and'' and ''loans or'' in pars. (1) and (2).

Subsec. (d). Pub. L. 99–500 and Pub. L. 99–591, § 101(f) [title V, § 555(a)], added subsec. (d).

§ 286hh. Policy based lending for debt reduction

(a) Criteria

The Secretary of the Treasury shall instruct the United States Executive Director of the International Bank for Reconstruction and Development to initiate discussions with other directors of such bank and to advocate and support the facilitation of voluntary market-based programs for the reduction of sovereign debt and the promotion of sustainable economic development, which, if implemented, would—

(1) not require any organization or government to participate in such a program;

(2) result in debt reduction for each participating country tailored to the particular situation of each country;

(3) provide assistance to participating countries conditioned on the implementation of economic reforms, and the preservation of economic reforms previously implemented, by the country that are consistent with the principles of sustainable development;

(4) encourage participating countries to make economic adjustments steadily and over a period of time in order to achieve policy reform;

(5) use debt reduction techniques that would not compensate commercial banks for the reduction in the value of such debt, but would serve as a catalyst for new lending;

(6) involve such bank in lending for purposes of debt reduction and conversion only where such involvement would not lower the credit rating of such bank;

(7) not require public sector funding beyond that provided through any capital increase for such bank, and any replenishment for the International Development Association, which is agreed to by the member countries of such institutions; and

(8) accomplish debt reduction, not as an end, but as a means to greater growth and investment in, and the restoration of voluntary private lending to, participating countries for environmentally and economically sustainable development.

(b) Policy based lending for debt reduction and sustainable growth

The Secretary of the Treasury shall instruct the United States Executive Director of the International Bank for Reconstruction and Development to initiate discussions with other directors of such bank and to propose that policy based loans be made by such bank for, among other reasons, facilitating a reduction in the debt service burden of any country which is participating in a voluntary market-based program for debt reduction described in subsection (c) of this section.

(c) Voluntary market-based program for debt reduction and sustainable growth

In connection with the discussions initiated pursuant to subsection (b) of this section, the Secretary shall instruct the United States Executive Director of the International Bank for Reconstruction and Development to propose that a country be considered to be participating in a voluntary market-based program of debt reduction for purposes of subsection (b) of this section if the creditors of such country agree to significantly reduce the debt service of such country through forgiveness of a percentage of the interest owed by such country on any sovereign debt or through any other means.

(d) Reports

Not later than March 1, 1989, March 1, 1991, and March 1, 1993, respectively, the Secretary of the Treasury shall submit to the Committee on Banking, Finance and Urban Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate 3 reports each of which—

(1) describes the long term strategy and lending programs of the International Bank for Reconstruction and Development for reducing and managing the debt burden of the countries designated as ''Highly Indebted Countries'' in the 1987–1988 World Debt Tables published by such bank, and summarize the long term strategy and lending programs of such bank for other seriously indebted countries;

(2) contains an explanation of the measures taken by such bank to facilitate the reduction of the debt burden of the countries designated as ''Highly Indebted Countries'' in the 1987–1988 World Debt tables[1] published by such bank;

(3) describes the extent (if any) to which such bank has implemented the measures described in subsections (b) and (c) of this section; and

(4) describes the success each of such countries has had in managing and reducing their debt burdens and achieving sustainable and equitable economic growth as measured by criteria including the ratio of debt service to exports, the ratio of debt to gross national product, net resource flows, and per capita income.

(e) Review by House Banking Committee

On receipt of each report required to be submitted pursuant to subsection (d) of this section, and after consultation with the Secretary of the Treasury, the Committee on Banking, Finance and Urban Affairs of the House of Representatives shall forward such report to the Committee on Appropriations of the House of Representatives with an assessment by the Committee on Banking, Finance and Urban Affairs describing the effect on the international debt situation of funding the subscription of the United States to the shares of capital stock of the International Bank for Reconstruction and Development due for payment by the United States in the then next fiscal year.

(Pub. L. 100–461, title V, § 555, Oct. 1, 1988, 102 Stat. 2268–36.)

CODIFICATION

Section is based on section 3 of H.R. 4645, One Hundredth Congress, as reported Sept. 28, 1988, and enacted into law by Pub. L. 100–461.

Section was not enacted as part of act July 31, 1945, ch. 339, 59 Stat. 512, known as the Bretton Woods Agreements Act, which comprises this subchapter.

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.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 286ii of this title.

[1] So in original. Probably should be capitalized.

§ 286ii. Limitations on Bank policy based lending; actions required to be taken to oppose excessive policy based lending by Bank

The Secretary of the Treasury shall—

(1) take all necessary steps to encourage the International Bank for Reconstruction and Development to limit—

(A) the aggregate value of the policy based loans made by such bank (other than for the purpose described in section 286hh(b) of this title) in any fiscal year of such bank beginning after June 30, 1989, to 25 percent of the aggregate value of all loans made by such bank in such fiscal year; and

(B) the aggregate value of the policy based loans made by such bank to the government of a particular country (other than for the purpose described in section 286hh(b) of this title) in any fiscal year of such bank beginning after June 30, 1989, and occurring during any period of 3 consecutive fiscal years of such bank (determined after disregarding any such fiscal year in which such bank did not make a policy based loan to such government), to 50 percent of the aggregate value of all loans made by such bank to such government during such 3-year period;

(2) instruct the United States Executive Director of such bank to propose and actively seek the adoption by the board of Executive Directors of such bank of a resolution establishing as official bank operating policy for fiscal years 1990 through 1995 of such bank the limits specified in paragraph (1); and

(3) until the resolution described in paragraph (2) is adopted, undertake, in consultation with the Secretary of State, discussions with other member country governments to secure the consent and cooperation of such governments with respect to the adoption of the limits specified in paragraph (1).

(Pub. L. 100–461, title V, § 555, Oct. 1, 1988, 102 Stat. 2268–36.)

CODIFICATION

Section is based on section 4 of H.R. 4645, One Hundredth Congress, as reported Sept. 28, 1988, and enacted into law by Pub. L. 100–461.

Section was not enacted as part of act July 31, 1945, ch. 339, 59 Stat. 512, known as the Bretton Woods Agreements Act, which comprises this subchapter.

§ 286jj. Partial guarantees in connection with debt reduction for borrower countries

The Secretary of the Treasury shall instruct the United States Executive Director of the International Bank for Reconstruction and Development to initiate discussions with other directors of such bank and to propose that such

bank establish criteria under which such bank would provide partial guarantees on debt service payments by borrower countries to private creditors when such guarantees would serve a catalytic role in facilitating final agreement on financing packages which involve significant debt reduction.

(Pub. L. 100–461, title V, § 555, Oct. 1, 1988, 102 Stat. 2268–36.)

CODIFICATION

Section is based on section 5 of H.R. 4645, One Hundredth Congress, as reported Sept. 28, 1988, and enacted into law by Pub. L. 100–461.

Section was not enacted as part of act July 31, 1945, ch. 339, 59 Stat. 512, known as the Bretton Woods Agreements Act, which comprises this subchapter.

§ 286kk. Discussions to enhance capacity of Fund to alleviate potentially adverse impacts of Fund programs on poor and environment

The Secretary of the Treasury shall instruct the United States Executive Director of the Fund to seek policy changes by the Fund, through formal initiatives and through bilateral discussions, which will result in—

(1) the initiation of a systematic review of policy prescriptions implemented by the Fund, for the purpose of determining whether the Fund's objectives were met and the social and environmental impacts of such policy prescriptions; and

(2) the establishment of procedures which ensure the inclusion, in future economic reform programs approved by the Fund, of policy options which eliminate or reduce the potential adverse impact on the well-being of the poor or the environment resulting from such programs.

(July 31, 1945, ch. 339, § 55, as added Pub. L. 101–240, title III, § 302, Dec. 19, 1989, 103 Stat. 2500.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 262r of this title.

§ 286*ll*. Fund policy changes

(a) Policy changes within IMF

The Secretary of the Treasury shall instruct the United States Executive Director of the Fund to promote regularly and vigorously in program discussions and quota increase negotiations the following proposals:

(1) Poverty alleviation, reduction of barriers to economic and social progress, and progress toward environmentally sound policies and programs

(A)(i) Considerations of poverty alleviation and the reduction of barriers to economic and social progress should be incorporated into all Fund programs and all consultations under article IV of the Articles of Agreement of the Fund.

(ii) Preparation of Policy Framework Papers should be extended to all nations which have Fund programs and active Bank or International Development Association lending programs, and existence of a Policy Framework Paper should be a precondition for new lending to such nations by the Fund.

(iii) All Policy Framework Papers should articulate the principal poverty, economic, and social measures that the borrowing nation needs to address, and this portion of the Policy Framework Paper (or a summary thereof that includes specific measures and timing) should be made available when the Policy Framework Paper is submitted to the Executive Directors of the Bank and of the Fund for consideration.

(iv) In considering whether to allocate resources of the Fund to a borrower, the Fund should take into consideration the nature of the program and commitment of the borrower to address the issues referred to in clause (iii).

(v) The Fund should establish procedures to enable the Fund to cooperate with the Bank in evaluating the effectiveness of the measures referred to in clause (iii), at the levels of policy, project design, monitoring, and reporting, in the international financial institutions and in the borrowing nations.

(B)(i) The Fund should be encouraged to make further progress toward environmentally sound policies and programs.

(ii) The Fund should incorporate environmental considerations into all Fund programs, including consultations under article IV of the Articles of Agreement of the Fund.

(iii) The Fund should be encouraged to support the efforts of nations to implement systems of natural resource accounting in their national income accounts.

(iv) The Fund should be encouraged to assist and cooperate fully with the statistical research being undertaken by the Organization for Economic Cooperation and Development and by the United Nations in order to facilitate development and adoption of a generally applicable system for taking account of the depletion or degradation of natural resources in national income accounts.

(v) The Fund should be encouraged to consider and implement, as appropriate, revisions in its national income reporting systems consistent with such new systems as are of general applicability.

(2) Policy audits

(A) The Fund should conduct periodic audits to review systematically the policy prescriptions recommended and required by the Fund in the areas of poverty and the environment.

(B) The purposes of such audits would be—

(i) to determine whether the Fund's objectives were met; and

(ii) to evaluate the social and environmental impacts of the implementation of the policy prescriptions.

(C) Such audits would have access to all ongoing programs and activities of the Fund and the ability to review the effects of Fund-supported programs, on a country-by-country basis, with respect to poverty, economic development, and environment.

(D) Such audits should be made public as appropriate with due respect to confidentiality.

(3) Ensuring policy options that increase the productive participation of the poor

The Fund should establish procedures that ensure the focus of future economic reform

programs approved by the Fund on policy options that increase the productive participation of the poor in the economy.

(4) Public access to information

(A) The Fund should establish procedures for public access to information.

(B) Such procedures shall seek to ensure access of the public to information while paying due regard to appropriate confidentiality.

(C) Policy Framework Papers and the supporting documents prepared by the Fund's mission to a country are examples of documents that should be made public at an appropriate time and in appropriate ways.

(b) Progress report

Each annual report of the National Advisory Council on International Monetary and Financial Policies shall describe the following:

(1) The actions that the United States Executive Director and other officials have taken to convince the Fund to adopt the proposals set forth in subsection (a) of this section through formal initiatives before the Board and management of the Fund, through bilateral discussions with other member nations, and through any further quota increase negotiations.

(2) The status of the progress being made by the Fund in implementing the proposals set forth in subsection (a) of this section.

(c) Study

The Secretary of the Treasury shall instruct the United States Executive Director to the Fund to urge the Fund—

(1) to explore ways to increase the involvement and participation of important ministries, national development experts, environmental experts, free-market experts, and other legitimate experts and representatives from the loan-recipient country in the development of Fund programs; and

(2) to report on the status of Fund efforts in this regard.

(July 31, 1945, ch. 339, § 59, as added Pub. L. 102–511, title X, § 1002, Oct. 24, 1992, 106 Stat. 3357.)

§ 286mm. Measures to reduce military spending by developing nations

(a) Development by Fund of means to measure military spending

(1) Position of the United States

The United States Executive Director of the Fund shall use the voice and vote of the United States to urge the Fund, in consultation with the Bank, to continue to develop an economic methodology to measure the level of military spending by each developing country.

(2) Progress report to the Congress

No later than 1 year after October 24, 1992, the Secretary of the Treasury shall submit to the Committee on Banking, Finance and Urban Affairs of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs and the Committee on Foreign Relations of the Senate a report on the status of the development by the Fund of a workable economic methodology to measure military spending by developing countries.

(b) Annual reports by Fund on levels of military spending

The United States Executive Director of the Fund shall use the voice and vote of the United States to urge the Fund, beginning with 1994, to provide the Executive Board of the Fund with annual reports stating the estimate by the Fund of the level of military spending by each developing country in the immediately preceding calendar year (or, with respect to developing countries whose fiscal years are not calendar years, in the most recently completed fiscal year of the developing country), not later than the date of the annual fall Interim and Development Committee meetings.

(c) Analysis and assessment of military spending to be included in article IV consultations by Fund

The United States Executive Director of the Fund shall use the voice and vote of the United States to urge the Fund, beginning no later than the date of the first report provided as described in subsection (b) of this section, to include in every article IV consultation with a developing country an analysis of the level of military spending by the developing country in the immediately preceding calendar year (or, with respect to developing countries whose fiscal years are not calendar years, in the most recently completed fiscal year of the developing country).

(July 31, 1945, ch. 339, § 60, as added Pub. L. 102–511, title X, § 1003, Oct. 24, 1992, 106 Stat. 3359.)

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.

§ 286nn. Approval of contributions for debt reductions for the poorest countries

For the purpose of mobilizing the resources of the Fund in order to help reduce poverty and improve the lives of residents of poor countries and, in particular, to allow those poor countries with unsustainable debt burdens to receive deeper, broader, and faster debt relief, without allowing gold to reach the open market or otherwise adversely affecting the market price of gold, the Secretary of the Treasury is authorized to instruct the United States Executive Director of the Fund to vote—

(1) to approve an arrangement whereby the Fund—

(A) sells a quantity of its gold at prevailing market prices to a member or members in nonpublic transactions sufficient to gen-

erate 2.226 billion Special Drawing Rights in profits on such sales;

(B) immediately after, and in conjunction with each such sale, accepts payment by such member or members of such gold to satisfy existing repurchase obligations of such member or members so that the Fund retains ownership of the gold at the conclusion of such payment; and

(C) uses the earnings on the investment of the profits of such sales through a separate subaccount, only for the purpose of providing debt relief from the Fund under the modified Heavily Indebted Poor Countries (HIPC) Initiative (as defined in section 262p–6 of this title); and

(2) to support a decision that shall terminate the Special Contingency Account 2 (SCA–2) of the Fund so that the funds in the SCA–2 shall be made available to the poorest countries. Any funds attributable to the United States participation in SCA–2 shall be used only for debt relief from the Fund under the modified HIPC Initiative.

(July 31, 1945, ch. 339, § 62, as added Pub. L. 106–113, div. B, § 1000(a)(5) [title V, § 503(a)], Nov. 29, 1999, 113 Stat. 1536, 1501A–316; amended Pub. L. 106–429, § 101(a) [title VIII, § 801(a)], Nov. 6, 2000, 114 Stat. 1900, 1900A–64.)

AMENDMENTS

2000—Par. (1)(B), (D). Pub. L. 106–429 inserted ''and'' at end of subpar. (B) and struck out subpar. (D) which read as follows: ''shall not use more than 9/14 of the earnings on the investment of the profits of such sales; and''.

CERTIFICATION TO CONGRESS RELATING TO USE OF PROFITS TO AUGMENT INTERNATIONAL MONETARY FUND

Pub. L. 106–113, div. B, § 1000(a)(5) [title V, § 503(b)], Nov. 29, 1999, 113 Stat. 1536, 1501A–316, provided that: ''Within 15 days after the United States Executive Director casts the votes necessary to carry out the instruction described in section 62 of the Bretton Woods Agreements Act [22 U.S.C. 286nn], the Secretary of the Treasury shall certify to the Congress that neither the profits nor the earnings on the investment of profits from the gold sales made pursuant to the instruction or of the funds attributable to United States participation in SCA–2 will be used to augment the resources of any reserve account of the International Monetary Fund for the purpose of making loans.''

§ 286oo. Principles for International Monetary Fund lending

It is the policy of the United States to work to implement reforms in the International Monetary Fund (IMF) to achieve the following goals:

(1) Short-term balance of payments financing

Lending from the general resources of the Fund should concentrate chiefly on short-term balance of payments financing.

(2) Limitations on medium-term financing

Use of medium-term lending from the general resources of the Fund should be limited to a set of well-defined circumstances, such as—

(A) when a member's balance of payments problems will be protracted;

(B) such member has a strong structural reform program in place; and

(C) the member has little or no access to private sources of capital.

(3) Premium pricing

Premium pricing should be introduced for lending from the general resources of the Fund, for greater than 200 percent of a member's quota in the Fund, to discourage excessive use of Fund lending and to encourage members to rely on private financing to the maximum extent possible.

(4) Redressing misreporting of information

The Fund should have in place and apply systematically a strong framework of safeguards and measures to respond to, correct, and discourage cases of misreporting of information in the context of a Fund program, including—

(A) suspending Fund disbursements and ensuring that Fund lending is not resumed to members that engage in serious misreporting of material information until such time as remedial actions and sanctions, as appropriate, have been applied;

(B) ensuring that members make early repayments, where appropriate, of Fund resources disbursed on the basis of misreported information;

(C) making public cases of serious misreporting of material information;

(D) requiring all members receiving new disbursements from the Fund to undertake annually independent audits of central bank financial statements and publish the resulting audits; and

(E) requiring all members seeking new loans from the Fund to provide to the Fund detailed information regarding their internal control procedures, financial reporting and audit mechanisms and, in cases where there are questions about the adequacy of these systems, undertaking an on-site review and identifying needed remedies.

(July 31, 1945, ch. 339, § 63, as added Pub. L. 106–429, § 101(a) [title VIII, § 805], Nov. 6, 2000, 114 Stat. 1900, 1900A–67.)

CODIFICATION

Section 101(a) [title VIII, § 805] of Pub. L. 106–429, which directed amendment of the Bretton Woods Agreement Act by adding this section, was executed by amending the Bretton Woods Agreements Act by adding this section, to reflect the probable intent of Congress.

SUBCHAPTER XVI—UNITED NATIONS ORGANIZATION

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in section 289b of this title.

§ 287. Representation in Organization

(a) Appointment of representative; rank, status, and tenure; duties

The President, by and with the advice and consent of the Senate, shall appoint a representative of the United States to the United Nations who shall have the rank and status of Ambassador Extraordinary and Plenipotentiary and shall hold office at the pleasure of the President. Such representative shall represent the United States in the Security Council of the United Na-

tions and may serve ex officio as representative of the United States in any organ, commission, or other body of the United Nations other than specialized agencies of the United Nations, and shall perform such other functions in connection with the participation of the United States in the United Nations as the President may, from time to time, direct.

(b) Appointment of additional representatives; rank, status, and tenure; duties; reappointment unnecessary

The President, by and with the advice and consent of the Senate, shall appoint additional persons with appropriate titles, rank, and status to represent the United States in the principal organs of the United Nations and in such organs, commissions, or other bodies as may be created by the United Nations with respect to nuclear energy or disarmament (control and limitation of armament). Such persons shall serve at the pleasure of the President and subject to the direction of the Representative of the United States to the United Nations. They shall, at the direction of the Representative of the United States to the United Nations, represent the United States in any organ, commission, or other body of the United Nations, including the Security Council, the Economic and Social Council, and the Trusteeship Council, and perform such other functions as the Representative of the United States is authorized to perform in connection with the participation of the United States in the United Nations. Any Deputy Representative or any other officer holding office at the time the provisions of this Act, as amended, become effective shall not be required to be reappointed by reason of the enactment of this Act, as amended.

(c) Appointment of special and alternate representatives; number; senior representative; duties

The President, by and with the advice and consent of the Senate, shall designate from time to time to attend a specified session or specified sessions of the General Assembly of the United Nations not to exceed five representatives of the United States and such number of alternates as he may determine consistent with the rules of procedure of the General Assembly. One of the representatives shall be designated as the senior representative.

(d) Additional appointees; conditions governing certain appointments; designation of certain State Department officers to sit on Security Council

The President may also appoint from time to time such other persons as he may deem necessary to represent the United States in organs and agencies of the United Nations. The President may, without the advice and consent of the Senate, designate any officer of the United States to act without additional compensation as the representative of the United States in either the Economic and Social Council or the Trusteeship Council (1) at any specified session thereof where the position is vacant or in the absence or disability of the regular representative or (2) in connection with a specified subject matter at any specified session of either such Council in lieu of the regular representative. The President may designate any officer of the Department of State, whose appointment is subject to confirmation by the Senate, to act, without additional compensation, for temporary periods as the representative of the United States in the Security Council of the United Nations in the absence or disability of the representatives provided for under subsections (a) and (b) of this section or in lieu of such representatives in connection with a specified subject matter.

(e) Appointment of representative to European office of United Nations; rank, status, and tenure; duties

The President, by and with the advice and consent of the Senate, shall appoint a representative of the United States to the European office of the United Nations, with appropriate rank and status who shall serve at the pleasure of the President and subject to the direction of the Secretary of State. Such person shall, at the direction of the Secretary of State, represent the United States at the European office of the United Nations, and perform such other functions there in connection with the participation of the United States in international organizations as the Secretary of State may, from time to time, direct.

(f) Representation by President or Secretary of State

Nothing contained in this section shall preclude the President or the Secretary of State, at the direction of the President, from representing the United States at any meeting or session of any organ or agency of the United Nations.

(g) Compensation

All persons appointed in pursuance of authority contained in this section shall receive compensation at rates determined by the President upon the basis of duties to be performed but not in excess of rates authorized by sections 3961, 3962, and 3963 of this title for chiefs of mission, members of the Senior Foreign Service, and Foreign Service officers occupying positions of equivalent importance, except that no member of the Senate or House of Representatives or officer of the United States who is designated under subsections (c) and (d) of this section as a representative of the United States or as an alternate to attend any specified session or specified sessions of the General Assembly shall be entitled to receive such compensation.

(h) Appointment of representative to Vienna office of United Nations; rank, status, and tenure; duties

The President, by and with the advice and consent of the Senate, shall appoint a representative of the United States to the Vienna office of the United Nations with appropriate rank and status, who shall serve at the pleasure of the President and subject to the direction of the Secretary of State. Such individual shall, at the direction of the Secretary of State, represent the United States at the Vienna office of the United Nations and perform such other functions there in connection with the participation of the United States in international organizations as the Secretary of State from time to

time may direct. The representative of the United States to the Vienna office of the United Nations shall also serve as representative of the United States to the International Atomic Energy Agency.

(Dec. 20, 1945, ch. 583, § 2, 59 Stat. 619; Oct. 10, 1949, ch. 660, §§ 1, 2, 63 Stat. 734, 735; Pub. L. 89–206, §§ 1, 2, Sept. 28, 1965, 79 Stat. 841, 842; Pub. L. 96–465, title II, § 2206(a)(2)(A), Oct. 17, 1980, 94 Stat. 2160; Pub. L. 97–241, title I, § 118, Aug. 24, 1982, 96 Stat. 279; Pub. L. 106–113, div. B, § 1000(a)(7) [div. A, title VII, § 708(a)], Nov. 29, 1999, 113 Stat. 1536, 1501A–461.)

REFERENCES IN TEXT

This Act, as amended, referred to in subsec. (b), is Pub. L. 89–206, Sept. 28, 1965, 79 Stat. 841, which amended this section. For complete classification of this Act to the Code, see Tables.

AMENDMENTS

1999—Subsec. (h). Pub. L. 106–113 inserted at end "The representative of the United States to the Vienna office of the United Nations shall also serve as representative of the United States to the International Atomic Energy Agency."

1982—Subsec. (h). Pub. L. 97–241 added subsec. (h).

1980—Subsec. (g). Pub. L. 96–465 substituted "sections 3961, 3962, and 3963 of this title for chiefs of mission, members of the Senior Foreign Service," for "sections 866 and 867 of this title for chiefs of mission".

1965—Subsec. (a). Pub. L. 89–206, § 1(a), struck out provisions which related to the appointment, rank and status, tenure and duties of a deputy representative of the United States to the United Nations.

Subsec. (b). Pub. L. 89–206, § 1(a), substituted provisions that the President, by and with the advice and consent of the Senate, shall appoint additional persons with appropriate titles, rank, and status to represent the United States in the principal organs of the United Nations and in such organs, commissions, or other bodies as may be created by the United Nations with respect to nuclear energy or disarmament, that they shall serve at the pleasure of the President and subject to the direction of the Representative of the United States to the United Nations, that they shall, at the direction of the Representative of the United States to the United Nations, represent the United States in any organ, commission, or other body of the United Nations, including the Security Council, the Economic and Social Council, and the Trusteeship Council, and perform such other functions as the Representative of the United States is authorized to perform in connection with the participation of the United States in the United Nations, and that any Deputy Representative or any other officer holding office at the time the provisions of this Act, as amended, become effective shall not be required to be reappointed by reason of the enactment of this Act, as amended, for provisions which authorized the President, by and with the advice and consent of the Senate, to appoint an additional deputy representative of the United States to the Security Council who shall hold office at the pleasure of the President, and which required the deputy representative to represent the United States in the Security Council of the United Nations in the event of the absence or disability of both the representative and the deputy representative of the United States to the United Nations.

Subsec. (d). Pub. L. 89–206, § 1(b), struck out provisions which required the representative of the United States in the Economic and Social Council and in the Trusteeship Council of the United Nations to be appointed only by and with the advice and consent of the Senate and which required the advice and consent of the Senate for the appointment by the President of the representative of the United States in any commission that may be formed by the United Nations with respect to atomic energy or in any other commission of the United Nations to which the United States is entitled to appoint a representative.

Subsecs. (e) to (g). Pub. L. 89–206, § 2, added subsec. (e) and redesignated former subsecs. (e) and (f) as (f) and (g), respectively.

1949—Subsec. (a). Act Oct. 10, 1949, § 1, created new post of deputy representative, and allowed the principal and deputy representatives to serve ex officio on any organ, commission, or body, other than specialized agencies, of the United Nations.

Subsec. (b). Act Oct. 10, 1949, § 1, amended subsec. (b) generally, to provide for appointment of an additional deputy representative.

Subsec. (c). Act Oct. 10, 1949, § 1, amended subsec. (c) generally, to provide for appointment of special and alternate representatives.

Subsec. (d). Act Oct. 10, 1949, § 1, allowed the designation by the President of any State Department officer, whose appointment is subject to confirmation by the Senate, to sit on the Security Council in certain instances.

Subsec. (f). Act Oct. 10, 1949, § 2, added subsec. (f).

EFFECTIVE DATE OF 1999 AMENDMENT

Pub. L. 106–113, div. B, § 1000(a)(7) [div. A, title VII, § 708(c)], Nov. 29, 1999, 113 Stat. 1536, 1501A–462, provided that: "The amendments made by subsections (a) and (b) [amending this section and section 2021 of this title] shall apply to individuals appointed on or after the date of enactment of this Act [Nov. 29, 1999]."

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96–465 effective Feb. 15, 1981, except as otherwise provided, see section 2403 of Pub. L. 96–465, set out as an Effective Date note under section 3901 of this title.

SHORT TITLE

Section 1 of act Dec. 20, 1945, provided that: "This Act [enacting this subchapter] may be cited as the 'United Nations Participation Act of 1945'."

UNITED NATIONS POLICY ON ISRAEL AND THE PALESTINIANS

Pub. L. 106–113, div. B, § 1000(a)(7) [div. A, title VII, § 721], Nov. 29, 1999, 113 Stat. 1536, 1501A–462, provided that:

"(a) CONGRESSIONAL STATEMENT.—It shall be the policy of the United States to promote an end to the persistent inequity experienced by Israel in the United Nations whereby Israel is the only longstanding member of the organization to be denied acceptance into any of the United Nations regional blocs.

"(b) POLICY ON ABOLITION OF CERTAIN UNITED NATIONS GROUPS.—It shall be the policy of the United States to seek the abolition of certain United Nations groups the existence of which is inimical to the ongoing Middle East peace process, those groups being the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and other Arabs of the Occupied Territories; the Committee on the Exercise of the Inalienable Rights of the Palestinian People; the Division for the Palestinian Rights; and the Division on Public Information on the Question of Palestine.

"(c) ANNUAL REPORTS.—On January 15 of each year, the Secretary of State shall submit a report to the appropriate congressional committees [Committee on International Relations of the House of Representatives and Committee on Foreign Relations of the Senate] (in classified or unclassified form as appropriate) on—

"(1) actions taken by representatives of the United States to encourage the nations of the Western Europe and Others Group (WEOG) to accept Israel into their regional bloc;

"(2) other measures being undertaken, and which will be undertaken, to ensure and promote Israel's

full and equal participation in the United Nations; and

''(3) steps taken by the United States under subsection (b) to secure abolition by the United Nations of groups described in that subsection.

''(d) ANNUAL CONSULTATION.—At the time of the submission of each annual report under subsection (c), the Secretary of State shall consult with the appropriate congressional committees on specific responses received by the Secretary of State from each of the nations of the Western Europe and Others Group (WEOG) on their position concerning Israel's acceptance into their organization.''

UNITED STATES COMMISSION ON IMPROVING THE EFFECTIVENESS OF THE UNITED NATIONS

Pub. L. 100–204, title VII, part B, Dec. 22, 1987, 101 Stat. 1391, as amended by Pub. L. 101–246, title IV, §409, Feb. 16, 1990, 104 Stat. 68, provided for establishment, membership, etc., of United States Commission on Improving the Effectiveness of the United Nations to examine the United Nations system as a whole and identify and evaluate its strengths and weaknesses and to transmit to President and Congress, not later than 18 months after the date on which all members of the Commission have been appointed, a report containing a detailed statement of the findings, conclusions, and recommendations of the Commission, which report was dated Sept. 10, 1993, and the Commission terminated Sept. 30, 1993.

SOVIET MISSION AT THE UNITED NATIONS

Pub. L. 99–569, title VII, §702, Oct. 27, 1986, 100 Stat. 3204, related to policy of Congress of limiting number of Soviet nationals serving as members of Soviet mission at the United Nations to number not to substantially exceed number of United States nationals serving as members of United States mission, required Secretary of State to report numbers of Soviet nationals so serving, and provided that spouses and dependents were not to be included in such numbers, prior to repeal by Pub. L. 103–199, title V, §501(d), Dec. 17, 1993, 107 Stat. 2325.

UNITED STATES PARTICIPATION IN THE UNITED NATIONS IF ISRAEL IS ILLEGALLY EXPELLED

Pub. L. 98–164, title I, §115, Nov. 22, 1983, 97 Stat. 1021, as amended by Pub. L. 99–93, title I, §142, Aug. 16, 1985, 99 Stat. 424; Pub. L. 100–204, title VII, §704, Dec. 22, 1987, 101 Stat. 1389, provided that:

''(a) The Congress finds that—

''(1) the United Nations was founded on the principle of universality;

''(2) the United Nations Charter stipulates that members may be suspended by the General Assembly only 'upon the recommendation of the Security Council'; and

''(3) any move by the General Assembly that would illegally deny Israel its credentials in the Assembly would be a direct violation of these provisions of the Charter.

''(b) If Israel is illegally expelled, suspended, denied its credentials, or in any other manner denied its right to participate in any principal or subsidiary organ or in any specialized, technical, or other agency of the United Nations, the United States shall suspend its participation in any such organ or agency until the illegal action is reversed. The United States shall reduce its annual assessed contribution to the United Nations or such specialized agency by 8.34 percent for each month in which United States participation is suspended pursuant to this section. Nothing in this section may be construed to diminish or to affect United States participation in the United Nations Security Council or the Safeguards Program of the International Atomic Energy Agency.''

INTERNATIONAL YEAR OF THE CHILD

Pub. L. 95–561, title XV, §§1501–1507, Nov. 1, 1978, 92 Stat. 2373–2375, described the purpose of the International Year of the Child (designated as 1979 by the United Nations General Assembly) as promotion of lasting improvements in the well-being of children, provided for the establishment of a National Commission on the International Year of the Child, and for the Commission's membership, functions, coordination and administration, and waiver of certain provisions of law relating to advertising, competitive bidding, and printing, authorized appropriations, and terminated the life of the Commission thirty days after the submission of its final report, which was to be submitted not later than Mar. 31, 1980, but which life was in no case to be extended beyond Apr. 30, 1980.

Pub. L. 97–35, title V, §511(b)(1), Aug. 13, 1981, 95 Stat. 443, provided that: ''No funds are authorized to be appropriated to carry out part A of title XV of the Education Amendments of 1978 [sections 1501 to 1507 of Pub. L. 95–561, see note above] for fiscal year 1982, 1983, or 1984.''

UNITED NATIONS ENVIRONMENT PROGRAM PARTICIPATION

Pub. L. 93–188, Dec. 15, 1973, 87 Stat. 713, provided:

''[SEC. 1. Short Title] That this Act [enacting this note] may be cited as the 'United Nations Environment Program Participation Act of 1973'.

''SEC. 2. [Congressional Declaration of Policy] It is the policy of the United States to participate in coordinated international efforts to solve environmental problems of global and international concern, and in order to assist the implementation of this policy, to contribute funds to the United Nations Environmental Fund for the support of international measures to protect and improve the environment.

''SEC. 3. [Authorization of Appropriations] There is authorized to be appropriated $40,000,000 for contributions to the United Nations Environment Fund, which amount is authorized to remain available until expended, and which may be used upon such terms and conditions as the President may specify: *Provided*, That not more than $10,000,000 may be appropriated for use in fiscal year 1974.''

UNITED STATES GRANT FOR EXPANSION AND IMPROVEMENT OF UNITED NATIONS HEADQUARTERS

Pub. L. 91–622, Dec. 31, 1970, 84 Stat. 1867, provided: ''That there is hereby authorized to be appropriated to the Secretary of State out of any money in the Treasury not otherwise appropriated, a sum not to exceed $20,000,000, to remain available until expended, for a grant to be made at the discretion of the Secretary of State, to the United Nations to defray a portion of the cost of the expansion and improvement of its headquarters in the city of New York on such terms and conditions as the Secretary of State may determine. Such grant shall not be considered a contribution to the United Nations for purpose of any other applicable law limiting contributions.''

UNITED STATES LOAN FOR CONSTRUCTION OF PERMANENT HEADQUARTERS IN NEW YORK CITY

Act Aug. 11, 1948, ch. 834, 62 Stat. 1286, authorized the President to loan to the United Nations $65,000,000 to construct a permanent headquarters in New York City, provided for the repayment of the loan without interest in installments beginning July 1, 1951, and continuing until July 1, 1982, and authorized the Reconstruction Finance Corporation to advance to the United Nations up to $25,000,000 until such time as the $65,000,000 is appropriated by Congress.

ESTABLISHMENT OF PERMANENT HEADQUARTERS IN NEW YORK; AGREEMENT BETWEEN UNITED NATIONS AND UNITED STATES

Joint Res. Aug. 4, 1947, ch. 482, 61 Stat. 756, provided that:

''Whereas the Charter of the United Nations was signed on behalf of the United States on June 26, 1945, and was ratified on August 8, 1945, by the President of

the United States, by and with the advice and consent of the Senate, and the instrument of ratification of the said Charter was deposited on August 8, 1945; and

''Whereas the said Charter of the United Nations came into force with respect to the United States on October 24, 1945; and

''Whereas article 104 of the Charter provides that 'The Organization shall enjoy in the territory of each of its Members such legal capacity as may be necessary for the exercise of its functions and the fulfillment of its purposes'; and

''Whereas article 105 of the Charter provides that:

''1. The Organization shall enjoy in the territory of each of its Members such privileges and immunities as are necessary for the fulfillment of its purposes.

''2. Representatives of the Members of the United Nations and officials of the Organization shall similarly enjoy such privileges and immunities as are necessary for the independent exercise of their functions in connection with the Organization.

''3. The General Assembly may make recommendations with a view to determining the details of the application of paragraphs 1 and 2 of this article or may propose conventions to the Members of the United Nations for this purpose; and

''Whereas article 28 and other articles of the Charter of the United Nations contemplate the establishment of a seat for the permanent headquarters of the Organization; and

''Whereas the interim arrangements concluded on June 26, 1945, by the governments represented at the United Nations Conference on International Organization instructed the Preparatory Commission established in pursuance of the arrangements to 'make studies and prepare recommendations concerning the location of the permanent headquarters of the Organization'; and

''Whereas during the labors of the said Preparatory Commission, the Congress of the United States in H. Con. Res. 75, passed unanimously by the House of Representatives December 10, 1945, and agreed to unanimously by the Senate December 11, 1945, invited the United Nations 'to locate the seat of the United Nations Organization within the United States'; and

''Whereas the General Assembly on December 14, 1946, resolved 'that the permanent headquarters of the United Nations shall be established in New York City in the area bounded by First Avenue, East Forty-eighth Street, the East River, and East Forty-second Street'; and

''Whereas the General Assembly resolved on December 14, 1946, 'That the Secretary-General be authorized to negotiate and conclude with the appropriate authorities of the United States of America an agreement concerning the arrangements required as a result of the establishment of the permanent headquarters of the United Nations in the city of New York' and to be guided in these negotiations by the provisions of a preliminary draft agreement which had been negotiated by the Secretary-General and the Secretary of State of the United States; and

''Whereas the General Assembly resolved on December 14, 1946, that pending the coming into force of the agreement referred to above 'the Secretary-General be authorized to negotiate and conclude arrangements with the appropriate authorities of the United States of America to determine on a provisional basis the privileges, immunities, and facilities needed in connection with the temporary headquarters of the United Nations.'; and

''Whereas the Secretary of State of the United States, after consultation with the appropriate authorities of the State and city of New York, signed at Lake Success, New York, on June 26, 1947, on behalf of the United States an agreement with the United Nations regarding the headquarters of the United Nations, which agreement is incorporated herein; and

''Whereas the aforesaid agreement provides that it shall be brought into effect by an exchange of notes between the United States and the Secretary-General of the United Nations: Therefore be it

''*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That the President is hereby authorized to bring into effect on the part of the United States the agreement between the United States of America and the United Nations regarding the headquarters of the United Nations, signed at Lake Success, New York, on June 26, 1947 (hereinafter referred to as the 'agreement'), with such changes therein not contrary to the general tenor thereof and not imposing any additional obligations on the United States as the President may deem necessary and appropriate, and at his discretion, after consultation with the appropriate State and local authorities, to enter into such supplemental agreements with the United Nations as may be necessary to fulfill the purposes of the said agreement: *Provided*, That any supplemental agreement entered into pursuant to section 5 of the agreement incorporated herein shall be submitted to the Congress for approval. The agreement follows:

''AGREEMENT BETWEEN THE UNITED NATIONS AND THE UNITED STATES OF AMERICA REGARDING THE HEADQUARTERS OF THE UNITED NATIONS

THE UNITED NATIONS AND THE UNITED STATES OF AMERICA:

Desiring to conclude an agreement for the purpose of carrying out the Resolution adopted by the General Assembly on 14 December 1946 to establish the seat of the United Nations in The City of New York and to regulate questions arising as a result thereof;

Have appointed as their representatives for this purpose:

The United Nations:
TRYGVE LIE,
and *Secretary-General*,

The United States of America:
GEORGE C. MARSHALL,
Secretary of State,

Who have agreed as follows:

''ARTICLE I—DEFINITIONS

SECTION 1

In this agreement:

(a) The expression 'headquarters district' means (1) the area defined as such in Annex 1, (2) any other lands or buildings which from time to time may be included therein by supplemental agreement with the appropriate American authorities;

(b) the expression 'appropriate American authorities' means such federal, state, or local authorities in the United States as may be appropriate in the context and in accordance with the laws and customs of the United States, including the laws and customs of the state and local government involved;

(c) the expression 'General Convention' means the Convention on the Privileges and Immunities of the United Nations approved by the General Assembly of the United Nations 13 February 1946, as acceded to by the United States;

(d) the expression 'United Nations' means the international organization established by the Charter of the United Nations, hereinafter referred to as the 'Charter':

(e) the expression 'Secretary-General' means the Secretary-General of the United Nations.

''ARTICLE II—THE HEADQUARTERS DISTRICT

SECTION 2

The seat of the United Nations shall be the headquarters district.

SECTION 3

The appropriate American authorities shall take whatever action may be necessary to assure that the United Nations shall not be dispossessed of its property in the headquarters district, except as provided in Sec-

tion 22 in the event that the United Nations ceases to use the same; provided that the United Nations shall reimburse the appropriate American authorities for any costs incurred, after consultation with the United Nations, in liquidating by eminent domain proceedings or otherwise any adverse claims.

SECTION 4

(a) The United Nations may establish and operate in the headquarters district:

(1) its own short-wave sending and receiving radio broadcasting facilities (including emergency link equipment) which may be used on the same frequencies (within the tolerances prescribed for the broadcasting service by applicable United States regulations) for radiotelegraph, radioteletype, radiotelephone, radiotelephoto, and similar services;

(2) one point-to-point circuit between the headquarters district and the office of the United Nations in Geneva (using single sideband equipment) to be used exclusively for the exchange of broadcasting programs and interoffice communications;

(3) low power micro-wave, low or medium frequency facilities for communication within headquarters buildings only, or such other buildings as may temporarily be used by the United Nations;

(4) facilities for point-to-point communication to the same extent and subject to the same conditions as permitted under applicable rules and regulations for amateur operation in the United States, except that such rules and regulations shall not be applied in a manner inconsistent with the inviolability of the headquarters district provided by Section 9(a);

(5) such other radio facilities as may be specified by supplemental agreement between the United Nations and the appropriate American authorities.

(b) The United Nations shall make arrangements for the operation of the services referred to in this section with the International Telecommunication Union, the appropriate agencies of the Government of the United States and the appropriate agencies of other affected governments with regard to all frequencies and similar matters.

(c) The facilities provided for in this section may, to the extent necessary for efficient operation, be established and operated outside the headquarters district. The appropriate American authorities will, on request of the United Nations, make arrangements, on such terms and in such manner as may be agreed upon by supplemental agreement, for the acquisition or use by the United Nations of appropriate premises for such purposes and the inclusion of such premises in the headquarters district.

SECTION 5

In the event that the United Nations should find it necessary and desirable to establish and operate an aerodrome, the conditions for the location, use and operation of such an aerodrome and the conditions under which there shall be entry into and exit therefrom shall be the subject of a supplemental agreement.

SECTION 6

In the event that the United Nations should propose to organize its own postal service, the conditions under which such service shall be set up shall be the subject of a supplemental agreement.

''ARTICLE III—LAW AND AUTHORITY IN THE HEADQUARTERS DISTRICT

SECTION 7

(a) The headquarters district shall be under the control and authority of the United Nations as provided in this agreement.

(b) Except as otherwise provided in this agreement or in the General Convention, the federal, state and local law of the United States shall apply within the headquarters district.

(c) Except as otherwise provided in this agreement or in the General Convention, the federal, state and local courts of the United States shall have jurisdiction over acts done and transactions taking place in the headquarters district as provided in applicable federal, state and local laws.

(d) The federal, state and local courts of the United States, when dealing with cases arising out of or relating to acts done or transactions taking place in the headquarters district, shall take into account the regulations enacted by the United Nations under Section 8.

SECTION 8

The United Nations shall have the power to make regulations, operative within the headquarters district for the purpose of establishing therein conditions in all respects necessary for the full execution of its functions. No federal, state or local law or regulation of the United States which is inconsistent with a regulation of the United Nations authorized by this section shall, to the extent of such inconsistency, be applicable within the headquarters district. Any dispute, between the United Nations and the United States, as to whether a regulation of the United Nations is authorized by this section or as to whether a federal, state or local law or regulation is inconsistent with any regulation of the United Nations authorized by this section, shall be promptly settled as provided in Section 21. Pending such settlement, the regulation of the United Nations shall apply, and the federal, state or local law or regulation shall be inapplicable in the headquarters district to the extent that the United Nations claims it to be inconsistent with the regulation of the United Nations. This section shall not prevent the reasonable application of fire protection regulations of the appropriate American authorities.

SECTION 9

(a) The headquarters district shall be inviolable. Federal, state or local officers or officials of the United States, whether administrative, judicial, military or police, shall not enter the headquarters district to perform any official duties therein except with the consent of and under conditions agreed to by the Secretary-General. The service of legal process, including the seizure of private property, may take place within the headquarters district only with the consent of and under conditions approved by the Secretary-General.

(b) Without prejudice to the provisions of the General Convention or Article IV of this agreement, the United Nations shall prevent the headquarters district from becoming a refuge either for persons who are avoiding arrest under the federal, state, or local law of the United States or are required by the Government of the United States for extradition to another country, or for persons who are endeavoring to avoid service of legal process.

SECTION 10

The United Nations may expel or exclude persons from the headquarters district for violation of its regulations adopted under Section 8 or for other cause. Persons who violate such regulations shall be subject to other penalties or to detention under arrest only in accordance with the provisions of such laws or regulations as may be adopted by the appropriate American authorities.

''ARTICLE IV—COMMUNICATIONS AND TRANSIT

SECTION 11

The federal, state or local authorities of the United States shall not impose any impediments to transit to or from the headquarters district of (1) representatives of Members or officials of the United Nations, or of specialized agencies as defined in Article 57, paragraph 2, of the Charter, or the families of such representatives or officials, (2) experts performing missions for the United Nations or for such specialized agencies, (3) rep-

resentatives of the press, or of radio, film or other information agencies, who have been accredited by the United Nations (or by such a specialized agency) in its discretion after consultation with the United States, (4) representatives of nongovernmental organizations recognized by the United Nations for the purpose of consultation under Article 71 of the Charter, or (5) other persons invited to the headquarters district by the United Nations or by such specialized agency on official business. The appropriate American authorities shall afford any necessary protection to such persons while in transit to or from the headquarters district. This section does not apply to general interruptions of transportation which are to be dealt with as provided in Section 17, and does not impair the effectiveness of generally applicable laws and regulations as to the operation of means of transportation.

SECTION 12

The provisions of Section 11 shall be applicable irrespective of the relations existing between the Governments of the persons referred to in that section and the Government of the United States.

SECTION 13

(a) Laws and regulations in force in the United States regarding the entry of aliens shall not be applied in such manner as to interfere with the privileges referred to in Section 11. When visas are required for persons referred to in that Section, they shall be granted without charge and as promptly as possible.

(b) Laws and regulations in force in the United States regarding the residence of aliens shall not be applied in such manner as to interfere with the privileges referred to in Section 11 and, specifically, shall not be applied in such manner as to require any such person to leave the United States on account of any activities performed by him in his official capacity. In case of abuse of such privileges of residence by any such person in activities in the United States outside his official capacity, it is understood that the privileges referred to in Section 11 shall not be construed to grant him exemption from the laws and regulations of the United States regarding the continued residence of aliens, provided that:

(1) No proceedings shall be instituted under such laws or regulations to require any such person to leave the United States except with the prior approval of the Secretary of State of the United States. Such approval shall be given only after consultation with the appropriate Member in the case of a representative of a Member (or a member of his family) or with the Secretary-General or the principal executive officer of the appropriate specialized agency in the case of any other person referred to in Section 11;

(2) A representative of the Member concerned, the Secretary-General, or the principal executive officer of the appropriate specialized agency, as the case may be, shall have the right to appear in any such proceedings on behalf of the person against whom they are instituted;

(3) Persons who are entitled to diplomatic privileges and immunities under Section 15 or under the General Convention shall not be required to leave the United States otherwise than in accordance with the customary procedure applicable to diplomatic envoys accredited to the United States.

(c) This section does not prevent the requirement of reasonable evidence to establish that persons claiming the rights granted by Section 11 come within the classes described in that section, or the reasonable application of quarantine and health regulations.

(d) Except as provided above in this section and in the General Convention, the United States retains full control and authority over the entry of persons or property into the territory of the United States and the conditions under which persons may remain or reside there.

(e) The Secretary-General shall, at the request of the appropriate American authorities, enter into discussions with such authorities, with a view to making arrangements for registering the arrival and departure of persons who have been granted visas valid only for transit to and from the headquarters district and sojourn therein and in its immediate vicinity.

(f) The United Nations shall, subject to the foregoing provisions of this section, have the exclusive right to authorize or prohibit entry of persons and property into the headquarters district and to prescribe the conditions under which persons may remain or reside there.

SECTION 14

The Secretary-General and the appropriate American authorities shall, at the request of either of them, consult as to methods of facilitating entrance into the United States, and the use of available means of transportation, by persons coming from abroad who wish to visit the headquarters district and do not enjoy the rights referred to in this Article.

''ARTICLE V—RESIDENT REPRESENTATIVES TO THE UNITED NATIONS

SECTION 15

(1) Every person designated by a Member as the principal resident representative to the United Nations of such Member or as a resident representative with the rank of ambassador or minister plenipotentiary,

(2) such resident members of their staffs as may be agreed upon between the Secretary-General, the Government of the United States and the Government of the Member concerned,

(3) every person designated by a Member of a specialized agency, as defined in Article 57, paragraph 2, of the Charter, as its principal resident representative, with the rank of ambassador or minister plenipotentiary, at the headquarters of such agency in the United States, and

(4) such other principal resident representatives of members to a specialized agency and such resident members of the staffs of representatives to a specialized agency as may be agreed upon between the principal executive officer of the specialized agency, the Government of the United States and the Government of the Member concerned, shall, whether residing inside or outside the headquarters district, be entitled in the territory of the United States to the same privileges and immunities, subject to corresponding conditions and obligations, as it accords to diplomatic envoys accredited to it. In the case of Members whose governments are not recognized by the United States, such privileges and immunities need be extended to such representatives, or persons on the staffs of such representatives, only within the headquarters district, at their residences and offices outside the district, in transit between the district and such residences and offices, and in transit on official business to or from foreign countries.

''ARTICLE VI—POLICE PROTECTION OF THE HEADQUARTERS DISTRICT

SECTION 16

(a) The appropriate American authorities shall exercise due diligence to ensure that the tranquility of the headquarters district is not disturbed by the unauthorized entry of groups of persons from outside or by disturbances in its immediate vicinity and shall cause to be provided on the boundaries of the headquarters district such police protection as is required for these purposes.

(b) If so requested by the Secretary-General, the appropriate American authorities shall provide a sufficient number of police for the preservation of law and order in the headquarters district, and for the removal therefrom of persons as requested under the authority of the United Nations. The United Nations shall, if requested, enter into arrangements with the appropriate American authorities to reimburse them for the reasonable cost of such services.

''ARTICLE VII—PUBLIC SERVICES AND PROTECTION OF THE HEADQUARTERS DISTRICT

SECTION 17

(a) The appropriate American authorities will exercise to the extent requested by the Secretary-General the powers which they possess with respect to the supplying of public services to ensure that the headquarters district shall be supplied on equitable terms with the necessary public services, including electricity, water, gas, post, telephone, telegraph, transportation, drainage, collection of refuse, fire protection, snow removal, et cetera. In case of any interruption or threatened interruption of any such services, the appropriate American authorities will consider the needs of the United Nations as being of equal importance with the similar needs of essential agencies of the Government of the United States, and will take steps accordingly, to ensure that the work of the United Nations is not prejudiced.

(b) Special provisions with reference to maintenance of utilities and underground construction are contained in Annex 2.

SECTION 18

The appropriate American authorities shall take all reasonable steps to ensure that the amenities of the headquarters district are not prejudiced and the purposes for which the district is required are not obstructed by any use made of the land in the vicinity of the district. The United Nations shall on its part take all reasonable steps to ensure that the amenities of the land in the vicinity of the headquarters district are not prejudiced by any use made of the land in the headquarters district by the United Nations.

SECTION 19

It is agreed that no form of racial or religious discrimination shall be permitted within the headquarters district.

''ARTICLE VIII—MATTERS RELATING TO THE OPERATION OF THIS AGREEMENT

SECTION 20

The Secretary-General and the appropriate American authorities shall settle by agreement the channels through which they will communicate regarding the application of the provisions of this agreement and other questions affecting the headquarters district, and may enter into such supplemental agreements as may be necessary to fulfill the purposes of this agreement. In making supplemental agreements with the Secretary-General, the United States shall consult with the appropriate state and local authorities. If the Secretary-General so requests, the Secretary of State of the United States shall appoint a special representative for the purpose of liaison with the Secretary-General.

SECTION 21

(a) Any dispute between the United Nations and the United States concerning the interpretation or application of this agreement or of any supplemental agreement, which is not settled by negotiation or other agreed mode of settlement, shall be referred for final decision to a tribunal of three arbitrators, one to be named by the Secretary-General, one to be named by the Secretary of State of the United States, and the third to be chosen by the two, or, if they should fail to agree upon a third, then by the President of the International Court of Justice.

(b) The Secretary-General or the United States may ask the General Assembly to request of the International Court of Justice an advisory opinion on any legal question arising in the course of such proceedings. Pending the receipt of the opinion of the Court, an interim decision of the arbitral tribunal shall be observed on both parties. Thereafter, the arbitral tribunal shall render a final decision, having regard to the opinion of the Court.

''ARTICLE IX—MISCELLANEOUS PROVISIONS

SECTION 22

(a) The United Nations shall not dispose of all or any part of the land owned by it in the headquarters district without the consent of the United States. If the United States is unwilling to consent to a disposition which the United Nations wishes to make of all or any part of such land, the United States shall buy the same from the United Nations at a price to be determined as provided in paragraph (d) of this section.

(b) If the seat of the United Nations is removed from the headquarters district, all right, title and interest of the United Nations in and to real property in the headquarters district or any part of it shall, on request of either the United Nations or the United States, be assigned and conveyed to the United States. In the absence of such request, the same shall be assigned and conveyed to the subdivision of a state in which it is located or, if such subdivision shall not desire it, then to the state in which it is located. If none of the foregoing desires the same, it may be disposed of as provided in paragraph (a) of this section.

(c) If the United Nations disposes of all or any part of the headquarters district, the provisions of other sections of this agreement which apply to the headquarters district shall immediately cease to apply to the land and buildings so disposed of.

(d) The price to be paid for any conveyance under this section shall, in default of agreement, be the then fair value of the land, buildings and installations, to be determined under the procedure provided in Section 21.

SECTION 23

The seat of the United Nations shall not be removed from the headquarters district unless the United Nations should so decide.

SECTION 24

This agreement shall cease to be in force if the seat of the United Nations is removed from the territory of the United States, except for such provisions as may be applicable in connection with the orderly termination of the operations of the United Nations at its seat in the United States and the disposition of its property therein.

SECTION 25

Wherever this agreement imposes obligations on the appropriate American authorities, the Government of the United States shall have the ultimate responsibility for the fulfillment of such obligations by the appropriate American authorities.

SECTION 26

The provisions of this agreement shall be complementary to the provisions of the General Convention. In so far as any provision of this agreement and any provisions of the General Convention relate to the same subject matter, the two provisions shall, wherever possible, be treated as complementary, so that both provisions shall be applicable and neither shall narrow the effect of the other; but in any case of absolute conflict, the provisions of this agreement shall prevail.

SECTION 27

This agreement shall be construed in the light of its primary purpose to enable the United Nations at its headquarters in the United States, fully and efficiently to discharge its responsibilities and fulfill its purposes.

SECTION 28

This agreement shall be brought into effect by an exchange of notes between the Secretary-General, duly authorized pursuant to a resolution of the General Assembly of the United Nations, and the appropriate executive officer of the United States, duly authorized pursuant to appropriate action of the Congress.

In witness whereof the respective representatives have signed this Agreement and have affixed their seals hereto.

Done in duplicate, in the English and French languages, both authentic, at Lake Success the twenty-sixth day of June 1947.

For the Government of the United States of America:

G. C. MARSHALL,
Secretary of State

For the United Nations:

TRYGVE LIE,
Secretary-General

''ANNEX 1

The area referred to in Section 1(a)(1) consists of (a) the premises bounded on the East by the westerly side of Franklin D. Roosevelt Drive, on the West by the easterly side of First Avenue, on the North by the southerly side of East Forty-eighth Street, and on the South by the northerly side of East Forty-second Street, all as proposed to be widened, in the Borough of Manhattan, City and State of New York, and (b) an easement over Franklin D. Roosevelt Drive, above a lower limiting plane to be fixed for the construction and maintenance of an esplanade, together with the structures thereon and foundations and columns to support the same in locations below such limiting plane, the entire area to be more definitely defined by supplemental agreement between the United Nations and the United States of America.

''ANNEX 2—MAINTENANCE OF UTILITIES AND UNDERGROUND CONSTRUCTION

SECTION 1

The Secretary-General agrees to provide passes to duly authorized employees of The City of New York, the State of New York, or any of their agencies or subdivisions, for the purpose of enabling them to inspect, repair, maintain, reconstruct and relocate utilities, conduits, mains and sewers within the headquarters district.

SECTION 2

Underground constructions may be undertaken by The City of New York, or the State of New York, or any of their agencies or subdivisions, within the headquarters district only after consultation with the Secretary-General, and under conditions which shall not disturb the carrying out of the functions of the United Nations.

SEC. 2. For the purpose of carrying out the obligations of the United States under said agreement and supplemental agreements with respect to United States assurances that the United Nations shall not be dispossessed of its property in the headquarters district, and with respect to the establishment of radio facilities and the possible establishment of an airport:

(a) The President of the United States, or any official or governmental agency authorized by the President, may acquire in the name of the United States any property or interest therein by purchase, donation, or other means of transfer, or may cause proceedings to be instituted for the acquisition of the same by condemnation.

(b) Upon the request of the President, or such officer as the President may designate, the Attorney General of the United States shall cause such condemnation or other proceedings to be instituted in the name of the United States in the district court of the United States for the district in which the property is situated and such court shall have full jurisdiction of such proceedings, and any condemnation proceedings shall be conducted in accordance with the Act of August 1, 1888 (25 Stat. 357), as amended [section 257 of Title 40, Public Buildings, Property, and Works] and the Act of February 26, 1931 (46 Stat. 1421), as amended [sections 258a to 258e of title 40].

(c) After the institution of any such condemnation proceedings, possession of the property may be taken at any time the President, or such officer as he may designate, determines is necessary, and the court shall enter such orders as may be necessary to effect entry and occupancy of the property.

(d) The President of the United States, or any officer or governmental agency duly authorized by the President, may, in the name of the United States, transfer or convey possession of and title to any interest in any property acquired or held by the United States, pursuant to paragraph (a) above, to the United Nations on the terms provided in the agreement or in any supplemental agreement, and shall execute and deliver such conveyances and other instruments and perform such other acts in connection therewith as may be necessary to carry out the provisions of the agreement.

(e) There are authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be required to enable the United States to carry out the undertakings hereby authorized: *Provided*, That any money appropriated under this authorization shall be spent only on a basis of reimbursement by the United Nations in accordance with section 3 of the agreement, and that the money thus reimbursed shall be deposited and covered into the Treasury of the United States as miscellaneous receipts.

SEC. 3. The President, or the Secretary of State under his direction, is authorized to enter into agreements with the State of New York or any other State of the United States and to the extent not inconsistent with State law, with any one or more of the political subdivisions thereof in aid of effectuating the provisions of the agreement.

SEC. 4. Any States, or, to the extent not inconsistent with State law any political subdivisions thereof, affected by the establishment of the headquarters of the United Nations in the United States are authorized to enter into agreements with the United Nations or with each other consistent with the agreement and for the purpose of facilitating compliance with the same: *Provided*, That, except in cases of emergency and agreements of a routine contractual character, a representative of the United States, to be appointed by the Secretary of State, may, at the discretion of the Secretary of State, participate in the negotiations, and that any such agreement entered into by such State or States or political subdivisions thereof shall be subject to approval by the Secretary of State.

SEC. 5. The President is authorized to make effective with respect to the temporary headquarters of the United Nations in the State of New York, on a provisional basis, such of the provisions of the agreement as he may deem appropriate, having due regard for the needs of the United Nations at its temporary headquarters.

SEC. 6. Nothing in the agreement shall be construed as in any way diminishing, abridging, or weakening the right of the United States to safeguard its own security and completely to control the entrance of aliens into any territory of the United States other than the headquarters district and its immediate vicinity, as to be defined and fixed in a supplementary agreement between the Government of the United States and the United Nations in pursuance of section 13(3)(e) of the agreement, and such areas as it is reasonably necessary to traverse in transit between the same and foreign countries. Moreover, nothing in section 14 of the agreement with respect to facilitating entrance into the United States by persons who wish to visit the headquarters district and do not enjoy the right of entry provided in section 11 of the agreement shall be construed to amend or suspend in any way the immigration laws of the United States or to commit the United States in any way to effect any amendment or suspension of such laws.''

UN MEMBERSHIP FOR COMMUNIST CHINA

Section 105 of Pub. L. 91–472, title I, Oct. 21, 1970, 84 Stat. 1044, provided that it was the sense of the Congress that the United Nations should not admit the Communist Chinese Government to membership as the

representative of China. Similar provisions were contained in the following prior acts:

Dec. 24, 1969, Pub. L. 91–153, title I, §105, 83 Stat. 407.
Aug. 9, 1968, Pub. L. 90–470, title I, §105, 82 Stat. 672.
Nov. 8, 1967, Pub. L. 90–133, title I, §105, 81 Stat. 416.
Nov. 8, 1966, Pub. L. 89–797, title I, §105, 80 Stat. 1484.
Sept. 2, 1965, Pub. L. 89–164, title I, §105, 79 Stat. 625.
Aug. 31, 1964, Pub. L. 88–527, title I, §105, 78 Stat. 716.
Dec. 30, 1963, Pub. L. 88–245, title I, §105, 77 Stat. 781.
Oct. 18, 1962, Pub. L. 87–843, title I, §105, 76 Stat. 1085.
Sept. 21, 1961, Pub. L. 87–264, title I, §105, 75 Stat. 550.
Aug. 31, 1960, Pub. L. 86–678, title I, §105, 74 Stat. 561.
July 13, 1959, Pub. L. 86–84, title I, §105, 73 Stat. 186.
June 30, 1958, Pub. L. 85–474, title I, §105, 72 Stat. 249.
June 11, 1957, Pub. L. 85–49, title I, §105, 71 Stat. 60.
June 20, 1956, ch. 414, title I, §110, 70 Stat. 304.
July 7, 1955, ch. 279, title I, §110, 69 Stat. 270.
July 2, 1954, ch. 456, title I, §110, 68 Stat. 418.
Aug. 5, 1953, ch. 328, title I, §111, 67 Stat. 372.

TRUSTEESHIP AGREEMENT RELATING TO TERRITORY OF THE PACIFIC ISLANDS

Act of July 18, 1947, ch. 271, 61 Stat. 397, authorized the President to approve the trusteeship agreement between the United States and the Security Council of the United Nations for the Territory of the Pacific Islands.

EX. ORD. NO. 10108. DESIGNATION OF U.S. MISSION TO UNITED NATIONS

Ex. Ord. No. 10108, Feb. 9, 1950, 15 F.R. 757, provided:

By virtue of the authority vested in me by the United Nations Participation Act of 1945 (59 Stat. 619) [this subchapter], as amended by the act of October 10, 1949, 63 Stat. 734, and as President of the United States, it is hereby ordered as follows:

1. The Representative of the United States to the United Nations, the Deputy Representative of the United States to the United Nations, the Deputy Representative of the United States to the Security Council of the United Nations, representatives of the United States in the Economic and Social Council of the United Nations and its Commissions, representatives of the United States in the Trusteeship Council, the Atomic Energy Commission, the Commission for Conventional Armaments, and the Military Staff Committee of the United Nations, and representatives to organs and agencies of the United Nations appointed or designated and included within the United States Mission to the United Nations as herein designated, together with their deputies, staffs, and offices—shall constitute and be known as the United States Mission to the United Nations.

2. The Representative of the United States to the United Nations shall be the Chief of Mission in charge of the United States Mission to the United Nations. The Chief of Mission shall coordinate at the seat of the United Nations the activities of the Mission in carrying out the instructions of the President transmitted either by the Secretary of State or by other means of transmission as directed by the President. Instructions to the representatives of the United States Joint Chiefs of Staff in the Military Staff Committee of the United Nations shall be transmitted by the Joint Chiefs of Staff. On request of the Chief of Mission, such representatives shall, in addition to their responsibilities under the Charter of the United Nations, serve as advisers in the United States Mission to the United Nations.

3. The Chief of Mission shall be responsible for the administration of the Mission, including personnel, budget, obligation and expenditure of funds, and the central administrative services; provided that he shall not be responsible for the internal administration of the personnel, budget, and obligation and expenditure of funds of the representatives of the United States Joint Chiefs of Staff in the Military Staff Committee of the United Nations. The Chief of Mission shall discharge his responsibilities under this paragraph in accordance with such rules and regulations as the Secretary of State may from time to time prescribe.

4. The Deputy Representative of the United States to the United Nations shall be the Deputy Chief of Mission, who shall act as Chief of Mission in the absence of the Representative of the United States to the United Nations.

5. This order supersedes Executive Order No. 9844 of April 28, 1947, entitled ''Designating the United States Mission to the United Nations and Providing for Its Direction and Administration.''

EX. ORD. NO. 10422. LOYALTY PROCEDURES FOR EMPLOYEES

Ex. Ord. No. 10422, Jan. 9, 1953, 18 F.R. 239, as amended by Ex. Ord. No. 10459, June 2, 1953, 18 F.R. 3183; Ex. Ord. No. 10763, Apr. 23, 1958, eff. July 1, 1958, 23 F.R. 2767; Ex. Ord. No. 11890, Dec. 10, 1975, 40 F.R. 57775; Ex. Ord. No. 12107, Dec. 28, 1978, 44 F.R. 1055, provided:

PART I—INVESTIGATION OF UNITED STATES CITIZENS EMPLOYED OR BEING CONSIDERED FOR EMPLOYMENT ON THE SECRETARIAT OF THE UNITED NATIONS

1. Whenever the Secretary of State receives, from the Secretary General of the United Nations, the name of and other necessary identifying data concerning each United States citizen employed or being considered for employment by the United Nations, the Secretary of State shall, consistent with the Privacy Act of 1974 (5 U.S.C. 552a) and other applicable law, cause an investigation to be conducted as provided in paragraph 2 of this Part, or forward the information received from the Secretary General to the Office of Personnel Management, which shall conduct an investigation, consistent with the Privacy Act of 1974 (5 U.S.C. 552a) and other applicable law, as provided in paragraphs 3 and 4 of this Part.

2. With respect to all applicants for short term appointments which will not exceed six months and which are not appointments to United Nations Secretariat professional posts or posts subject to geographical distribution, the Secretary of State shall cause an investigation to be conducted, which investigation shall be limited to a search of the files of the Department of State. If the investigation reveals any derogatory information within the meaning of the standard set forth in Part II of this order, the information received from the Secretary General of the United Nations shall be forwarded to the Office of Personnel Management, which shall conduct an investigation.

3. (a) Whenever the Office of Personnel Management receives the information forwarded by the Secretary General to the Secretary of State, the Office of Personnel Management shall conduct a National Agency Check. Each National Agency Check shall include reference to the following: (1) Federal Bureau of Investigation files; (2) Office of Personnel Management files; (3) Military Intelligence files as appropriate; and (4) files of any other appropriate Government investigative or intelligence agency.

(b) If the investigation conducted by the Office of Personnel Management reveals that a favorable National Agency Check was previously completed, and the investigation conducted by the Office of Personnel Management has not disclosed any derogatory information within the meaning of the standard set forth in Part II of this order, completion of a new National Agency Check is not required if: (1) the applicant is or was previously employed by the same or another international organization without an immediately prior break in such service exceeding one year; (2) the applicant is or was a United States Government civilian or military employee, or a United States Government contract employee, without an immediately prior break in such employment exceeding one year; or (3) the applicant is transferred or detailed from an agency of the United States Government pursuant to the provisions of sections 3343, 3581, 3582, 3583, or 3584 of Title 5 of the United States Code.

4. Whenever information disclosed with respect to any person being investigated is derogatory, within the

standard set forth in Part II of this order, the Office of Personnel Management shall forward such information to the Federal Bureau of Investigation, and the Bureau shall conduct a full field investigation of such persons.

5. Reports of full field investigations shall be forwarded through the Office of Personnel Management to the International Organizations Employees Loyalty Board, established by Part IV of this order and hereinafter referred to as the Board. Whenever such a report contains derogatory information, under the standard set forth in Part II of this order, there shall be made available to the person in question the procedures of the Board provided or authorized by Part IV of this order (including the opportunity of a hearing) for inquiring into the loyalty of the person as a United States citizen in accordance with the standard set forth in Part II of this order. The Board shall transmit its determinations, as advisory opinions, together with the reasons therefor stated in as much detail as the Board determines that security considerations permit, to the Secretary of State for transmission to the Secretary General of the United Nations for his use in exercising his rights and duties with respect to the personnel of the United Nations as set out in the Charter and in regulations and decisions of the competent organs of the United Nations.

6. At any stage during the investigation or Board proceeding, the Board may transmit to the Secretary of State, for forwarding to the Secretary General, in as much detail as the Board determines that security considerations permit, the derogatory information disclosed by investigation. This shall be for the purpose of assisting the Secretary General in determining whether or not he should take action with respect to the employee, or the person being considered for employment, prior to the completion of the procedures outlined in this order. The making available of any such information shall be without prejudice to the right of full hearing as provided for herein.

7. The Secretary of State shall notify the Secretary General in all cases in which no derogatory information has been developed.

PART II—STANDARD

1. The standard to be used by the Board in making an advisory determination as provided for in paragraph 5 of Part I of this order with respect to a United States citizen who is an employee of, or is being considered for employment by, the United Nations, shall be whether or not on all the evidence there is a reasonable doubt as to the loyalty of the person involved to the Government of the United States.

2. Activities and associations of a United States citizen who is an employee or being considered for employment by the United Nations which may be considered in connection with the determination whether or not on all the evidence there is a reasonable doubt as to the loyalty of the person involved to the Government of the United States may include one or more of the following:

(a) Sabotage, espionage, or attempts or preparations therefor, or knowingly associating with spies or saboteurs.

(b) Treason or sedition or advocacy thereof.

(c) Advocacy of revolution or force or violence to alter the constitutional form of government of the United States.

(d) Intentional, unauthorized disclosure to any person, under circumstances which may indicate disloyalty to the United States, of United States documents or United States information of a confidential or non-public character obtained by the person making the disclosure as a result of his previous employment by the Government of the United States or otherwise.

(e) Performing or attempting to perform his duties, or otherwise acting, while an employee of the United States Government during a previous period, so as to serve the interests of another government in preference to the interests of the United States.

(f) Knowing membership with the specific intent of furthering the aims of, or adherence to and active participation in, any foreign or domestic organization, association, movement, group or combination of persons, which unlawfully advocates or practices the commission of acts of force or violence to prevent others from exercising their rights under the Constitution or laws of the United States, or of any State, or which seeks to overthrow the Government of the United States or any State or subdivision thereof by unlawful means.

PART III—OTHER INTERNATIONAL ORGANIZATIONS

The provisions of Parts I and II of this order shall be applicable to United States citizens who are employees of, or are being considered for employment by, other public international organizations of which the United States Government is a member, by arrangement between the executive head of the international organization concerned and the Secretary of State or other officer of the United States designated by the President.

PART IV—INTERNATIONAL ORGANIZATIONS EMPLOYEES LOYALTY BOARD

1. There is hereby established in the Office of Personnel Management an International Organizations Employees Loyalty Board of not less than three impartial persons, the members of which shall be officers or employees of the Office.

2. The Board shall have authority in cases referred to it under this order to inquire into the loyalty to the Government of the United States of United States citizens employed, or considered for employment, by international organizations of which the United States is a member, and to make advisory determinations in such cases, under the standard set forth in Part II of this order, for transmission by the Secretary of State to the executive heads of the international organizations coming under the arrangements made pursuant to Parts I and III of this order.

3. The Board shall make necessary rules and regulations, not inconsistent with the provisions of this order, for the execution of its functions. There shall be included in such rules and regulations provisions for furnishing each person whose case is considered by the Board:

(a) A written statement of the alleged derogatory information, in as much detail as security considerations permit.

(b) An opportunity to answer or comment upon the statement of alleged derogatory information, in writing, and to submit affidavits.

(c) An opportunity for hearing before the Board, or a panel thereof of at least three members, including the right of the person to be represented by counsel, to present witnesses and other evidence in his behalf, and to cross-examine witnesses offered in support of the derogatory information: *Provided*, That the Board shall conduct its hearings in such manner as to protect from disclosure information affecting the national security.

4. Based upon all the evidence before it, including such confidential information as it may have in its possession, the Board shall make its determinations in writing, and shall send to each person who is the subject thereof a copy. In cases in which hearing or other action is by a panel of three members, the action or determination of the panel shall constitute the action or determination of the Board, except that rules and regulations pursuant to paragraph 3 of this Part shall be adopted by action of the Board as a whole.

5. Except as otherwise specified in this order, the Office of Personnel Management shall provide the necessary investigative and other services required by the Board. All agencies of the executive branch of the Government are authorized and directed to cooperate with the Board, and, to the extent permitted by law, to furnish the Board such information and assistance as it may require in the performance of its functions.

6. All cases arising under this order which are pending before the Regional Loyalty Boards and the Loyalty Review Board of the Commission on the effective date of Executive Order No. 10450 of April 27, 1953, shall on that date be transferred to the Board.

DELEGATION OF AUTHORITY ON RATES OF COMPENSATION FOR U.S. REPRESENTATIVES TO THE UNITED NATIONS

Memorandum of President of the United States, Apr. 1, 1997, 62 F.R. 18261, provided:

Memorandum for the Secretary of State

By virtue of the authority vested in me by the Constitution and laws of the United States of America, including section 301 of title 3 of the United States Code, I hereby delegate to the Secretary of State the functions vested in the President by section 2(g) of the United Nations Participation Act of 1945 (Public Law 79–264, 22 U.S.C. 287(g)).

You are authorized and directed to publish this memorandum in the Federal Register.

WILLIAM J. CLINTON.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 287a, 287e of this title.

§ 287a. Action by representatives in accordance with Presidential instructions; voting

The representatives provided for in section 287 of this title, when representing the United States in the respective organs and agencies of the United Nations, shall, at all times, act in accordance with the instructions of the President transmitted by the Secretary of State unless other means of transmission is directed by the President, and such representatives shall, in accordance with such instructions, cast any and all votes under the Charter of the United Nations.

(Dec. 20, 1945, ch. 583, § 3, 59 Stat. 620.)

§ 287b. Reports to Congress by President

(a) Periodic reports

The President shall, from time to time as occasion may require, but not less than once each year, make reports to the Congress of the activities of the United Nations and of the participation of the United States therein.

(b) Transmittal of Security Council resolutions

Not later than 3 days (excluding Saturdays, Sundays, and legal holidays) after adoption of any resolution by the Security Council, the Secretary of State shall transmit the text of such resolution and any supporting documentation to the designated congressional committees.

(c) Reports on peacekeeping operations

The Secretary of State shall promptly transmit to the designated congressional committees any published report prepared by the United Nations and distributed to the members of the Security Council that contains assessments of any proposed, ongoing, or concluded United Nations peacekeeping operation.

(d) Annual report

In addition to the report required by subsection (a) of this section, the President, at the time of submission of the annual budget request to the Congress, shall submit to the designated congressional committees a report that includes the following:

(1) Costs of peacekeeping operations

(A) In accordance with section 407(a)(5)(B) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995,[1] a description of all assistance provided by the United States to the United Nations to support peacekeeping operations during the previous calendar quarter and during the previous year.

(B) With respect to United Nations peacekeeping operations—

(i) the aggregate cost of all United Nations peacekeeping operations for the prior fiscal year;

(ii) the costs of each United Nations peacekeeping operation for the prior fiscal year; and

(iii) the amount of United States contributions (both assessed and voluntary) to United Nations peacekeeping operations on an operation-by-operation basis for the prior fiscal year.

(C) With respect to other international peacekeeping operations in which the United States participates—

(i) the aggregate cost of all such operations for the prior fiscal year;

(ii) the costs of each such operation for the prior fiscal year; and

(iii) the amount of United States contributions (both assessed and voluntary) to such operations on an operation-by-operation basis for the prior fiscal year.

(D) In the case of the first 2 reports submitted pursuant to this subsection, a projection of all United States costs for United Nations peacekeeping operations during each of the next 2 fiscal years, including assessed and voluntary contributions.

(2) Other matters regarding peacekeeping operations

(A) An assessment of the effectiveness of ongoing international peacekeeping operations, their relevance to United States national interests, the efforts by the United Nations and other international organizations (as applicable) to resolve the relevant armed conflicts, and the projected termination dates for all such operations.

(B) The dollar value and percentage of total peacekeeping contracts that have been awarded to United States contractors during the previous year.

(3) United Nations reform

(A)(i) A description of the status of efforts to establish and implement an independent office of the Inspector General at the United Nations.

(ii) If an office of the Inspector General has been established at the United Nations, a discussion of whether the Inspector General is keeping the Secretary General and the members of the General Assembly fully informed about problems, deficiencies, the necessity for corrective action, and the progress of corrective action.

(iii) For purposes of this subparagraph, the term ''office of the Inspector General'' means an independent office (or other independent entity) established by the United Nations to conduct and supervise objective audits, inspections, and investigations relating to the programs and operations of the United Nations.

(B) A description of the status of efforts to reduce the United States peacekeeping assessment rate.

[1] See References in Text note below.

(C) A description of the status of other United States efforts to achieve financial and management reform at the United Nations.

(4) Military personnel participating in multinational forces

A description of—

(A) the status under international law of members of multinational forces, including the legal status of such personnel if captured, missing, or detained;

(B) the extent of the risk for United States military personnel who are captured while participating in multinational forces in cases where their captors fail to respect the 1949 Geneva Conventions and other international agreements intended to protect prisoners of war; and

(C) the specific steps that have been taken to protect United States military personnel participating in multinational forces, together (if necessary) with any recommendations for the enactment of legislation to achieve that objective.

(5) Human rights and U.N. peacekeeping forces

A description of the efforts by United Nations peacekeeping forces to promote and protect internationally recognized human rights standards, including the status of investigations in any case of alleged human rights violations during the preceding year by personnel participating in United Nations peacekeeping forces, as well as any action taken in such cases.

(e) Consultations and reports on United Nations peacekeeping operations

(1) Consultations

Each month the President shall consult with Congress on the status of United Nations peacekeeping operations.

(2) Information to be provided

In connection with such consultations, the following information shall be provided each month to the designated congressional committees:

(A) With respect to ongoing United Nations peacekeeping operations, the following:

(i) A list of all resolutions of the United Nations Security Council anticipated to be voted on during such month that would extend or change the mandate of any United Nations peacekeeping operation.

(ii) For each such operation, any changes in the duration, mandate, and command and control arrangements that are anticipated as a result of the adoption of the resolution.

(iii) An estimate of the total cost to the United Nations of each such operation for the period covered by the resolution, and an estimate of the amount of that cost that will be assessed to the United States.

(iv) Any anticipated significant changes in United States participation in or support for each such operation during the period covered by the resolution (including the provision of facilities, training, transportation, communication, and logistical support, but not including intelligence activities reportable under title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.)), and the estimated costs to the United States of such changes.

(B) With respect to each new United Nations peacekeeping operation that is anticipated to be authorized by a Security Council resolution during such month, the following information for the period covered by the resolution:

(i) The anticipated duration, mandate, and command and control arrangements of such operation, the planned exit strategy, and the vital national interest to be served.

(ii) An estimate of the total cost to the United Nations of the operation, and an estimate of the amount of that cost that will be assessed to the United States.

(iii) A description of the functions that would be performed by any United States Armed Forces participating in or otherwise operating in support of the operation, an estimate of the number of members of the Armed Forces that will participate in or otherwise operate in support of the operation, and an estimate of the cost to the United States of such participation or support.

(iv) A description of any other United States assistance to or support for the operation (including the provision of facilities, training, transportation, communication, and logistical support, but not including intelligence activities reportable under title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.)), and an estimate of the cost to the United States of such assistance or support.

(v) A reprogramming of funds pursuant to section 2706 of this title, submitted in accordance with the procedures set forth in such section, describing the source of funds that will be used to pay for the cost of the new United Nations peacekeeping operation, provided that such notification shall also be submitted to the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate.

(3) Form and timing of information

(A) Form

The President shall submit information under clauses (i) and (iii) of paragraph (2)(A) in writing.

(B) Timing

(i) Ongoing operations

The information required under paragraph (2)(A) for a month shall be submitted not later than the 10th day of the month.

(ii) New operations

The information required under paragraph (2)(B) shall be submitted in writing with respect to each new United Nations peacekeeping operation not less than 15 days before the anticipated date of the

vote on the resolution concerned unless the President determines that exceptional circumstances prevent compliance with the requirement to report 15 days in advance. If the President makes such a determination, the information required under paragraph (2)(B) shall be submitted as far in advance of the vote as is practicable.

(4) New United Nations peacekeeping operation defined

As used in paragraph (2), the term ''new United Nations peacekeeping operation'' includes any existing or otherwise ongoing United Nations peacekeeping operation—

(A) where the authorized force strength is to be expanded;

(B) that is to be authorized to operate in a country in which it was not previously authorized to operate; or

(C) the mandate of which is to be changed so that the operation would be engaged in significant additional or significantly different functions.

(5) Notification and quarterly reports regarding United States assistance

(A) Notification of certain assistance

(i) In general

The President shall notify the designated congressional committees at least 15 days before the United States provides any assistance to the United Nations to support peacekeeping operations.

(ii) Exception

This subparagraph does not apply to—

(I) assistance having a value of less than $3,000,000 in the case of nonreimbursable assistance or less than $14,000,000 in the case of reimbursable assistance; or

(II) assistance provided under the emergency drawdown authority of sections 2318(a)(1) and 2348a(c)(2) of this title.

(B) Quarterly reports

(i) In general

The President shall submit quarterly reports to the designated congressional committees on all assistance provided by the United States during the preceding calendar quarter to the United Nations to support peacekeeping operations.

(ii) Matters included

Each report under this subparagraph shall describe the assistance provided for each such operation, listed by category of assistance.

(iii) Fourth quarter report

The report under this subparagraph for the fourth calendar quarter of each year shall be submitted as part of the annual report required by subsection (d) of this section and shall include cumulative information for the preceding calendar year.

(f) Designated congressional committees

In this section, the term ''designated congressional committees'' means the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives.

(g) Relationship to other notification requirements

Nothing in this section is intended to alter or supersede any notification requirement with respect to peacekeeping operations that is established under any other provision of law.

(Dec. 20, 1945, ch. 583, § 4, 59 Stat. 620; Pub. L. 103–236, title IV, §§ 406, 407(b), Apr. 30, 1994, 108 Stat. 448, 450; Pub. L. 106–113, div. B, § 1000(a)(7) [div. A, title VII, § 724(a)(1), (2), (b)], Nov. 29, 1999, 113 Stat. 1536, 1501A–465, 1501A–467.)

REFERENCES IN TEXT

Section 407(a)(5)(B) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995, referred to in subsec. (d)(1)(A), is section 407(a)(5)(B) of Pub. L. 103–236, which was set out below, prior to repeal by Pub. L. 106–113.

The National Security Act of 1947, referred to in subsec. (e)(2)(A)(iv), (B)(iv), is act July 26, 1947, ch. 343, 61 Stat. 495, as amended. Title V of the Act is classified generally to subchapter III (§ 413 et seq.) of chapter 15 of Title 50, War and National Defense. For complete classification of this Act to the Code, see Short Title note set out under section 401 of Title 50 and Tables.

CODIFICATION

Another subsec. (a)(2) of section 724 of Pub. L. 106–113, div. B, § 1000(a)(7), repealed section 407(a) of Pub. L. 103–236, formerly set out as a note below.

AMENDMENTS

1999—Subsec. (a). Pub. L. 106–113, § 1000(a)(7) [title VII, § 724(a)(1)], struck out at end ''He shall make special current reports on decisions of the Security Council to take enforcement measures under the provisions of the Charter of the United Nations, and on the participation therein under his instructions, of the representative of the United States.''

Subsecs. (e) to (g). Pub. L. 106–113, § 1000(a)(7) [title VII, § 724(a)(2), (b)], added subsecs. (e) to (g) and struck out heading and text of former subsec. (e). Text read as follows: ''As used in this section, the term 'designated congressional committees' has the meaning given that term by section 415 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995.''

1994—Pub. L. 103–236 designated existing provisions as subsec. (a), inserted heading, and added subsecs. (b) to (e).

TERMINATION OF REPORTING REQUIREMENTS

For termination, effective May 15, 2000, of provisions in subsec. (a) of this section relating to reporting to Congress not less than once each year, see section 3003 of Pub. L. 104–66, as amended, set out as a note under section 1113 of Title 31, Money and Finance, and page 39 of House Document No. 103–7.

CONSULTATIONS AND REPORTS ON UNITED NATIONS PEACEKEEPING OPERATIONS

Pub. L. 103–236, title IV, § 407(a), Apr. 30, 1994, 108 Stat. 448, directed President to consult monthly with Congress on status of United Nations peacekeeping operations, to provide certain information to designated congressional committees on a monthly or interim basis, to notify such committees at least 15 days before the United States would provide assistance to the United Nations to support peacekeeping assistance, and to submit quarterly reports on all such assistance, prior to repeal by Pub. L. 106–113, div. B, § 1000(a)(7) [div. A, title VII, § 724(a)(2)], Nov. 29, 1999, 113 Stat. 1536, 1501A–467. See subsec. (e) of this section.

DESIGNATED CONGRESSIONAL COMMITTEES

Section 415 of Pub. L. 103–236 provided that: ''For purposes of this part [part A (§§ 401 to 415) of title IV of Pub. L. 103–236, enacting section 2321n of this title, amending this section, enacting provisions set out as notes under this section and section 287e of this title, and amending provisions set out as notes under section 287e of this title], the term 'designated congressional committees' means the Committee on Appropriations and the Committee on Foreign Relations of the Senate and the Committee on Appropriations and the Committee on Foreign Affairs [now Committee on International Relations] of the House of Representatives.''

REPORT ON POLICIES PURSUED BY OTHER COUNTRIES IN INTERNATIONAL ORGANIZATIONS

Pub. L. 98–164, title I, § 117, Nov. 22, 1983, 97 Stat. 1022, as amended by Pub. L. 100–204, title VII, § 707, Dec. 22, 1987, 101 Stat. 1390, directed Secretary of State to transmit to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate, by Jan. 31 of each year, a report regarding policies which each member country of United Nations pursued in international organizations of which United States was a member, prior to repeal by Pub. L. 103–236, title I, § 139(27), Apr. 30, 1994, 108 Stat. 399.

§ 287c. Economic and communication sanctions pursuant to United Nations Security Council Resolution

(a) Enforcement measures; importation of Rhodesian chromium

Notwithstanding the provisions of any other law, whenever the United States is called upon by the Security Council to apply measures which said Council has decided, pursuant to article 41 of said Charter, are to be employed to give effect to its decisions under said Charter, the President may, to the extent necessary to apply such measures, through any agency which he may designate, and under such orders, rules, and regulations as may be prescribed by him, investigate, regulate, or prohibit, in whole or in part, economic relations or rail, sea, air, postal, telegraphic, radio, and other means of communication between any foreign country or any national thereof or any person therein and the United States or any person subject to the jurisdiction thereof, or involving any property subject to the jurisdiction of the United States. Any Executive order which is issued under this subsection and which applies measures against Southern Rhodesia pursuant to any United Nations Security Council Resolution may be enforced, notwithstanding the provisions of any other law. The President may exempt from such Executive order any shipment of chromium in any form which is in transit to the United States on March 18, 1977.

(b) Penalties

Any person who willfully violates or evades or attempts to violate or evade any order, rule, or regulation issued by the President pursuant to subsection (a) of this section shall, upon conviction, be find[1] not more than $10,000 or, if a natural person, be imprisoned for not more than ten years, or both; and the officer, director, or agent of any corporation who knowingly participates in such violation or evasion shall be punished by a like fine, imprisonment, or both, and any property, funds, securities, papers, or other articles or documents, or any vessel, together with her tackle, apparel, furniture, and equipment, or vehicle, or aircraft, concerned in such violation shall be forfeited to the United States.

(c) Steel mill products containing chromium; certificate of origin; regulations; subpenas; certificate exemption; release from customs custody; definitions

(1) During the period in which measures are applied against Southern Rhodesia under subsection (a) of this section pursuant to any United Nations Security Council Resolution, a shipment of any steel mill product (as such product may be defined by the Secretary) containing chromium in any form may not be released from customs custody for entry into the United States if—

(A) a certificate of origin with respect to such shipment has not been filed with the Secretary; or

(B) in the case of a shipment with respect to which a certificate of origin has been filed with the Secretary, the Secretary determines that the information contained in such certificate does not adequately establish that the steel mill product in such shipment does not contain chromium in any form which is of Southern Rhodesian origin;

unless such release is authorized by the Secretary under paragraph (3)(B) or (C).

(2) The Secretary shall prescribe regulations for carrying out this subsection.

(3)(A) In carrying out this subsection, the Secretary may issue subpenas requiring the attendance and testimony of witnesses and the production of evidence. Any such subpena may, upon application by the Secretary, be enforced in a civil action in an appropriate United States district court.

(B) The Secretary may exempt from the certification requirements of this subsection any shipment of a steel mill product containing chromium in any form which is in transit to the United States on March 18, 1977.

(C) Under such circumstances as he deems appropriate, the Secretary may release from customs custody for entry into the United States, under such bond as he may require, any shipment of a steel mill product containing chromium in any form.

(4) As used in this subsection—

(A) the term ''certificate of origin'' means such certificate as the Secretary may require, with respect to a shipment of any steel mill product containing chromium in any form, issued by the government (or by a designee of such government if the Secretary is satisfied that such designee is the highest available certifying authority) of the country in which such steel mill product was produced certifying that the steel mill product in such shipment contains no chromium in any form which is of Southern Rhodesian origin; and

(B) the term ''Secretary'' means the Secretary of the Treasury.

(Dec. 20, 1945, ch. 583, § 5, 59 Stat. 620; Oct. 10, 1949, ch. 660, § 3, 63 Stat. 735; Pub. L. 95–12, § 1, Mar. 18, 1977, 91 Stat. 22.)

[1] So in original. Probably should be ''fined''.

REFERENCES IN TEXT

Article 41 of said Charter, referred to in subsec. (a), is an article of the United Nations Charter.

AMENDMENTS

1977—Subsec. (a). Pub. L. 95–12, § 1(1), inserted provision permitting enforcement of any Executive order, issued under this subsection, applying measures against Southern Rhodesia and permitting Presidential exemption from that Executive order of any shipment of chromium in transit to the United States on Mar. 18, 1977.

Subsec. (c). Pub. L. 95–12, § 1(2), added subsec. (c).

1949—Subsec. (b). Act Oct. 10, 1949, made aircraft subject to forfeiture.

DELEGATION OF AUTHORITY

Authority of President under this section with respect to blocked funds and other assets of Iraqi Government delegated to Secretary of the Treasury by section 1 of Ex. Ord. No. 12817, Oct. 21, 1992, 57 F.R. 48433, set out as a note under section 1701 of Title 50, War and National Defense.

IMPORTATION OF STRATEGIC AND CRITICAL MATERIALS FROM ZIMBABWE-RHODESIA

Pub. L. 96–107, title VIII, § 818, Nov. 9, 1979, 93 Stat. 818, provided that: ''It is the sense of the Congress that the United States should have unlimited access to strategic and critical materials which are vital to the defense and security of the United States and that every effort should be made to remove artificial impediments against the importation of such materials into the United States from Zimbabwe-Rhodesia.''

SANCTIONS AGAINST ZIMBABWE-RHODESIA; REPORT TO CONGRESS

Pub. L. 96–60, title IV, § 408, Aug. 15, 1979, 93 Stat. 405, provided for termination of sanctions against Zimbabwe-Rhodesia by Nov. 15, 1979, unless the President determined and reported to Congress that termination of sanctions would not be in the national interest, with provision authorizing Congress to reject such Presidential determination, prior to repeal by Pub. L. 97–241, title V, § 505(a)(1), Aug. 24, 1982, 96 Stat. 298.

DETERMINATIONS RESPECTING FUTURE ENFORCEMENT OF SANCTIONS AGAINST RHODESIA

Pub. L. 95–384, § 27, Sept. 26, 1978, 92 Stat. 746, which related to enforcement of sanctions against Rhodesia, was repealed by Pub. L. 97–113, title VII, § 734(a)(12), Dec. 29, 1981, 95 Stat. 1560.

SUSPENSION OF AMENDMENT OPERATION BY PRESIDENT; REPORT TO CONGRESS

Section 2 of Pub. L. 95–12 provided that:

''(a) Upon the enactment of this Act [Mar. 18, 1977], the President may suspend the operation of the amendments contained in this Act [amending this section] if he determines that such suspension would encourage meaningful negotiations and further the peaceful transfer of governing power from minority rule to majority rule in Southern Rhodesia. Such suspension shall remain in effect for such duration as deemed necessary by the President.

''(b) If the President suspends the operation of the amendments contained in this Act [amending this section], he shall so report to the Congress. In addition, the President shall report to the Congress when he terminates such suspension.

''(c) If the President suspends the operation of the amendments contained in this Act [amending this section], any reference in those amendments to date of enactment [Mar. 18, 1977] shall be deemed to be a reference to the date on which such suspension is terminated by the President.''

EXECUTIVE ORDER NO. 11322

Ex. Ord. No. 11322, Jan. 5, 1967, 32 F.R. 119, which related to transactions involving Southern Rhodesia, was revoked by Ex. Ord. No. 12183, Dec. 16, 1979, 44 F.R. 74787, set out below.

EXECUTIVE ORDER NO. 11419

Ex. Ord. No. 11419, July 29, 1968, 33 F.R. 10837, which related to trade and other transactions involving Southern Rhodesia, was revoked by Ex. Ord. No. 12183, Dec. 16, 1979, 44 F.R. 74787, set out below.

EX. ORD. NO. 12183. REVOKING RHODESIAN SANCTIONS

Ex. Ord. No. 12183, Dec. 16, 1979, 44 F.R. 74787, provided:

By the authority vested in me as President by the Constitution and statutes of the United States of America, including Section 5 of the United Nations Participation Act of 1945, as amended (22 U.S.C. 287c), and in order to terminate current limitations relating to trade and other transactions involving Zimbabwe-Rhodesia, it is hereby ordered as follows:

1–101. (a) Subject to the provisions of this order, the following are hereby revoked with respect to transactions occurring after the effective date of this order:

(1) Executive Order 11322 of January 5, 1967 (32 F.R. 119);

(2) Executive Order 11419 of July 29, 1968 (33 F.R. 10837); and

(3) Executive Order 11978 of March 18, 1977 (42 F.R. 15403).

(b) To the extent consistent with this order, all determinations, authorizations, regulations, rulings, certificates, orders, directives, licenses, contracts, agreements, and other actions made, issued, taken, or entered into under the provisions of such Executive orders and not previously revoked, superseded, or otherwise made inapplicable, shall continue in full force and effect until amended, modified, or terminated by appropriate authority.

1–102. (a) The Secretaries of State, the Treasury, Commerce, and Transportation, and the heads of other government agencies, shall retain the authority and responsibility for the enforcement of Executive Orders 11322, 11419, and 11978 with respect to transactions occurring prior to the effective date of this order.

(b) The revocation, in Section 1–101 of this order, of such prior Executive orders shall not affect:

(1) any act done or omitted to be done or any suit or proceeding finished or started in civil or criminal cases prior to the revocation, but all such liabilities, penalties, and forfeitures under the Executive orders shall continue and may be enforced in the same manner as if the revocation had not been made; or

(2) any violation of any rules, regulations, orders, licenses, or other forms of administrative action under those revoked orders during the periods those orders were in effect.

1–103. (a) The Secretaries of State, the Treasury, Commerce, and Transportation, and the heads of other government agencies, shall take the appropriate measures to implement this order.

(b) In carrying out their respective functions and responsibilities under this order, the Secretaries of the Treasury, Commerce, and Transportation, and the heads of other government agencies, shall, as appropriate, consult with the Secretary of State. Each such Secretary and agency head and the Secretary of State shall also consult with other government agencies and private persons, as appropriate.

JIMMY CARTER.

EX. ORD. NO. 12918. PROHIBITING CERTAIN TRANSACTIONS WITH RESPECT TO RWANDA AND DELEGATING AUTHORITY WITH RESPECT TO OTHER UNITED NATIONS ARMS EMBARGOES

Ex. Ord. No. 12918, May 26, 1994, 59 F.R. 28205, provided:

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 5 of the United Nations Participation Act of 1945, as amended (22 U.S.C. 287c), the

Export Administration Act of 1979, as amended (50 U.S.C. App. 2401 *et seq.*), the Arms Export Control Act (22 U.S.C. 2751 *et seq.*), and section 301 of title 3, United States Code, and in view of United Nations Security Council Resolution 918 of May 17, 1994, it is hereby ordered as follows:

SECTION 1. *Arms Embargo*. The following activities are prohibited, notwithstanding the existence of any rights or obligations conferred or imposed by any international agreement or any contract entered into or any license or permit granted before the effective date of this order, except to the extent provided in regulations, orders, directives, or licenses that may hereafter be issued pursuant to this order: (a) The sale or supply to Rwanda from the territory of the United States by any person, or by any United States person in any foreign country or other location, or using any U.S.-registered vessel or aircraft, of arms and related materiel of all types, including weapons and ammunition, military vehicles and equipment, paramilitary police equipment, and spare parts for the aforementioned, irrespective of origin. This prohibition does not apply to activities related to the United Nations Assistance Mission for Rwanda or the United Nations Observer Mission Uganda-Rwanda or other entities permitted to have such items by the United Nations Security Council; and

(b) Any willful evasion or attempt to violate or evade any of the prohibitions set forth in this order, by any person.

SEC. 2. *Definitions*. For purposes of this order, the term: (a) ''Person'' means a natural person as well as a corporation, business association, partnership, society, trust, or any other entity, organization or group, including governmental entities; and

(b) ''United States person'' means any citizen or national of the United States, any lawful permanent resident of the United States, or any corporation, business association, partnership, society, trust, or any other entity, organization or group, including governmental entities, organized under the laws of the United States (including foreign branches).

SEC. 3. *Responsibilities*. The functions and responsibilities for the enforcement of the foregoing prohibitions are delegated as follows: (a) The Secretary of State is hereby authorized to take such actions, including the promulgation of rules and regulations, and to employ all powers granted to the President by section 5 of the United Nations Participation Act [22 U.S.C. 287c] and other authorities available to the Secretary of State, as may be necessary to carry out the purpose of this order, relating to arms and related materiel of a type enumerated on the United States Munitions List (22 C.F.R. Part 121). The Secretary of State may redelegate any of these functions to other officers and agencies of the United States Government; and

(b) The Secretary of Commerce, in consultation with the Secretary of State, is hereby authorized to take such actions, including the promulgation of rules and regulations, and to employ all powers granted to the President by section 5 of the United Nations Participation Act and other authorities available to the Secretary of Commerce, as may be necessary to carry out the purpose of this order, relating to arms and related materiel identified in the Export Administration Regulations (15 C.F.R. Parts 730–799). The Secretary of Commerce may redelegate any of these functions to other officers and agencies of the United States Government.

SEC. 4. *Authorization*. All agencies of the United States Government are hereby directed to take all appropriate measures within their authority to carry out the provisions of this order, including suspension or termination of licenses or other authorizations in effect as of the date of this order.

SEC. 5. *Delegation of Authority*. The Secretary of State and the Secretary of Commerce in consultation with the Secretary of State are hereby authorized to promulgate rules and regulations, and to employ all powers granted to the President by section 5 of the United Nations Participation Act [22 U.S.C. 287c] and not otherwise delegated by Executive order, as may be necessary to carry out the purpose of implementing any other arms embargo mandated by resolution of the United Nations Security Council, consistent with the allocation of functions delegated under section 3 of this order. The Secretary of State or the Secretary of Commerce may redelegate any of these functions to other officers and agencies of the United States Government.

SEC. 6. *Judicial Review*. Nothing contained in this order shall create any right or benefit, substantive or procedural, enforceable by any party against the United States, its agencies or instrumentalities, its officers or employees, or any other person.

SEC. 7. *Effective Date*. This order shall take effect at 11:59 p.m. eastern daylight time on May 26, 1994.

WILLIAM J. CLINTON.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 12 sections 3409, 3413.

§ 287d. Use of armed forces; limitations

The President is authorized to negotiate a special agreement or agreements with the Security Council which shall be subject to the approval of the Congress by appropriate Act or joint resolution, providing for the numbers and types of armed forces, their degree of readiness and general location, and the nature of facilities and assistance, including rights of passage, to be made available to the Security Council on its call for the purpose of maintaining international peace and security in accordance with article 43 of said Charter. The President shall not be deemed to require the authorization of the Congress to make available to the Security Council on its call in order to take action under article 42 of said Charter and pursuant to such special agreement or agreements the armed forces, facilities, or assistance provided for therein: *Provided*, That, except as authorized in section 287d–1 of this title, nothing herein contained shall be construed as an authorization to the President by the Congress to make available to the Security Council for such purpose armed forces, facilities, or assistance in addition to the forces, facilities, and assistance provided for in such special agreement or agreements.

(Dec. 20, 1945, ch. 583, § 6, 59 Stat. 621; Oct. 10, 1949, ch. 660, § 4, 63 Stat. 735.)

REFERENCES IN TEXT

Article 43 of said Charter and article 42 of said Charter, referred to in text, are articles of the United Nations Charter.

Herein, referred to in text, means act Dec. 20, 1945, ch. 583, 59 Stat. 619, as amended, known as the United Nations Participation Act of 1945, which is classified generally to this subchapter (§ 287 et seq.). For complete classification of this Act to the Code, see Short Title note set out under section 287 of this title and Tables.

AMENDMENTS

1949—Act Oct. 10, 1949, inserted '', except as authorized in section 287d–1 of this title,'' in proviso.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 287e–2 of this title.

§ 287d–1. Noncombatant assistance to United Nations

(a) Armed forces details; supplies and equipment; obligation of funds; procurement and replacement of requested items

Notwithstanding the provisions of any other law, the President, upon the request by the United Nations for cooperative action, and to the extent that he finds that it is consistent with the national interest to comply with such request, may authorize, in support of such activities of the United Nations as are specifically directed to the peaceful settlement of disputes and not involving the employment of armed forces contemplated by chapter VII of the United Nations Charter—

(1) the detail to the United Nations, under such terms and conditions as the President shall determine, of personnel of the armed forces of the United States to serve as observers, guards, or in any non-combatant capacity, but in no event shall more than a total of one thousand of such personnel be so detailed at any one time: *Provided*, That while so detailed, such personnel shall be considered for all purposes as acting in the line of duty, including the receipt of pay and allowances as personnel of the armed forces of the United States, credit for longevity and retirement, and all other perquisites appertaining to such duty: *Provided further*, That upon authorization or approval by the President, such personnel may accept directly from the United Nations (a) any or all of the allowances or perquisites to which they are entitled under the first proviso hereof, and (b) extraordinary expenses and perquisites incident to such detail;

(2) the furnishing of facilities, services, or other assistance and the loan of the agreed fair share of the United States of any supplies and equipment to the United Nations by the Department of Defense, under such terms and conditions as the President shall determine;

(3) the obligation, insofar as necessary to carry out the purposes of clauses (1) and (2) of this subsection, of any funds appropriated to the Department of Defense or any department therein, the procurement of such personnel, supplies, equipment, facilities, services, or other assistance as may be made available in accordance with the request of the United Nations, and the replacement of such items, when necessary, where they are furnished from stocks.

(b) Reimbursement from United Nations; waiver of reimbursement

Whenever personnel or assistance is made available pursuant to the authority contained in subsection (a)(1) and (2) of this section, the President shall require reimbursement from the United Nations for the expense thereby incurred by the United States: *Provided*, That in exceptional circumstances, or when the President finds it to be in the national interest, he may waive, in whole or in part, the requirement of such reimbursement: *Provided further*, That when any such reimbursement is made, it shall be credited, at the option of the appropriate department of the Department of Defense, either to the appropriation, fund, or account utilized in incurring the obligation, or to an appropriate appropriation, fund, or account currently available for the purposes for which expenditures were made.

(c) Additional appropriation authorizations

In addition to the authorization of appropriations to the Department of State contained in section 287e of this title, there is hereby authorized to be appropriated to the Department of Defense, or any department therein, such sums as may be necessary to reimburse such departments in the event that reimbursement from the United Nations is waived in whole or in part pursuant to authority contained in subsection (b) of this section.

(d) Disclosure of information

Nothing in this subchapter shall authorize the disclosure of any information or knowledge in any case in which such disclosure is prohibited by any other law of the United States.

(Dec. 20, 1945, ch. 583, § 7, as added Oct. 10, 1949, ch. 660, § 5, 63 Stat. 735; amended Aug. 10, 1949, ch. 412, § 12(a), 63 Stat. 591.)

CHANGE OF NAME

National Military Establishment changed to Department of Defense by act Aug. 10, 1049.

EX. ORD. NO. 10206. SUPPORT OF PEACEFUL SETTLEMENT OF DISPUTES

Ex. Ord. No. 10206, Jan. 19, 1951, 16 F.R. 529, provided:

By virtue of the authority vested in me by the Constitution and the statutes, including the United Nations Participation Act of 1945 (59 Stat. 619), as amended [this subchapter], hereinafter referred to as the Act, and the act of August 8, 1950 (Public Law 673, 81st Congress) [sections 301 to 303 of Title 3, The President], and as President of the United States, it is hereby ordered as follows:

1. The Secretary of State, upon the request by the United Nations for cooperative action, and to the extent that he finds that it is consistent with the national interest to comply with such request, is authorized, in support of such activities of the United Nations as are specifically directed to the peaceful settlement of disputes and not involving the employment of armed forces contemplated by Chapter VII of the United Nations Charter, to request the Secretary of Defense to detail personnel of the armed forces to the United Nations, and to furnish facilities, services, or other assistance and to loan supplies and equipment to the United Nations in an agreed fair share of the United States under such terms and conditions as the Secretary of State and the Secretary of Defense shall jointly determine and in accordance with and subject to the provisions of paragraphs (1), (2), and (3) of section 7(a) of the Act [subsection (a)(1), (2) and (3) of this section], and the Secretary of Defense is authorized to comply with the request of the Secretary of State, giving due regard to the requirements of the national defense.

2. The Secretary of State, in accordance with and subject to the provisions of section 7(b) of the Act [subsection (b) of this section], shall require reimbursement from the United Nations for the expense thereby incurred by the United States whenever personnel or assistance is made available to the United Nations, except that in exceptional circumstances, or when the Secretary of State finds it to be in the national interest, he may, after consultation with the Secretary of Defense, waive, in whole or in part, the requirement of such reimbursement.

3. The Secretary of Defense, in accordance with and subject to the provisions of section 7(a)(1) of the Act

[subsection (a)(1) of this section], may authorize personnel of the armed forces detailed to the United Nations to accept directly from the United Nations (a) any or all of the allowances or perquisites to which they are entitled under the first proviso of section 7(a)(1) of the Act [subsection (a)(1) of this section], and (b) extraordinary expenses and perquisites incident to such detail.

HARRY S TRUMAN.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 287d, 287e–2, 2348 of this title.

§ 287e. Authorization of appropriations; payment of expenses

There is hereby authorized to be appropriated annually to the Department of State, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary for the payment by the United States of its share of the expenses of the United Nations as apportioned by the General Assembly in accordance with article 17 of the Charter, and for all necessary salaries and expenses of the representatives provided for in section 287 of this title, and of their appropriate staffs, including personal services in the District of Columbia and elsewhere, without regard to the civil-service laws and chapter 51 and subchapter III of chapter 53 of title 5; travel expenses without regard to the Standardized Government Travel Regulations, as amended, subchapter I of chapter 57 and section 5731 of title 5 and, under such rules and regulations as the Secretary of State may prescribe, travel expenses of families and transportation of effects of United States representatives and other personnel in going to and returning from their post of duty; allowances for living quarters, including heat, fuel, and light, as authorized by section 5912 of title 5; cost-of-living allowances for personnel stationed abroad under such rules and regulations as the Secretary of State may prescribe; communications services; stenographic reporting, translating, and other services, by contract; hire of passenger motor vehicles and other local transportation; rent of offices; printing and binding without regard to section 501 of title 44; allowances and expenses as provided in section 287r of this title, and allowances and expenses equivalent to those provided in section 4085 of this title; the lease or rental (for periods not exceeding ten years) of living quarters for the use of the representatives provided for in section 287 of this title serving abroad and of their appropriate staffs the cost of installation and use of telephones in the same manner as telephone service is provided for use of the Foreign Service pursuant to section 1348 of title 31, and unusual expenses similar to those authorized by section 5913 of title 5, incident to the operation and maintenance of such living quarters abroad; and such other expenses as may be authorized by the Secretary of State; all without regard to section 5 of title 41.

(Dec. 20, 1945, ch. 583, § 8, formerly § 7, 59 Stat. 621, renumbered and amended Oct. 10, 1949, ch. 660, § 6, 63 Stat. 736; Oct. 28, 1949, ch. 782, title II, § 202(2), title XI, § 1106(a), 63 Stat. 954, 972; Pub. L. 86–707, title III, § 311(b), Sept. 6, 1960, 74 Stat. 797; Pub. L. 96–465, title II, § 2206(a)(2)(B), Oct. 17, 1980, 94 Stat. 2161; Pub. L. 97–241, title I, § 119, Aug. 24, 1982, 96 Stat. 280; Pub. L. 100–459, title III, § 304(a), Oct. 1, 1988, 102 Stat. 2207.)

REFERENCES IN TEXT

Article 17 of the Charter, referred to in text, is article 17 of the United Nations Charter.

The civil-service laws, referred to in text, are set forth in Title 5, Government Organization and Employees. See, particularly, section 3301 et seq. of Title 5.

CODIFICATION

''Chapter 51 and subchapter III of chapter 53 of title 5'' substituted in text for ''the Classification Act of 1949'' on authority of Pub. L. 89–554, § 7(b), Sept. 6, 1966, 80 Stat. 631, the first section of which enacted Title 5, Government Organization and Employees.

''Subchapter I of chapter 57 and section 5731 of title 5'' substituted in text for ''the Travel Expense Act of 1949, and section 10 of the Act of March 3, 1933, as amended [5 U.S.C. 73b]'' on authority of Pub. L. 89–554, § 7(b), Sept. 6, 1966, 80 Stat. 631, the first section of which enacted Title 5.

''Section 5912 of title 5'' and ''section 5913 of title 5'' substituted in text for ''the Act approved June 26, 1930 (5 U.S.C. 118a)'' and ''section 22 of the Administrative Expenses Act of 1946, as amended by section 311 of the Overseas Differentials and Allowances Act [5 U.S.C. 3039]'', respectively, on authority of Pub. L. 89–554, § 7(b), Sept. 6, 1966, 80 Stat. 631, the first section of which enacted Title 5.

''Section 501 of title 44'' substituted in text for ''section 11 of the Act of March 1, 1919 (44 U.S.C. 111)'' on authority of Pub. L. 90–620, § 2(b), Oct. 22, 1968, 82 Stat. 1305, the first section of which enacted Title 44, Public Printing and Documents.

''Section 1348 of title 31'' substituted in text for ''the Act of August 23, 1912, as amended (31 U.S.C. 679)'' on authority of Pub. L. 97–258, § 4(b), Sept. 13, 1982, 96 Stat. 1067, the first section of which enacted Title 31, Money and Finance.

AMENDMENTS

1988—Pub. L. 100–459 inserted ''serving abroad'' after ''use of the representatives provided for in section 287 of this title'', inserted ''abroad'' after ''such living quarters'' and struck out at end ''Any payments made by United States Government personnel for occupancy by them of living quarters leased or rented under this section shall be credited to the appropriation, fund, or account utilized by the Secretary of State for such lease or rental or to the appropriation, fund, or account currently available for such purpose.''

1982—Pub. L. 97–241 substituted ''use of the representatives provided for in section 287 of this title and of their appropriate staffs'' for ''use of the representative of the United States to the United Nations referred to in subsection (a) of section 287 of this title'' and inserted provision that payments made by United States Government personnel for occupancy of living quarters leased or rented be credited to the appropriation, fund, or account utilized for such lease or rental or to the appropriation, fund, or account currently available for such purpose.

1980—Pub. L. 96–465 substituted reference to section 4085 of this title for reference to section 1131 of this title.

1960—Pub. L. 86–707 substituted ''and unusual expenses similar to those authorized by section 5913 of title 5, incident to the operation and maintenance of such living quarters'' for ''and the allotment of funds, similar to the allotment authorized by section 1132 of this title, for unusual expenses incident to the operation and maintenance of such living quarters, to be accounted for in accordance with section 1133 of this title.''

1949—Act Oct. 28, 1949, substituted ''Classification Act of 1949'' for ''Classification Act of 1923''.

Act Oct. 10, 1949, which renumbered section as section 8 of act Dec. 20, 1945, from section 7, authorized lease or

rental, for periods not to exceed 10 years, of a residence for our representative to the United Nations, and clarified references to the civil service and classification laws, subsistence allowances, and travel expense.

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by Pub. L. 100–459 effective July 1, 1989, see section 304(c)(1) of Pub. L. 100–459, set out as an Effective Date of 1988 Amendment; Transition Provisions note under section 287e–1 of this title.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96–465 effective Feb. 15, 1981, except as otherwise provided, see section 2403 of Pub. L. 96–465, set out as an Effective Date note under section 3901 of this title.

REPEALS

Act Oct. 28, 1949, ch. 782, cited as a credit to this section, was repealed (subject to a savings clause) by Pub. L. 89–554, Sept. 6, 1966, § 8, 80 Stat. 632, 655.

ANNUAL APPROPRIATIONS

Annual appropriations to meet the obligations of membership in various international organizations were contained in acts listed in a note set out under section 269a of this title.

TAXATION OF INTERNET OR INTERNATIONAL CURRENCY TRANSACTIONS

Pub. L. 107–77, title IV, § 404, Nov. 28, 2001, 115 Stat. 789, provided that: ''Hereafter, none of the funds appropriated or otherwise made available for the United Nations may be used by the United Nations for the promulgation or enforcement of any treaty, resolution, or regulation authorizing the United Nations, or any of its specialized agencies or affiliated organizations, to tax any aspect of the Internet or international currency transactions.''

Similar provisions were contained in the following appropriation acts:

Pub. L. 106–553, § 1(a)(2) [title IV, § 405], Dec. 21, 2000, 114 Stat. 2762, 2762A–96.

Pub. L. 106–113, div. B, § 1000(a)(1) [title IV, § 406], Nov. 29, 1999, 113 Stat. 1535, 1501A–45.

REFUND OF EXCESS CONTRIBUTIONS

Pub. L. 106–113, div. B, § 1000(a)(7) [div. A, title I, § 106(g)], Nov. 29, 1999, 113 Stat. 1536, 1501A–416, provided that: ''The United States shall continue to insist that the United Nations and its specialized and affiliated agencies shall credit or refund to each member of the agency concerned its proportionate share of the amount by which the total contributions to the agency exceed the expenditures of the regular assessed budgets of these agencies.''

REDUCTION IN APPROPRIATIONS FOR CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS IF OFFICIAL STATUS, ACCREDITATION, OR RECOGNITION IS GRANTED TO ORGANIZATION SEEKING LEGALIZATION OF PEDOPHILIA

Pub. L. 103–236, title I, § 102(g), Apr. 30, 1994, 108 Stat. 389, as amended by Pub. L. 103–415, § 1(*o*), Oct. 25, 1994, 108 Stat. 4301, provided that: ''Notwithstanding any other provision of law, the funds authorized to be appropriated for the United Nations and its affiliated agencies in 'Contributions for International Organizations' shall be reduced in the amount of $118,875,000 for fiscal year 1995, and for each year thereafter, until the President certifies to the Speaker of the House of Representatives and the President of the Senate that no United Nations agency or United Nations affiliated agency grants any official status, accreditation, or recognition to any organization which promotes and condones or seeks the legalization of pedophilia, or which includes as a subsidiary or member any such organization.''

[Functions of President under section 102(g) of Pub. L. 103–236, set out above, delegated to Secretary of State by Memorandum of President of the United States, July 26, 1994, 59 F.R. 40205, set out as a note under section 2370a of this title.]

MEMBERSHIP OF PALESTINE LIBERATION ORGANIZATION IN UNITED NATIONS AGENCIES

Pub. L. 101–246, title IV, § 414, Feb. 16, 1990, 104 Stat. 70, provided that:

''(a) PROHIBITION.—No funds authorized to be appropriated by this Act or any other Act shall be available for the United Nations or any specialized agency thereof which accords the Palestine Liberation Organization the same standing as member states.

''(b) TRANSFER OR REPROGRAMMING.—Funds subject to the prohibition contained in subsection (a) which would be available for the United Nations or any specialized agency thereof (but for that prohibition) are authorized to remain available until expended and may be reprogrammed or transferred to any other account of the Department of State or the Agency for International Development to carry out the general purposes for which such funds were authorized.''

PROBABLE EXEMPTIONS TO UNITED NATIONS EMPLOYEE HIRING FREEZE

Pub. L. 100–204, title VII, § 701, Dec. 22, 1987, 101 Stat. 1383, as amended by Pub. L. 102–138, title I, § 163, Oct. 28, 1991, 105 Stat. 676, provided that:

''(a) FINDINGS.—The Congress makes the following findings:

''(1) In April 1986, the Secretary-General of the United Nations adopted a freeze on the hiring of personnel within the United Nations Secretariat.

''(2) The conditions of the freeze were such that, as the terms of office for the personnel expired, replacements would not be recruited or hired to fill the vacant positions, with minor exceptions.

''(3) The freeze was designed to reduce United Nations personnel by 15 percent over three years, as recommended by the Group of High-Level Intergovernmental Experts to Review the Efficiency of the Administrative and Financial Functioning of the United Nations (commonly referred to as the 'Group of 18 Experts').

''(4) On May 5, 1987, the Secretary-General reported to the Department of State that he was considering granting 156 exceptions to the hiring freeze.

''(5) Of these 156 probable exceptions, 104 would be Soviet and Soviet-bloc nationals currently employed in the United Nations Secretariat—of 298 Soviet and Soviet-bloc nationals currently employed in the United Nations Secretariat—who would be replaced over the next 18 months.

''(6) According to a report from the Select Committee on Intelligence of the Senate on 'Soviet Presence in the United Nations Secretariat' (Senate Print 99–52, May 1985), approximately one-fourth of the Soviets in the United Nations Secretariat are intelligence officers, many more are co-opted by the Soviet intelligence agencies, and all Soviets in the United Nations Secretariat must respond to KGB requests for assistance.

''(7) Other United States intelligence authorities estimate that as many as one-half of the Soviet and Soviet-bloc nationals in the United Nations Secretariat are officers of the KGB or the GRU.

''(8) If the Secretary-General's probable exemptions are adopted, the Soviet Union will be allowed to replace retiring Soviet and Soviet-bloc personnel with new, highly skilled and well-trained intelligence officers of the KGB or the GRU.

''(9) The Secretary-General's proposed exceptions would thus provide the Soviet Union with the capability to rebuild its intelligence apparatus within the United States, which was devastated in recent years when the United States ordered severe reductions in the size of the Soviet mission to the United Nations, the Soviet Embassy in Washington, District of Columbia, and the Soviet Consulate in San Francisco, California.

''(10) Article 100 of the United Nations Charter calls for the establishment of an international civil service whose members are neutral and loyal only to the United Nations.

''(11) Section 3 of Article 101 of the United Nations Charter calls for the appointment of individuals who are professionally qualified for the positions they are to fill and maintains that due regard shall be paid to the importance of recruiting the staff on as wide a geographical basis as possible.

''(12) As of September 1985, 442 of 446 Soviet nationals employed throughout the United Nations system are 'seconded', that is, serve on short, fixed-term contracts.

''(13) Through the abuse of short, fixed-term contracts, the Soviet Union has maintained undue influence and control over major offices of the United Nations Secretariat, thereby effectively using the United Nations Secretariat in the conduct of its foreign relations, in clear violation of Articles 100 and 101 of the United Nations Charter.

''(14) The Secretary-General's proposed exceptions to the hiring freeze (as described in paragraphs (1) through (5)) would continue the gross violations of Articles 100 and 101 of the United Nations Charter described in paragraph (13).

''(15) The Secretary-General's proposed exceptions to such hiring freeze would be clearly inconsistent with the terms of the United Nation's self-imposed reform program.

''(16) The United Nations has not yet achieved its reform goals and there is no indication that the United Nations can afford to make such large exceptions to such hiring freeze.

''(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that—

''(1) the President should take all such actions necessary to ensure compliance with the hiring freeze rule, including withholding all assessed United States contributions to the United Nations, and denying United States entry visas to Soviet and Soviet-bloc applicants coming to the United States to replace Soviet and Soviet-bloc nationals currently serving in the United Nations Secretariat;

''(2) the President, through the Department of State and the United States mission to the United Nations, should express to the Secretary-General of the United Nations the insistence of the American people that the hiring freeze continue indefinitely, or until the United Nations has complied with the Group of 18 recommendations and can thus afford to make exceptions to the freeze;

''(3) the Secretary-General should revoke all exceptions to the hiring freeze rule, excepting those member-nations which have 15 or fewer nationals serving in the United Nations Secretariat, or those positions not subject to geographical representation, such as those of the general service category;

''(4) the long-term, flagrant violations of Articles 100 and 101 of the United Nations Charter and the abuse of secondment by the Soviet Union and Soviet-bloc member-nations are reprehensible;

''(5) the United Nations should adopt the recommendations of the Group of 18 (as referred to in subsection (a)(3)) that no member-nation be allowed to have more than 50 percent of its nationals employed under fixed-term contracts;

''(6) the Soviet Union is hereby condemned for—

''(A) its refusal to adhere to the principles of the United Nations Charter calling for an international civil service,

''(B) its abuse of secondment, and

''(C) its absolute disregard of the solemn purpose of the United Nations to be an international civil service; and

''(7) if the Soviet Union and the Soviet-bloc intend to remain member-nations of the United Nations, they should adhere to Articles 100, 101, and all other principles of the United Nations Charter to which every other member-nation must adhere.

''(c) DEFINITION.—For the purposes of this section, the term 'Soviet-bloc' means the countries of Bulgaria, Cuba, Czechoslovakia, East Germany, Hungary, Nicaragua, North Korea, Poland, and Romania.''

HOUSING ALLOWANCES OF INTERNATIONAL CIVIL SERVANTS

Pub. L. 100–204, title VII, § 703, Dec. 22, 1987, 101 Stat. 1389, provided that:

''(a) UNITED STATES POLICY.—It is the policy of the United States to seek the implementation by the United Nations of the recommendation by the International Civil Service Commission to deduct from the pay (commonly referred to as a 'rental deduction') of an international civil servant the amount of any housing allowance or payment which is provided by any member state to that international civil servant, in accordance with Article 100 of the Charter of the United Nations and regulations thereunder.

''(b) UNITED STATES AMBASSADOR TO THE UNITED NATIONS.—The United States Ambassador to the United Nations shall seek to promote the adoption of the recommendation described in subsection (a).''

REFORM IN BUDGET DECISION-MAKING PROCEDURES OF UNITED NATIONS AND ITS SPECIALIZED AGENCIES

Pub. L. 103–236, title IV, § 409(a)–(d), Apr. 30, 1994, 108 Stat. 454, provided that:

''(a) ASSESSED CONTRIBUTIONS.—For assessed contributions authorized to be appropriated for 'Assessed Contributions to International Organizations' by this Act [108 Stat. 382, 388], the President may withhold 20 percent of the funds appropriated for the United States assessed contribution to the United Nations or to any of its specialized agencies for any calendar year if the United Nations or any such agency has failed to implement or to continue to implement consensus-based decisionmaking procedures on budgetary matters which assure that sufficient attention is paid to the views of the United States and other member states that are the major financial contributors to such assessed budgets.

''(b) NOTICE TO CONGRESS.—The President shall notify the Congress when a decision is made to withhold any share of the United States assessed contribution to the United Nations or its specialized agencies pursuant to subsection (a) and shall notify the Congress when the decision is made to pay any previously withheld assessed contribution. A notification under this subsection shall include appropriate consultation between the President (or the President's representative) and the Committee on Foreign Affairs [now Committee on International Relations] of the House of Representatives and the Committee on Foreign Relations of the Senate.

''(c) CONTRIBUTIONS FOR PRIOR YEARS.—Subject to the availability of appropriations, payment of assessed contributions for prior years may be made to the United Nations or any of its specialized agencies notwithstanding subsection (a) if such payment would further United States interests in that organization.

''(d) REPORT TO CONGRESS.—Not later than February 1 of each year, the President shall submit to the Congress a report concerning the amount of United States assessed contributions paid to the United Nations and each of its specialized agencies during the preceding calendar year.''

[Functions of President under section 409 of Pub. L. 103–236, set out above, delegated to Secretary of State by Memorandum of President of the United States, July 26, 1994, 59 F.R. 40205, set out as a note under section 2370a of this title.]

Similar provisions were contained in the following prior authorization act:

Pub. L. 102–138, title I, § 162(a)–(d), Oct. 28, 1991, 105 Stat. 675; repealed by Pub. L. 103–236, title I, § 139(21), title IV, § 409(e), Apr. 30, 1994, 108 Stat. 399, 454, as amended by Pub. L. 103–415, § 1(aa), Oct. 25, 1994, 108 Stat. 4302.

Pub. L. 101–246, title IV, § 405, Feb. 16, 1990, 104 Stat. 65, provided that progress had been made in formula-

tion and implementation of budget reforms by United Nations and its specialized agencies but that limitation on United States assessed contributions would continue until President made specific determinations on continued implementation of decisionmaking procedures on budget matters, elimination of abuse of secondment in United Nations Secretariat, and reduction in staff of United Nations Secretariat, prior to repeal by Pub. L. 102–138, title I, § 162(e), Oct. 28, 1991, 105 Stat. 676.

Pub. L. 99–93, title I, § 143, Aug. 16, 1985, 99 Stat. 424, as amended by Pub. L. 100–204, title VII, § 702(b), Dec. 22, 1987, 101 Stat. 1386, provided for limitation on assessed contributions of United States until reform in budget decisionmaking procedures of United Nations and its specialized agencies had been formulated and implemented as determined by President and reported to Congress, prior to repeal by Pub. L. 102–138, title I, § 162(e), Oct. 28, 1991, 105 Stat. 676.

EMPLOYEES OF THE UNITED NATIONS

Pub. L. 99–93, title I, § 151, Aug. 16, 1985, 99 Stat. 428, provided that:

''(a) INITIAL REPORT.—Not later than 90 days after the date of enactment of this Act [Aug. 16, 1985], the Secretary of State shall report to the Congress on whether, and the extent to which, international civil servants employed by the United Nations, including those seconded to the United Nations, are required to return all or part of their salaries to their respective governments. The Secretary shall also include in this report a description of the steps taken by the Department of State and by the United States Representative to the United Nations to correct this practice.

''(b) REPORT ON STEPS TO CORRECT PRACTICE.—The Secretary of State shall determine and report to the Congress on whether substantial progress has been made by June 1, 1986, in correcting the practice of international civil servants employed by the United Nations being required to return all or part of their salaries to their respective governments.

''(c) REDUCTION IN CONTRIBUTION IF SUBSTANTIAL PROGESS [sic] NOT MADE.—If the Secretary of State determines pursuant to subsection (b) that substantial progress has not been made in correcting this practice, the United States shall thereafter reduce the amount of its annual assessed contributions to the United Nations by the amount of that contribution which is the United States proportionate share of the salaries of those international civil servants employed by the United Nations who are returning any portion of their salaries to their respective governments.

''(d) NATIONAL TAXATION.—This section does not apply with respect to payments made for purposes of national taxation in accordance with formal treaty reservations concerning such taxation by a member state of the United Nations.''

RESTRICTIONS RELATING TO THE PALESTINE LIBERATION ORGANIZATION AND THE SOUTH WEST AFRICA PEOPLE'S ORGANIZATION

Pub. L. 98–164, title I, § 114, Nov. 22, 1983, 97 Stat. 1020, as amended by Pub. L. 99–93, title I, § 144, Aug. 16, 1985, 99 Stat. 424; Pub. L. 100–204, title VII, § 705, Dec. 22, 1987, 101 Stat. 1390, provided that:

''(a) Funds appropriated for any fiscal year for the Department of State for 'International Organizations and Conferences' may not be used for payment by the United States, as its contribution toward the assessed budget of the United Nations for any year, of any amount which would cause the total amount paid by the United States as its assessed contribution for that year to exceed the amount assessed as the United States contribution for that year less—

''(1) 25 per centum of the amount budgeted for that year for the Committee on the Exercise for the Inalienable Rights of the Palestinian People (or any similar successor entity); and

''(2) 25 per centum of the amount budgeted for that year for the Special Unit on Palestinian Rights (or any similar successor entity);

''(3) 25 percent of the amount budgeted for that year for the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories (or any similar successor entity);

''(4) 25 per centum of the amount budgeted for that year for projects whose primary purpose is to provide benefits to the Palestine Liberation Organization or entities associated with it or to the South West Africa People's Organization;

''(5) 25 percent of the amount budgeted for that year for the Second Decade to Combat Racism and Racial Discrimination;

''(6) 25 percent of the amount budgeted for any other United Nations agency or conference whose sole or partial purpose is to implement the provisions of General Assembly Resolution 33/79; and

''(7) 25 percent of the amount budgeted for the General Assembly-approved $73,500,000 conference center to be constructed for the Economic Commission for Africa (ECA) in the Ethiopian capital of Addis Ababa.

''(b) Funds appropriated for any fiscal year for the Department of State for 'International Organizations and Conferences' may not be used for payment by the United States, as its contribution toward the assessed budget of any specialized agency of the United Nations for any year, of any amount which would cause the total amount paid by the United States as its assessed contribution for that year to exceed the amount assessed as the United States contribution for that year less 25 per centum of the amount budgeted by such agency for that year for projects whose primary purpose is to provide benefits to the Palestine Liberation Organization or entities associated with it or to the South West Africa People's Organization.

''(c) The President shall annually review the budgets of the United Nations and its specialized agencies to determine which projects have the primary purpose of providing benefits to the Palestine Liberation Organization or to the South West Africa People's Organization. The President shall report to the Congress on any such project for which a portion of the United States assessed contribution is withheld and the amount withheld.

''(d) Subsections (a)(3) and (b) shall not be construed as limiting United States contributions to the United Nations or its specialized agencies for projects whose primary purpose is to provide humanitarian, educational, developmental, and other nonpolitical benefits.''

ANNUAL REVIEW FOR PROJECTS PROVIDING POLITICAL BENEFITS TO PALESTINE LIBERATION ORGANIZATION; REPORT TO CONGRESS ON WITHHOLDING OF ASSESSED CONTRIBUTION

Section 104(c) of Pub. L. 97–241 provided that: ''The President shall annually review the budgets of the United Nations and its specialized agencies to determine which projects have the primary purpose of providing political benefit to the Palestine Liberation Organization. The President shall report to the Congress on any such project for which a portion of the United States assessed contribution is withheld and the amount withheld.''

[Functions of the President under section 104(c) of Pub. L. 97–241, set out as a note above, delegated to the Secretary of State, see Ex. Ord. No. 12374, July 28, 1982, 47 F.R. 32903, as amended by Ex. Ord. No. 12408, Feb. 23, 1983, 48 F.R. 8035.]

LIMIT ON PAYMENTS TO UNITED NATIONS AND AFFILIATED AGENCIES

Pub. L. 103–236, title IV, § 404(b)(1), (2), Apr. 30, 1994, 108 Stat. 447, provided that:

''(1) FISCAL YEARS 1994 AND 1995.—Funds authorized to be appropriated for 'Contributions for International Peacekeeping Activities' for fiscal years 1994 and 1995 shall not be available for the payment of the United States assessed contribution for a United Nations

peacekeeping operation in an amount which is greater than 30.4 percent of the total of all assessed contributions for that operation, notwithstanding the last sentence of the paragraph headed 'Contributions to International Organizations' in Public Law 92–544, as amended by section 203 of the Foreign Relations Authorization Act, Fiscal Year 1976 (22 U.S.C. 287e note).

''(2) SUBSEQUENT FISCAL YEARS.—Funds authorized to be appropriated for 'Contributions for International Peacekeeping Activities' for any fiscal year after fiscal year 1995 shall not be available for the payment of the United States assessed contribution for a United Nations peacekeeping operation in an amount which is greater than 25 percent of the total of all assessed contributions for that operation.''

Pub. L. 103–236, title IV, § 410, Apr. 30, 1994, 108 Stat. 454, provided that: ''The United States shall not make any voluntary or assessed contribution—

''(1) to any affiliated organization of the United Nations which grants full membership as a state to any organization or group that does not have the internationally recognized attributes of statehood, or

''(2) to the United Nations, if the United Nations grants full membership as a state in the United Nations to any organization or group that does not have the internationally recognized attributes of statehood,

during any period in which such membership is effective.''

Pub. L. 92–544, title I, § 101, Oct. 25, 1972, 86 Stat. 1110, as amended by Pub. L. 94–141, title II, § 203, Nov. 29, 1975, 89 Stat. 762; Pub. L. 103–236, title IV, § 404(b)(3), Apr. 30, 1994, 108 Stat. 447, provided that: ''After December 31, 1973, no appropriation is authorized and no payment shall be made to the United Nations or any affiliated agency in excess of 25 per centum of the total annual assessment of such organization. Appropriations are authorized and contributions and payments may be made to the following organizations and activities notwithstanding that such contributions and payments are in excess of 25 per centum of the total annual assessment of the respective organization or 33⅓ per centum of the budget for the respective activity: the International Atomic Energy Agency, the joint financing program of the International Civil Aviation Organization, and contributions for international peacekeeping activities (other than United Nations peacekeeping operations) conducted through multilateral agreements.''

UNITED STATES ASSESSED CONTRIBUTION TO THE UNITED NATIONS

Pub. L. 92–226, pt. IV, § 410, Feb. 7, 1972, 86 Stat. 36, provided that: ''The Congress strongly urges the President to undertake such negotiations as may be necessary to implement that portion of the recommendations of the Report of the President's Commission for the Observance of the Twenty-fifth Anniversary of the United Nations (known as the 'Lodge Commission') which proposes that the portion of the regular assessed costs to be paid by the United States to the United Nations be reduced so that the United States is assessed in each year not more than 25 per centum of such costs assessed all members of the United Nations for that year.''

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 287d–1, 289b, 2673 of this title.

§ 287e–1. Housing supplement for certain employees assigned to the United States Mission to the United Nations

The Secretary of State may, under such regulations as he shall prescribe, and notwithstanding section 3324(a) and (b) of title 31 and section 5536 of title 5:

(1) Make available to the Representative of the United States to the United Nations and the Deputy Permanent Representative of the United States to the United Nations living quarters leased or rented by the United States (for periods not exceeding ten years) and allowances for unusual expenses incident to the operation and maintenance of such living quarters similar to those and to be considered for all purposes as authorized by section 5913 of title 5.

(2) Make available in New York to no more than 30 foreign service employees of the staff of the United States Mission to the United Nations, other representatives, and no more than two employees who serve at the pleasure of the Representative, living quarters leased or rented by the United States (for periods not exceeding ten years). The number of employees to which such quarters will be made available shall be determined by the Secretary and shall reflect a significant reduction over the number of persons eligible for housing benefits as of October 1, 1988. No employee may occupy a unit under this provision if the unit is owned by the employee. The Secretary shall require that each employee occupying housing under this subsection contribute to the Department of State a percentage of his or her base salary, in an amount to be determined by the Secretary of State, toward the cost of such housing. The Secretary may reduce such payments to the extent of income taxes paid on the value of the leased or rented quarters any payments made by employees to the Department of State for occupancy by them of living quarters leased or rented under this section shall be credited to the appropriation, fund, or account utilized by the Secretary of State for such lease or rental or to the appropriation, fund, or account currently available for such purpose.

(3) provide[1] such allowance as the Secretary considers appropriate, to each Delegate and Alternate Delegate of the United States to any session of the General Assembly of the United Nations who is not a permanent member of the staff of the United States Mission to the United Nations, in order to compensate each such Delegate or Alternate Delegate for necessary housing and subsistence expenses incurred by him with respect to attending any such session.

(4) The Inspector General shall review the program established by this section no later than December 1989 and periodically thereafter with a view to increasing cost savings and making other appropriate recommendations.

(Dec. 20, 1945, ch. 583, § 9, as added Pub. L. 93–126, § 15, Oct. 18, 1973, 87 Stat. 454; amended Pub. L. 98–164, title II, § 215, Nov. 22, 1983, 97 Stat. 1035; Pub. L. 100–459, title III, § 304(b), Oct. 1, 1988, 102 Stat. 2207; Pub. L. 106–309, title IV, § 405, Oct. 17, 2000, 114 Stat. 1098.)

CODIFICATION

''Section 3324(a) and (b) of title 31'' substituted in introductory text for ''section 3648 of the Revised Statutes (31 U.S.C. 3324)'' on authority of Pub. L. 97–258, § 4(b), Sept. 13, 1982, 96 Stat. 1067, the first section of which enacted Title 31, Money and Finance.

[1] So in original. Probably should be capitalized.

''Section 5913 of title 5'' substituted in par. (1) for ''section 22 of the Administrative Expenses Act of 1946, as amended by section 311 of the Overseas Differentials and Allowances Act'' on authority of Pub. L. 89–554, § 7(b), Sept. 6, 1966, 80 Stat. 631, the first section of which enacted Title 5, Government Organization and Employees.

AMENDMENTS

2000—Par. (2). Pub. L. 106–309 substituted ''30 foreign service employees'' for ''18 foreign service employees''.

1988—Pub. L. 100–459, § 304(b)(1), (3), substituted reference to Secretary of State for reference to President in introductory provisions and struck out last sentence providing that not more than fifty employees, including not more than five employees of the United Stated Information Agency, could receive an allowance under par. (1) of this section at any one time.

Par. (1). Pub. L. 100–459, § 304(b)(1), (3), added par. (1) and struck out former par. (1) which read as follows: ''grant any employee of the staff of the United States Mission to the United Nations designated by the Secretary of State, and any employee of the United States Information Agency designated by the Director of that Agency, who is required because of important representational responsibilities to live in the extraordinarily high-rent area immediately surrounding the headquarters of the United Nations in New York, New York, an allowance to compensate for the portion of expenses necessarily incurred by the employee for quarters and utilities which exceed the average of such expenses necessarily incurred by the employee for quarters and utilities which exceed the average of such expenses incurred by typical, permanent residents of the Metropolitan New York, New York, area with comparable salary and family size who are not compelled by reason of their employment to live in such high-rent area; and''.

Pars. (2) to (4). Pub. L. 100–459, § 304(b)(2), (3), added par. (2), redesignated former par. (2) as (3) and substituted ''Secretary'' for ''President'', and added par. (4).

1983—Pub. L. 98–164, § 215(2), inserted limitation of five United States Information Agency employees, and substituted ''fifty'' for ''forty-five''.

Par. (1). Pub. L. 98–164, § 215(1), inserted provisions relating to applicability to United States Information Agency employees.

EFFECTIVE DATE OF 1988 AMENDMENT; TRANSITION PROVISIONS

Section 304(c) of Pub. L. 100–459 provided that:

''(1) Provisions set forth in this section [amending this section and section 287e of this title] shall be effective July 1, 1989.

''(2) In the event that taxes paid by an employee on the benefit provided under subsection (2) of section 9 [22 U.S.C. 287e–1(2)] exceed the contribution amount computed as a percentage of base salary under that subsection, the Department of State may reimburse the employee up to the amount of such differential for the period from the date of enactment of this Act [Oct. 1, 1988] through July 1, 1989.''

DELEGATION OF FUNCTIONS

Authority of President under this section delegated to Secretary of State, see section 4(b) of Ex. Ord. No. 11609, July 22, 1971, 36 F.R. 13747, as amended by Ex. Ord. No. 11779, Apr. 22, 1974, 39 F.R. 14185, set out as a note under section 301 of Title 3, The President.

§ 287e–2. Reimbursement for goods and services provided by the United States to the United Nations

(a) Requirement to obtain reimbursement

(1) In general

Except as provided in paragraph (2), the President shall seek and obtain in a timely fashion a commitment from the United Nations to provide reimbursement to the United States from the United Nations whenever the United States Government furnishes assistance pursuant to the provisions of law described in subsection (c) of this section—

(A) to the United Nations when the assistance is designed to facilitate or assist in carrying out an assessed peacekeeping operation;

(B) for any United Nations peacekeeping operation that is authorized by the United Nations Security Council under Chapter VI or Chapter VII of the United Nations Charter and paid for by peacekeeping or regular budget assessment of the United Nations members; or

(C) to any country participating in any operation authorized by the United Nations Security Council under Chapter VI or Chapter VII of the United Nations Charter and paid for by peacekeeping assessments of United Nations members when the assistance is designed to facilitate or assist the participation of that country in the operation.

(2) Exceptions

(A) In general

The requirement in paragraph (1) shall not apply to—

(i) goods and services provided to the United States Armed Forces;

(ii) assistance having a value of less than $3,000,000 per fiscal year per operation;

(iii) assistance furnished before November 29, 1999;

(iv) salaries and expenses of civilian police and other civilian and military monitors where United Nations policy is to require payment by contributing members for similar assistance to United Nations peacekeeping operations; or

(v) any assistance commitment made before November 29, 1999.

(B) Deployments of United States military forces

The requirements of subsection (d)(1)(B) of this section shall not apply to the deployment of United States military forces when the President determines that such deployment is important to the security interests of the United States. The cost of such deployment shall be included in the data provided under section 2348d of this title.

(3) Form and amount

(A) Amount

The amount of any reimbursement under this subsection shall be determined at the usual rate established by the United Nations.

(B) Form

Reimbursement under this subsection may include credits against the United States assessed contributions for United Nations peacekeeping operations, if the expenses incurred by any United States department or agency providing the assistance have first been reimbursed.

(b) Treatment of reimbursements

(1) Credit

The amount of any reimbursement paid the United States under subsection (a) of this section shall be credited to the current applicable appropriation, fund, or account of the United States department or agency providing the assistance for which the reimbursement is paid.

(2) Availability

Amounts credited under paragraph (1) shall be merged with the appropriations, or with appropriations in the fund or account, to which credited and shall be available for the same purposes, and subject to the same conditions and limitations, as the appropriations with which merged.

(c) Covered assistance

Subsection (a) of this section applies to assistance provided under the following provisions of law:

(1) Sections 287d and 287d–1 of this title.

(2) Sections 2261, 2318(a)(1), 2321j, 2348a(c), and 2357 of this title.

(3) Any other provisions of law pursuant to which assistance is provided by the United States to carry out the mandate of an assessed United Nations peacekeeping operation.

(d) Waiver

(1) Authority

(A) In general

The President may authorize the furnishing of assistance covered by this section without regard to subsection (a) of this section if the President determines, and so notifies in writing the Committee on Foreign Relations of the Senate and the Speaker of the House of Representatives, that to do so is important to the security interests of the United States.

(B) Congressional notification

When exercising the authorities of subparagraph (A), the President shall notify the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives in accordance with the procedures applicable to reprogramming notifications under section 2394–1 of this title.

(2) Congressional review

Notwithstanding a notice under paragraph (1) with respect to assistance covered by this section, subsection (a) of this section shall apply to the furnishing of the assistance if, not later than 15 calendar days after receipt of a notification under that paragraph, the Congress enacts a joint resolution disapproving the determination of the President contained in the notification.

(3) Senate procedures

Any joint resolution described in paragraph (2) shall be considered in the Senate in accordance with the provisions of section 601(b) of the International Security Assistance and Arms Export Control Act of 1976.

(e) Relationship to other reimbursement authority

Nothing in this section shall preclude the President from seeking reimbursement for assistance covered by this section that is in addition to the reimbursement sought for the assistance under subsection (a) of this section.

(f) Definition

In this section, the term ''assistance'' includes personnel, services, supplies, equipment, facilities, and other assistance if such assistance is provided by the Department of Defense or any other United States Government agency.

(Dec. 20, 1945, ch. 583, § 10, as added Pub. L. 106–113, div. B, § 1000(a)(7) [div. A, title VII, § 723], Nov. 29, 1999, 113 Stat. 1536, 1501A–463.)

REFERENCES IN TEXT

Section 601(b) of the International Security Assistance and Arms Export Control Act of 1976, referred to in subsec. (d)(3), is section 601(b) of Pub. L. 94–329, title VI, June 30, 1976, 90 Stat. 765, which is not classified to the Code.

§ 287f. Omitted

CODIFICATION

Section, act Oct. 22, 1951, ch. 533, title I, 65 Stat. 577, which authorized the Department of State to acquire surplus property for the United Nations and authorized the reduction of the United States contribution to the United Nations by the value of the property acquired and expenses incidental thereto, was from the Department of State Appropriation Act, 1952, and was not repeated in subsequent appropriation acts. Similar provisions were contained in act Sept. 6, 1950, ch. 896, ch. III, title I, 64 Stat. 610.

§ 287g. Authorization of appropriations for loan to United Nations; restrictions on use of proceeds of loan

There is hereby authorized to be appropriated to the President, without fiscal-year limitation, out of any money in the Treasury not otherwise appropriated, $100,000,000 for a loan to the United Nations. The proceeds of such loan shall not be used to relieve members of the United Nations of their obligation to pay arrearages on payments of any United Nations assessments, and shall not be used to reduce regular or special assessments against any such members.

(Pub. L. 87–731, § 1, Oct. 2, 1962, 76 Stat. 695.)

CODIFICATION

Section was not enacted as part of act Dec. 20, 1945, ch. 583, 59 Stat. 619, known as the United Nations Participation Act of 1945, which comprises this subchapter.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 287h, 287i of this title.

§ 287h. Limitation on loan

The total amount of money that may be loaned to the United Nations pursuant to the authorization contained in section 287g of this title shall not exceed the aggregate amount of loans made by other nations.

(Pub. L. 87–731, § 2, Oct. 2, 1962, 76 Stat. 695.)

CODIFICATION

Section was not enacted as part of act Dec. 20, 1945, ch. 583, 59 Stat. 619, known as the United Nations Participation Act of 1945, which comprises this subchapter.

§ 287i. Deduction of principal and interest from annual payment of assessed share of United States of budget

There shall be deducted from the annual payment of the assessed share of the United States of the budget of the United Nations an amount equal to the corresponding annual installment of principal and interest due to the United States on account of the loan made pursuant to section 287g of this title.

(Pub. L. 87–731, § 3, Oct. 2, 1962, 76 Stat. 696.)

CODIFICATION

Section was not enacted as part of act Dec. 20, 1945, ch. 583, 59 Stat. 619, known as the United Nations Participation Act of 1945, which comprises this subchapter.

§ 287j. Participation in future United Nations borrowing; promotion of pattern of financing to avoid future large-scale deficits; report to Congress

Nothing herein shall be regarded as authorizing the United States to participate in any future United Nations borrowing. It is the sense of the Congress that the United States shall use its best efforts to promote a pattern of United Nations financing (including a vigorous program for collection of delinquencies on annual assessments of nations and maintenance of such annual assessments on a current basis) that will avoid any future large-scale deficits.

(Pub. L. 87–731, § 4, Oct. 2, 1962, 76 Stat. 696.)

CODIFICATION

Section originally contained a provision instructing the Department of State to submit to the Congress, not later than Jan. 31, 1963, a report on steps taken in the 17th Session of the General Assembly of the United Nations on long term financing of the United Nations which was omitted.

§ 287k. Congressional expression of satisfaction that expenditures relating to operations in Middle East and in the Congo are "expenses of the Organization"

The Congress expresses its satisfaction that the International Court of Justice has decided that the expenditures authorized in resolutions of the United Nations General Assembly relating to operations in the Middle East and in the Congo are ''expenses of the Organization'' within the meaning of the United Nations Charter, thereby providing a sound basis for obtaining prompt payment of assessments for such expenditures by making them obligations of all members of the United Nations.

(Pub. L. 87–731, § 5, Oct. 2, 1962, 76 Stat. 696.)

§ 287*l*. Congressional declaration that United Nations take steps to give effect to advisory opinion of International Court of Justice on financial obligations of members

It is the sense of the Congress that the United Nations should take immediate steps to give effect to the advisory opinion of the International Court of Justice on the financial obligations of members of the United Nations in order to assure prompt payment of all assessments, including assessments to cover the cost of operations to maintain or restore international peace and security.

(Pub. L. 87–731, § 6, Oct. 2, 1962, 76 Stat. 696.)

SUBCHAPTER XVII—UNITED NATIONS EDUCATIONAL, SCIENTIFIC, AND CULTURAL ORGANIZATION

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in sections 272a, 280b, 280i, 280k, 290b of this title.

§ 287m. Acceptance of membership by the United States

The President is hereby authorized to accept membership for the United States in the United Nations Educational, Scientific, and Cultural Organization (hereinafter referred to as the ''Organization''), the constitution of which was approved in London on November 16, 1945, by the United Nations Conference for the establishment of an Educational, Scientific, and Cultural Organization, and deposited in the Archives of the Government of the United Kingdom.

(July 30, 1946, ch. 700, § 1, 60 Stat. 712.)

CONSTITUTION OF THE UNITED NATIONS EDUCATIONAL, SCIENTIFIC, AND CULTURAL ORGANIZATION

THE GOVERNMENTS OF THE STATES PARTIES TO THIS CONSTITUTION ON BEHALF OF THEIR PEOPLES DECLARE

that since wars begin in the minds of men, it is in the minds of men that the defences of peace must be constructed;

that ignorance of each other's ways and lives has been a common cause, throughout the history of mankind, of that suspicion and mistrust between the peoples of the world through which their differences have all too often broken into war;

that the great and terrible war which has now ended was a war made possible by the denial of the democratic principles of the dignity, equality and mutual respect of men, and by the propagation, in their place, through ignorance and prejudice, of the doctrine of the inequality of men and races;

that the wide diffusion of culture, and the education of humanity for justice and liberty and peace are indispensable to the dignity of man and constitute a sacred duty which all the nations must fulfill in a spirit of mutual assistance and concern;

that a peace based exclusively upon the political and economic arrangements of governments would not be a peace which could secure the unanimous, lasting and sincere support of the peoples of the world, and that the peace must therefore be founded, if it is not to fail, upon the intellectual and moral solidarity of mankind.

FOR THESE REASONS,

the States parties to this Constitution, believing in full and equal opportunities for education for all, in the unrestricted pursuit of objective truth, and in the free exchange of ideas and knowledge, are agreed and determined to develop and to increase the means of communication between their peoples and to employ these means for the purposes of mutual understanding and a truer and more perfect knowledge of each other's lives;

IN CONSEQUENCE WHEREOF

they do hereby create the United Nations Educational, Scientific and Cultural Organisation for the purpose of advancing, through the educational and scientific and cultural relations of the peoples of the world, the objectives of international peace and of the common welfare of mankind for which the United Nations Organisation was established and which its Charter proclaims.

ARTICLE I.

Purposes and Functions

1. The purpose of the Organisation is to contribute to peace and security by promoting collaboration among the nations through education, science, and culture in order to further universal respect for justice, for the rule of law and for the human rights and fundamental freedoms which are affirmed for the peoples of the world, without distinction of race, sex, language or religion, by the Charter of the United Nations.

2. To realise this purpose the Organisation will:

(*a*) collaborate in the work of advancing the mutual knowledge and understanding of peoples, through all means of mass communication and to that end recommend such international agreements as may be necessary to promote the free flow of ideas by word and image;

(*b*) give fresh impulse to popular education and to the spread of culture;

by collaborating with Members, at their request, in the development of educational activities; by instituting collaboration among the nations to advance the ideal of equality of educational opportunity without regard to race, sex or any distinctions, economic or social;

by suggesting educational methods best suited to prepare the children of the world for the responsibilities of freedom;

(*c*) maintain, increase and diffuse knowledge;

by assuring the conservation and protection of the world's inheritance of books, works of art and monuments of history and science, and recommending to the nations concerned the necessary international conventions;

by encouraging cooperation among the nations in all branches of intellectual activity, including the international exchange of persons active in the fields of education, science and culture and the exchange of publications, objects of artistic and scientific interest and other materials of information;

by initiating methods of international cooperation calculated to give the people of all countries access to the printed and published materials produced by any of them.

3. With a view to preserving the independence, integrity and fruitful diversity of the cultures and educational systems of the States Members of this Organisation, the Organisation is prohibited from intervening in matters which are essentially within their domestic jurisdiction.

ARTICLE II.

Membership

1. Membership of the United Nations Organisation shall carry with it the right to membership of the United Nations Educational, Scientific and Cultural Organisation.

2. Subject to the conditions of the agreement between this Organisation and the United Nations Organisation, approved pursuant to Article X of this Constitution, States not members of the United Nations Organisation may be admitted to membership of the Organisation, upon recommendation of the Executive Board, by a two-thirds majority vote of the General Conference.

3. Members of the Organisation which are suspended from the exercise of the rights and privileges of membership of the United Nations Organisation shall, upon the request of the latter, be suspended from the rights and privileges of this Organisation.

4. Members of the Organisation which are expelled from the United Nations Organisation shall automatically cease to be members of this Organisation.

ARTICLE III.

Organs

The Organisation shall include a General Conference, an Executive Board and a Secretariat.

ARTICLE IV.

The General Conference

A. Composition.

1. The General Conference shall consist of the representatives of the States Members of the Organisation. The Government of each Member State shall appoint not more than five delegates, who shall be selected after consultation with the National Commission, if established, or with educational, scientific and cultural bodies.

B. Functions

2. The General Conference shall determine the policies and the main lines of work of the Organisation. It shall take decisions on programmes drawn up by the Executive Board.

3. The General Conference shall, when it deems it desirable, summon international conferences on education, the sciences and humanities and the dissemination of knowledge.

4. The General Conference shall, in adopting proposals for submission to the Member States, distinguish between recommendations and international conventions submitted for their approval. In the former case a majority vote shall suffice; in the latter case a two-thirds majority shall be required. Each of the Member States shall submit recommendations or conventions to its competent authorities within a period of one year from the close of the session of the General Conference at which they were adopted.

5. The General Conference shall advise the United Nations Organisation on the educational, scientific and cultural aspects of matters of concern to the latter, in accordance with the terms and procedure agreed upon between the appropriate authorities of the two Organisations.

6. The General Conference shall receive and consider the reports submitted periodically by Member States as provided by Article VIII.

7. The General Conference shall elect the members of the Executive Board and, on the recommendation of the Board, shall appoint the Director-General.

C. Voting

8. Each Member State shall have one vote in the General Conference. Decisions shall be made by a simple majority except in cases in which a two-thirds majority is required by the provisions of this Constitution. A majority shall be a majority of the Members present and voting.

D. Procedure

9. The General Conference shall meet annually in ordinary session; it may meet in extraordinary session on the call of the Executive Board. At each session the location of its next session shall be designated by the General Conference and shall vary from year to year.

10. The General Conference shall, at each session, elect a President and other officers and adopt rules of procedure.

11. The General Conference shall set up special and technical committees and such other subordinate bodies as may be necessary for its purposes.

12. The General Conference shall cause arrangements to be made for public access to meetings, subject to such regulations as it shall prescribe.

E. Observers

13. The General Conference, on the recommendation of the Executive Board and by a two-thirds majority may, subject to its rules of procedure, invite as observers at specified sessions of the Conference or of its commissions representatives of international organisations, such as those referred to in Article XI, paragraph 4.

ARTICLE V.

Executive Board

A. Composition

1. The Executive Board shall consist of eighteen members elected by the General Conference from

among the delegates appointed by the Member States, together with the President of the Conference who shall sit *ex officio* in an advisory capacity.

2. In electing the members of the Executive Board the General Conference shall endeavour to include persons competent in the arts, the humanities, the sciences, education and the diffusion of ideas, and qualified by their experience and capacity to fulfill the administrative and executive duties of the Board. It shall also have regard to the diversity of cultures and a balanced geographical distribution. Not more than one national of any Member State shall serve on the Board at any one time, the President of the Conference excepted.

3. The elected members of the Executive Board shall serve for a term of three years, and shall be immediately eligible for a second term, but shall not serve consecutively for more than two terms. At the first election eighteen members shall be elected of whom one third shall retire at the end of the first year and one third at the end of the second year, the order of retirement being determined immediately after the election by the drawing of lots. Thereafter six members shall be elected each year.

4. In the event of the death or resignation of one of its members, the Executive Board shall appoint, from among the delegates of the Member State concerned, a substitute, who shall serve until the next session of the General Conference which shall elect a member for the remainder of the term.

B. Functions

5. The Executive Board, acting under the authority of the General Conference, shall be responsible for the execution of the programme adopted by the Conference and shall prepare its agenda and programme of work.

6. The Executive Board shall recommend to the General Conference the admission of new Members to the Organisation.

7. Subject to decisions of the General Conference, the Executive Board shall adopt its own rules of procedure. It shall elect its officers from among its members.

8. The Executive Board shall meet in regular session at least twice a year and may meet in special session if convoked by the Chairman on his own initiative or upon the request of six members of the Board.

9. The Chairman of the Executive Board shall present to the General Conference, with or without comment, the annual report of the Director-General on the activities of the Organisation, which shall have been previously submitted to the Board.

10. The Executive Board shall make all necessary arrangements to consult the representatives of international organisations or qualified persons concerned with questions within its competence.

11. The members of the Executive Board shall exercise the powers delegated to them by the General Conference on behalf of the Conference as a whole and not as representatives of their respective Governments.

ARTICLE VI.

Secretariat

1. The Secretariat shall consist of a Director-General and such staff as may be required.

2. The Director-General shall be nominated by the Executive Board and appointed by the General Conference for a period of six years, under such conditions as the Conference may approve, and shall be eligible for re-appointment. He shall be the chief administrative officer of the Organisation.

3. The Director-General, or a deputy designated by him, shall participate, without the right to vote, in all meetings of the General Conference, of the Executive Board, and of the committees of the Organisation. He shall formulate proposals for appropriate action by the Conference and the Board.

4. The Director-General shall appoint the staff of the Secretariat in accordance with staff regulations to be approved by the General Conference. Subject to the paramount consideration of securing the highest standards of integrity, efficiency and technical competence, appointment to the staff shall be on as wide a geographical basis as possible.

5. The responsibilities of the Director-General and of the staff shall be exclusively international in character. In the discharge of their duties they shall not seek or receive instructions from any government or from any authority external to the Organisation. They shall refrain from any action which might prejudice their position as international officials. Each State Member of the Organisation undertakes to respect the international character of the responsibilities of the Director-General and the staff, and not to seek to influence them in the discharge of their duties.

6. Nothing in this Article shall preclude the Organisation from entering into special arrangements within the United Nations Organisation for common services and staff and for the interchange of personnel.

ARTICLE VII.

National Co-operating Bodies

1. Each Member State shall make such arrangements as suit its particular conditions for the purpose of associating its principal bodies interested in educational, scientific and cultural matters with the work of the Organisation, preferably by the formation of a National Commission broadly representative of the Government and such bodies.

2. National Commissions or national co-operating bodies, where they exist, shall act in an advisory capacity to their respective delegations to the General Conference and to their Governments in matters relating to the Organisation and shall function as agencies of liaison in all matters of interest to it.

3. The Organisation may, on the request of a Member State delegate, either temporarily or permanently, a member of its Secretariat to serve on the National Commission of that State, in order to assist in the development of its work.

ARTICLE VIII.

Reports by Member States

Each Member State shall report periodically to the Organisation, in a manner to be determined by the General Conference, on its laws, regulations and statistics relating to educational, scientific and cultural life and institutions, and on the action taken upon the recommendations and conventions referred to in Article IV, paragraph 4.

ARTICLE IX.

Budget

1. The budget shall be administered by the Organisation.

2. The General Conference shall approve and give final effect to the budget and to the apportionment of financial responsibility among the States Members of the Organisation subject to such arrangement with the United Nations as may be provided in the agreement to be entered into pursuant to Article X.

3. The Director-General, with the approval of the Executive Board, may receive gifts, bequests, and subventions directly from governments, public and private institutions, associations and private persons.

ARTICLE X.

Relations with the United Nations Organisation

This Organisation shall be brought into relation with the United Nations Organisation, as soon as practicable, as one of the specialised agencies referred to in Article 57 of the Charter of the United Nations. This relationship shall be effected through an agreement with the United Nations Organisation under Article 63 of the Charter, which agreement shall be subject to the approval of the General Conference of this Organisation. The agreement shall provide for effective co-operation between the two Organisations in the pursuit of their

common purposes, and at the same time shall recognise the autonomy of this Organisation, within the fields of its competence as defined in this Constitution. Such agreement may, among other matters, provide for the approval and financing of the budget of the Organisation by the General Assembly of the United Nations.

ARTICLE XI.

Relations with Other Specialized International Organisations and Agencies

1. This Organisation may co-operate with other specialised inter-governmental organisations and agencies whose interests and activities are related to its purposes. To this end the Director-General, acting under the general authority of the Executive Board, may establish effective working relationships with such organisations and agencies and establish such joint committees as may be necessary to assure effective co-operation. Any formal arrangements entered into with such organisations or agencies shall be subject to the approval of the Executive Board.

2. Whenever the General Conference of this Organisation and the competent authorities of any other specialised inter-governmental organisations or agencies whose purposes and functions lie within the competence of this Organisation, deem it desirable to effect a transfer of their resources and activities to this Organisation, the Director-General, subject to the approval of the Conference, may enter into mutually acceptable arrangements for its purpose.

3. This Organisation may make appropriate arrangements with other inter-governmental organisations for reciprocal representation at meetings.

4. The United Nations Educational, Scientific and Cultural Organisation may make suitable arrangements for consultation and co-operation with non-governmental international organisations concerned with matters within its competence and may invite them to undertake specific tasks. Such co-operation may also include appropriate participation by representatives of such organisations on advisory committees set up by the General Conference.

ARTICLE XII.

Legal status of the Organisation

The provisions of Articles 104 and 105 of the Charter of the United Nations Organisation concerning the legal status of that Organisation, its privileges and immunities shall apply in the same way to this Organisation.

ARTICLE XIII.

Amendments

1. Proposals for amendments to this Constitution shall become effective upon receiving the approval of the General Conference by a two-thirds majority; provided, however, that those amendments which involve fundamental alterations in the aims of the Organisation or new obligations for the Member States shall require subsequent acceptance on the part of two-thirds of the Member States before they come into force. The draft texts of proposed amendments shall be communicated by the Director-General to the Member States at least six months in advance of their consideration by the General Conference.

2. The General Conference shall have power to adopt by a two-thirds majority rules of procedure for carrying out the provisions of this Article.

ARTICLE XIV.

Interpretation

1. The English and French texts of this Constitution shall be regarded as equally authoritative.

2. Any question or dispute concerning the interpretation of this Constitution shall be referred for determination to the International Court of Justice or to an arbitral tribunal, as the General Conference may determine under its rules of procedure.

ARTICLE XV.

Entry into force

1. This Constitution shall be subject to acceptance. The instruments of acceptance shall be deposited with the Government of the United Kingdom.

2. This Constitution shall remain open for signature in the archives of the Government of the United Kingdom. Signature may take place either before or after the deposit of the instrument of acceptance. No acceptance shall be valid unless preceded or followed by signature.

3. This Constitution shall come into force when it has been accepted by twenty of its signatories. Subsequent acceptances shall take effect immediately.

4. The Government of the United Kingdom will inform all members of the United Nations of the receipt of all instruments of acceptance and of the date on which the Constitution comes into force in accordance with the preceding paragraph.

In faith whereof, the undersigned, duly authorised to that effect, have signed this Constitution in the English and French languages, both texts being equally authentic.

Done in London the sixteenth day of November, 1945 in a single copy, in the English and French languages, of which certified copies will be communicated by the Government of the United Kingdom to the Governments of all the Members of the United Nations.

[Here follow the signatures of the heads of the delegations.]

§ 287n. Representatives in General Conference; number; citizenship; compensation

The President by and with the consent of the Senate shall designate from time to time to attend a specified session or specified sessions of the General Conference of the Organization not to exceed five representatives of the United States and such number of alternates not to exceed five as he may determine consistent with the rules of procedure of the General Conference: *Provided, however*, That each such representative and each such alternate must be an American citizen. One of the representatives shall be designated as the senior representative. Such representatives and alternates shall each be entitled to receive compensation at such rates provided for members of the Senior Foreign Service under section 3962 of this title, or provided for Foreign Service officers under section 3963 of this title, as the President may determine, for such periods as the President may specify, except that no Member of the Senate or House of Representatives or officer of the United States who is designated under this section as a representative of the United States or as an alternate to attend any specified session or specified sessions of the General Conference shall be entitled to receive such compensation. Whenever a representative of the United States is elected by the General Conference to serve on the Executive Board, or is elected President of the General Conference and thus becomes an ex officio adviser to the Executive Board, under provision of article V of the constitution of the Organization, the President may extend the above provisions for compensation to such representative during periods of service in connection with the Executive Board.

(July 30, 1946, ch. 700, § 2, 60 Stat. 712; July 31, 1956, ch. 804, title I, § 112, 70 Stat. 740; Pub. L. 88–426, title III, §§ 305(1), 306(g), Aug. 14, 1964, 78 Stat. 422, 430; Pub. L. 96–465, title II, § 2206(a)(3), Oct. 17, 1980, 94 Stat. 2161.)

REFERENCES IN TEXT

Article V of the constitution of the Organization, referred to in text, is article V of the Constitution of the United Nations Educational, Scientific, and Cultural Organization, which is set out as a note under section 287m of this title.

AMENDMENTS

1980—Pub. L. 96–465 substituted ''members of the Senior Foreign Service under section 3962 of this title, or provided for Foreign Service officers under section 3963 of this title,'' for ''Foreign Service officers in the schedule contained in section 867 of this title,''.

1964—Pub. L. 88–426, § 306(g), substituted provisions permitting payment of compensation at such rates provided for Foreign Service officers in the schedule contained in section 867 of this title for provisions which limited compensation at not more than $15,000 per annum.

1956—Act July 31, 1956, increased maximum compensation of representatives and alternatives from $12,000 to $15,000.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96–465 effective Feb. 15, 1981, except as otherwise provided, see section 2403 of Pub. L. 96–465, set out as an Effective Date note under section 3901 of this title.

EFFECTIVE DATE OF 1964 AMENDMENT

Amendment by Pub. L. 88–426 effective on first day of first pay period which begins on or after July 1, 1964, except to the extent provided in section 501(c) of Pub. L. 88–426, see section 501 of Pub. L. 88–426.

REPEALS

Section 112 of act July 31, 1956, cited as a credit to this section, was repealed by section 305(1) of Pub. L. 88–426.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 287r of this title.

§ 287*o*. National Commission on Educational, Scientific, and Cultural Cooperation; membership; meetings; expenses

In fulfillment of article VII of the constitution of the Organization, the Secretary of State shall cause to be organized a National Commission on Educational, Scientific, and Cultural Corporation[1] of not to exceed one hundred members. Such Commission shall be appointed by the Secretary of State and shall consist of (a) not more than sixty representatives of principal national, voluntary organizations interested in educational, scientific, and cultural matters; and (b) not more than forty outstanding persons selected by the Secretary of State, including not more than ten persons holding office under or employed by the Government of the United States, not more than fifteen representatives of the educational, scientific, and cultural interests of State and local governments, and not more than fifteen persons chosen at large. The Secretary of State is authorized to name in the first instance fifty of the principal national voluntary organizations, each of which shall be invited to designate one representative for appointment to the National Commission. Thereafter, the National Commission shall periodically review and, if deemed advisable, revise the list of such organizations designating representatives in order to achieve a desirable rotation among organizations represented. To constitute the initial Commission, one-third of the members shall be appointed to serve for a term of one year, one-third for a term of two years, and one-third or the remainder thereof for a term of three years; from thence on following, all members shall be appointed for a term of three years each, but no member shall serve more than two consecutive terms. The National Commission shall meet at least once annually. The National Commission shall designate from among its members an executive committee, and may designate such other committees as may prove necessary, to consult with the Department of State and to perform such other functions as the National Commission shall delegate to them. No member of the National Commission shall be allowed any salary or other compensation for services: *Provided*, *however*, That he may be paid transportation and other expenses as authorized by section 5703 of title 5. The Department of State is authorized to provide the necessary secretariat for the Commission.

(July 30, 1946, ch. 700, § 3, 60 Stat. 713; Pub. L. 87–139, § 9, Aug. 14, 1961, 75 Stat. 341.)

REFERENCES IN TEXT

Article VII of the constitution of the Organization, referred to in text, is article VII of the Constitution of the United Nations Educational, Scientific, and Cultural Organization, which is set out as a note under section 287m of this title.

CODIFICATION

''Section 5703 of title 5'' substituted in text for ''section 5 of the Administrative Expenses Act of 1946, as amended (5 U.S.C. 73b–2)'' on authority of Pub. L. 89–554, § 7(b), Sept. 6, 1966, 80 Stat. 631, the first section of which enacted Title 5, Government Organization and Employees.

AMENDMENTS

1961—Pub. L. 87–139 substituted provisions for payment of transportation and other expenses as authorized by section 5703 of title 5, for provisions authorizing payment of actual transportation expenses plus a $10 maximum per diem.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 287r of this title.

§ 287p. Citizenship of members

Each such member of the National Commission must be an American citizen.

(July 30, 1946, ch. 700, § 4, 60 Stat. 713.)

§ 287q. General and special conferences; expenses; acceptance of services and gifts or bequests of money or materials

The National Commission shall call general conferences for the discussion of matters relating to the activities of the Organization, to which conferences organized bodies actively interested in such matters shall be invited to send representatives: *Provided*, *however*, That the travel and maintenance of such representation shall be without expense to the Government. Such general conferences shall be held annually or biennially, as the National Commission may determine, and in such places as it may des-

[1] So in original. Probably should be ''Cooperation''.

ignate. They shall be attended so far as possible by the members of the National Commission and by the delegates of the United States to the General Conference of the Organization. The National Commission is further authorized to call special conferences of experts for the consideration of specific matters relating to the Organization by persons of specialized competences. The Department of State may pay their transportation and other expenses as authorized by section 5703 of title 5, for the period of actual attendance and of necessary travel. The National Commission is further authorized to receive and accept services and gifts or bequests of money or materials to carry out any of the educational, scientific, or cultural purposes of the National Commission as set forth in this subchapter and in the constitution of the Organization. Any money so received shall be held by the Secretary of State and shall be subject to disbursement through the disbursement facilities of the Treasury Department as the terms of the gift or bequest may require and shall remain available for expenditure by grant or otherwise until expended: *Provided*, That no such gift or bequest may be accepted or disbursed if the terms thereof are inconsistent with the purposes of the National Commission as set forth in this subchapter and in the constitution of the Organization. Gifts or bequests provided for herein shall, for the purposes of Federal income, estate, and gift taxes, be deemed to be a gift to or for the United States. The National Commission and Secretary of State shall submit to Congress annual reports of receipts and expenditures of funds and bequests received and disbursed pursuant to the provisions of this section.

(July 30, 1946, ch. 700, § 5, 60 Stat. 713; Pub. L. 85–477, ch. V, § 502(e), June 30, 1958, 72 Stat. 273; Pub. L. 87–139, § 10, Aug. 14, 1961, 75 Stat. 341; Pub. L. 98–164, title I, § 106(a), Nov. 22, 1983, 97 Stat. 1018.)

REPEAL OF REPORTING REQUIREMENTS

Pub. L. 89–348, § 1(21), Nov. 8, 1965, 79 Stat. 1311, repealed provisions of this section which required an annual report to the Congress by the National Commission on Educational, Scientific, and Cultural Cooperation and the Secretary of State of the receipts and expenditures of funds and bequests received and disbursed in connection with the United Nations Educational, Scientific, and Cultural Organization.

REFERENCES IN TEXT

The constitution of the Organization, referred to in text, is the Constitution of the United Nations Educational, Scientific, and Cultural Organization, which is set out as a note under section 287m of this title.

CODIFICATION

''Section 5703 of title 5'' substituted in text for ''section 5 of the Administrative Expenses Act of 1946, as amended (5 U.S.C. 73b–2)'' on authority of Pub. L. 89–554, § 7(b), Sept. 6, 1966, 80 Stat. 631, the first section of which enacted Title 5, Government Organization and Employees.

AMENDMENTS

1983—Pub. L. 98–164 struck out provision prohibiting acceptance of gifts or bequests aggregating more than $200,000 in any year.

1961—Pub. L. 87–139 substituted provisions authorizing payment of transportation and other expenses of attending experts as authorized by section 5703 of title 5, for provisions which allowed the experts $10 per diem plus actual transportation expenses.

1958—Pub. L. 85–477 authorized the National Commission to receive and accept services and gifts or bequests of money or materials.

§ 287r. Authorization of appropriations; payment of expenses

There is hereby authorized to be appropriated annually to the Department of State, out of any money in the Treasury not otherwise appropriated such sums as may be necessary for the payment by the United States of its share of the expenses of the Organization as apportioned by the General Conference of the Organization in accordance with article IX of the constitution of the Organization, and such additional sums as may be necessary to pay the expenses of participation by the United States in the activities of the Organization, including: (a) salaries of the representatives provided for in section 287n of this title, of their appropriate staffs, and of members of the secretariat of the National Commission provided for in section 287*o* of this title, including personal services in the District of Columbia and elsewhere, without regard to the civil-service laws and chapter 51 and subchapter III of chapter 53 of title 5; (b) travel expenses without regard to the Standardized Government Travel Regulations, as amended, the Subsistence Expense Act of 1926, as amended, and section 5731 of title 5, and, under such rules and regulations as the Secretary of State may prescribe, travel expenses of families and transportation of effects of United States representatives and other personnel in going to and returning from their post of duty; (c) allowances for living quarters, including heat, fuel, and light, as authorized by section 5912 of title 5; (d) cost of living allowances under such rules and regulations as the Secretary of State may prescribe, including allowances to persons temporarily stationed abroad; (e) communication services; (f) stenographic reporting, translating, and other services, by contract, if deemed necessary, without regard to section 5 of title 41; (g) local transportation; (h) equipment; (i) transportation of things; (j) rent of offices; (k) printing and binding without regard to section 501 of title 44 and section 5 of title 41; (*l*) official entertainment; (m) stationery; (n) purchase of newspapers, periodicals, books, and documents; and (o) such other expenses as may be authorized by the Secretary of State.

(July 30, 1946, ch. 700, § 6, 60 Stat. 714; ch. 782, title II, § 202(2), title XI, § 1106(a), Oct. 28, 1949, 63 Stat. 954, 972.)

REFERENCES IN TEXT

Article IX of the constitution of the Organization, referred to in text, is article IX of the constitution of the United Nations Educational, Scientific, and Cultural Organization, which is set out as a note under section 287m of this title.

The civil-service laws, referred to in clause (a), are set forth in Title 5, Government Organization and Employees. See, particularly, section 3301 et seq. of Title 5.

The Subsistence Expenses Act of 1926, as amended, referred to in clause (b), was repealed and superseded by

the Travel Expense Act of 1949, which is now covered by subchapter I of chapter 57 of Title 5. Section 9(a) of the 1949 Act provided in part: ''All Acts . . . applicable to civilian officers or employees of the departments and establishments, providing for reimbursement of actual travel or transportation expense, and all other Acts, general or special, which are in conflict with the provisions of this Act . . . are hereby modified, but only to the extent of inconsistency or conflict with the provisions of this Act . . .''

CODIFICATION

In clause (a), ''chapter 51 and subchapter III of chapter 53 of title 5'' substituted for ''the Classification Act of 1949'' on authority of Pub. L. 89–554, § 7(b), Sept. 6, 1966, 80 Stat. 631, the first section of which enacted Title 5, Government Organization and Employees.

In clauses (b) and (c), ''section 5731 of title 5'' and ''section 5912 of title 5'' substituted for ''section 10 of the Act of March 3, 1933 (U.S.C., title 5, sec. 73b)'' and ''the Act approved June 26, 1930 (U.S.C., title 5, sec. 118a)'', respectively, on authority of Pub. L. 89–554, § 7(b), Sept. 6, 1966, 80 Stat. 631, the first section of which enacted Title 5.

In clause (k), ''section 501 of title 44'' substituted for ''section 11 of the Act of March 1, 1919 (44 U.S.C. 111)'' on authority of Pub. L. 90–620, § 2(b), Oct. 22, 1968, the first section of which enacted Title 44, Public Printing and Documents.

AMENDMENTS

1949—Act Oct. 28, 1949, substituted ''Classification Act of 1949'' for ''Classification Act of 1923''.

REPEALS

Act Oct. 28, 1949, ch. 782, cited as a credit to this section, was repealed (subject to a savings clause) by Pub. L. 89–554, Sept. 6, 1966, § 8, 80 Stat. 632, 655.

ANNUAL APPROPRIATIONS

Annual appropriations to meet the obligations of membership in various international organizations were contained in acts listed in a note set out under section 269a of this title.

RESTRICTION ON CONTRIBUTIONS BECAUSE OF JOURNALISTIC INTERFERENCE; REPORT TO CONGRESS

Pub. L. 97–241, title I, § 109, Aug. 24, 1982, 96 Stat. 276, provided that:

''(a) None of the funds authorized to be appropriated by paragraph (2) of section 102 of this Act [section 102(2) of Pub. L. 97–241, which was not classified to the Code] or by any other Act for 'International Organizations and Conferences' may be used for payment by the United States of its contribution toward the assessed budget of the United Nations Educational, Scientific and Cultural Organization if that organization implements any policy or procedure the effect of which is to license journalists or their publications, to censor or otherwise restrict the free flow of information within or among countries, or to impose mandatory codes of journalistic practice or ethics.

''(b) Not later then February 1 of each year, the Secretary of State shall report to the Congress with respect to whether the United Nations Educational, Scientific and Cultural Organization has taken any action described in subsection (a) of this section.''

[For termination, effective May 15, 2000, of reporting provisions in section 109(b) of Pub. L. 97–241, set out above, see section 3003 of Pub. L. 104–66, as amended, set out as a note under section 1113 of Title 31, Money and Finance, and page 130 of House Document No. 103–7.]

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 272a, 280b, 280i, 280k, 287e, 290b, 1928 of this title.

§ 287s. Amendments to constitution of Organization involving new obligations

Unless Congress by law authorizes such action, neither the President nor any person or agency shall on behalf of the United States approve any amendment under article XIII of the constitution of the Organization involving any new obligation for the United States.

(July 30, 1946, ch. 700, § 7, 60 Stat. 714.)

REFERENCES IN TEXT

Article XIII of the constitution of the Organization, referred to in text, is article XIII of the constitution of the United Nations Educational, Scientific, and Cultural Organization, which is set out as a note under section 287m of this title.

§ 287t. Prohibition against disclosure of information or knowledge

In adopting this subchapter, it is the understanding of the Congress that the constitution of the Organization does not require, nor does this subchapter authorize, the disclosure of any information or knowledge in any case in which such disclosure is prohibited by any law of the United States.

(July 30, 1946, ch. 700, § 8, 60 Stat. 714.)

REFERENCES IN TEXT

The constitution of the Organization, referred to in text, is the constitution of the United Nations Educational, Scientific, and Cultural Organization, which is set out as a note under section 287m of this title.

SUBCHAPTER XVIII—PRIVILEGES AND IMMUNITIES OF INTERNATIONAL ORGANIZATIONS

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in sections 288j, 288k, 4309 of this title; title 8 sections 1101, 1184; title 10 section 130c; title 26 sections 414, 7701; title 28 section 1611; title 29 sections 1002, 1321; title 42 section 410; title 49 section 30144.

§ 288. "International organization" defined; authority of President

For the purposes of this subchapter, the term ''international organization'' means a public international organization in which the United States participates pursuant to any treaty or under the authority of any Act of Congress authorizing such participation or making an appropriation for such participation, and which shall have been designated by the President through appropriate Executive order as being entitled to enjoy the privileges, exemptions, and immunities provided in this subchapter. The President shall be authorized, in the light of the functions performed by any such international organization, by appropriate Executive order to withhold or withdraw from any such organization or its officers or employees any of the privileges, exemptions, and immunities provided for in this subchapter (including the amendments made by this subchapter) or to condition or limit the enjoyment by any such organization or its officers or employees of any such privilege, exemption, or immunity. The President shall be authorized, if in his judgment such action should be justified by reason of the abuse by an

international organization or its officers and employees of the privileges, exemptions, and immunities provided in this subchapter or for any other reason, at any time to revoke the designation of any international organization under this section, whereupon the international organization in question shall cease to be classed as an international organization for the purposes of this subchapter.

(Dec. 29, 1945, ch. 652, title I, § 1, 59 Stat. 669.)

REFERENCES IN TEXT

This subchapter, referred to in text, was in the original ''this title'', meaning title I of act Dec. 29, 1945, ch. 652, 59 Stat. 669, which is classified principally to this subchapter. For complete classification of title I to the Code, see Short Title note set out below and Tables.

SHORT TITLE

Section 10 of title I of act Dec. 29, 1945, provided that: ''This title [enacting this subchapter and amending section 215 of Title 8, Aliens and Nationality, sections 116, 1607, 1621, 3466, 3469, 3475, and 3797 of Internal Revenue Code, 1939, and section 409 of Title 42, The Public Health and Welfare] may be cited as the 'International Organizations Immunities Act'.''

INTERNATIONAL COTTON ADVISORY COMMITTEE

Pub. L. 104–127, title II, § 283, Apr. 4, 1996, 110 Stat. 980, provided that:

''(a) IN GENERAL.—The President shall ensure that the Government of the United States participates as a full member of the International Cotton Advisory Committee.

''(b) REPRESENTATION BY THE SECRETARY.—The Secretary of Agriculture shall represent the Government of the United States as a member of the International Cotton Advisory Committee and shall delegate the primary responsibility to represent the Government of the United States to appropriately qualified individuals.''

ADMINISTRATIVE SUPPLIES FOR INTERNATIONAL ORGANIZATIONS

Act Aug. 4, 1947, ch. 479, 61 Stat. 752, provided for the procurement and furnishing of administrative supplies by the Treasury Department to international organizations until July 1, 1948. This act was popularly known as the ''International Organizations Procurement Act of 1947.''

PUBLIC INTERNATIONAL ORGANIZATIONS ENTITLED TO ENJOY CERTAIN PRIVILEGES, EXEMPTIONS, AND IMMUNITIES

International organizations were designated by executive order as public international organizations entitled to enjoy the privileges, exemptions, and immunities conferred by the International Organizations Immunities Act (this subchapter) as follows:

African Development Bank, Ex. Ord. No. 12403, Feb. 8, 1983, 48 F.R. 6087.

African Development Fund, Ex. Ord. No. 11977, Mar. 14, 1977, 42 F.R. 14671.

Asian Development Bank, Ex. Ord. No. 11334, Mar. 7, 1967, 32 F.R. 3933.

Border Environment Cooperation Commission, Ex. Ord. No. 12904, Mar. 16, 1994, 59 F.R. 13179.

Caribbean Organization, Ex. Ord. No. 10983, Dec. 30, 1961, 27 F.R. 32.

Commission for Environmental Cooperation, Ex. Ord. No. 12904, Mar. 16, 1994, 59 F.R. 13179.

Commission for Labor Cooperation, Ex. Ord. No. 12904, Mar. 16, 1994, 59 F.R. 13179.

Commission for the Study of Alternatives to the Panama Canal, Ex. Ord. No. 12567, Oct. 2, 1986, 51 F.R. 35495.

Council of Europe in Respect of the Group of States Against Corruption (GRECO), Ex. Ord. No. 13240, Dec. 18, 2001, 66 F.R. 66257.

Customs Cooperation Council, Ex. Ord. No. 11596, June 5, 1971, 36 F.R. 11079.

European Bank for Reconstruction and Development, Ex. Ord. No. 12766, June 18, 1991, 56 F.R. 28463.

European Space Agency, Ex. Ord. No. 11318, Dec. 5, 1966, 31 F.R. 15307; Ex. Ord. No. 11351, May 22, 1967, 32 F.R. 7561; Ex. Ord. No. 11760, Jan. 17, 1974, 39 F.R. 2343; Ex. Ord. No. 12766, June 18, 1991, 56 F.R. 28463.

Food and Agriculture Organization, Ex. Ord. No. 9698, Feb. 19, 1946, 11 F.R. 1809.

Great Lakes Fishery Commission, Ex. Ord. No. 11059, Oct. 23, 1962, 27 F.R. 10405.

Hong Kong Economic and Trade Offices, Ex. Ord. No. 13052, June 30, 1997, 62 F.R. 35659.

Inter-American Defense Board, Ex. Ord. No. 10228, Mar. 26, 1951, 16 F.R. 2676.

Inter-American Development Bank, Ex. Ord. No. 10873, Apr. 8, 1960, 25 F.R. 3097; Ex. Ord. No. 11019, Apr. 27, 1962, 27 F.R. 4145.

Inter-American Institute of Agricultural Sciences, Ex. Ord. No. 9751, July 11, 1946, 11 F.R. 7713.

Inter-American Investment Corporation, Ex. Ord. No. 12567, Oct. 2, 1986, 51 F.R. 35495.

Inter-American Statistical Institute, Ex. Ord. No. 9751, July 11, 1946, 11 F.R. 7713.

Inter-American Tropical Tuna Commission, Ex. Ord. No. 11059, Oct. 23, 1962, 27 F.R. 10405.

Intergovernmental Maritime Consultative Organization, Ex. Ord. No. 10795, Dec. 13, 1958, 23 F.R. 9709.

International Atomic Energy Agency, Ex. Ord. No. 10727, Aug. 31, 1957, 22 F.R. 7099.

International Bank for Reconstruction and Development, Ex. Ord. No. 9751, July 11, 1946, 11 F.R. 7713.

International Boundary and Water Commission, United States and Mexico, Ex. Ord. No. 12467, Mar. 2, 1984, 49 F.R. 8229.

International Centre for Settlement of Investment Disputes, Ex. Ord. No. 11966, Jan. 19, 1977, 42 F.R. 4331.

International Civil Aviation Organization, Ex. Ord. No. 9863, May 31, 1947, 12 F.R. 3559.

International Coffee Organization, Ex. Ord. No. 11225, May 22, 1965, 30 F.R. 7093.

International Committee of the Red Cross, Ex. Ord. No. 12643, June 23, 1988, 53 F.R. 24247.

International Cotton Advisory Committee, Ex. Ord. No. 9911, Dec. 19, 1947, 12 F.R. 8719.

International Cotton Institute, Ex. Ord. No. 11283, May 27, 1966, 31 F.R. 7667.

International Criminal Police Organization (INTERPOL) (limited privileges), Ex. Ord. No. 12425, June 16, 1983, 48 F.R. 28069; Ex. Ord. No. 12971, Sept. 15, 1995, 60 F.R. 48617.

International Development Association, Ex. Ord. No. 11966, Jan. 19, 1977, 42 F.R. 4331.

International Development Law Institute, Ex. Ord. No. 12842, Mar. 29, 1993, 58 F.R. 17081.

International Fertilizer Development Center, Ex. Ord. No. 11977, Mar. 14, 1977, 42 F.R. 14671.

International Finance Corporation, Ex. Ord. No. 10680, Oct. 2, 1956, 21 F.R. 7647.

International Food Policy Research Institute (limited privileges), Ex. Ord. No. 12359, Apr. 22, 1982, 47 F.R. 17791.

International Fund for Agricultural Development, Ex. Ord. No. 12732, Oct. 31, 1990, 55 F.R. 46489.

International Hydrographic Bureau, Ex. Ord. No. 10769, May 29, 1958, 23 F.R. 3801.

International Joint Commission—United States and Canada, Ex. Ord. No. 9972, June 25, 1948, 13 F.R. 3573.

International Labor Organization, Ex. Ord. No. 9698, Feb. 19, 1946, 11 F.R. 1809.

International Maritime Satellite Organization, Ex. Ord. No. 12238, Sept. 12, 1980, 45 F.R. 60877.

International Monetary Fund, Ex. Ord. No. 9751, July 11, 1946, 11 F.R. 7713.

International Pacific Halibut Commission, Ex. Ord. No. 11059, Oct. 23, 1962, 27 F.R. 10405.

International Secretariat for Volunteer Service, Ex. Ord. No. 11363, July 20, 1967, 32 F.R. 10779.

International Telecommunication Union, Ex. Ord. No. 9863, May 31, 1947, 12 F.R. 3559.

International Telecommunications Satellite Organization (INTELSAT), Ex. Ord. No. 11718, May 14, 1973, 38 F.R. 12797; Ex. Ord. No. 11966, Jan. 19, 1977, 42 F.R. 4331.
International Union for Conservation of Nature and Natural Resources, Ex. Ord. No. 12986, Jan. 18, 1996, 61 F.R. 1693.
International Wheat Advisory Committee (International Wheat Council), Ex. Ord. No. 9823, Jan. 24, 1947, 12 F.R. 551.
Interparliamentary Union, Ex. Ord. No. 13097, Aug. 7, 1998, 63 F.R. 43065.
Israel-United States Binational Industrial Research and Development Foundation, Ex. Ord. No. 12956, Mar. 13, 1995, 60 F.R. 14199.
Korean Peninsula Energy Development Organization, Ex. Ord. No. 12997, Apr. 1, 1996, 61 F.R. 14949.
Multilateral Investment Guarantee Agency, Ex. Ord. No. 12647, Aug. 2, 1988, 53 F.R. 29323.
Multinational Force and Observers, Ex. Ord. No. 12359, Apr. 22, 1982, 47 F.R. 17791.
North American Development Bank, Ex. Ord. No. 12904, Mar. 16, 1994, 59 F.R. 13179.
North Pacific Anadromous Fish Commission, Ex. Ord. No. 12895, Jan. 26, 1994, 59 F.R. 4239.
North Pacific Marine Science Organization, Ex. Ord. No. 12894, Jan. 26, 1994, 59 F.R. 4237.
Organization for European Economic Cooperation (now known as the Organization for Economic Cooperation and Development), Ex. Ord. No. 10133, June 27, 1950, 15 F.R. 4159.
Organization for the Prohibition of Chemical Weapons, Ex. Ord. No. 13049, June 11, 1997, 62 F.R. 32471.
Organization of African Unity (OAU), Ex. Ord. No. 11767, Feb. 19, 1974, 39 F.R. 6603.
Organization of American States (includes Pan American Union), Ex. Ord. No. 10533, June 3, 1954, 19 F.R. 3289.
Organization of Eastern Caribbean States, Ex. Ord. No. 12669, Feb. 20, 1989, 54 F.R. 7753.
Pacific Salmon Commission, Ex. Ord. No. 12567, Oct. 2, 1986, 51 F.R. 35495.
Pan American Health Organization (includes Pan American Sanitary Bureau), Ex. Ord. No. 10864, Feb. 18, 1960, 25 F.R. 1507.
Preparatory Commission of the International Atomic Energy Agency, Ex. Ord. No. 10727, Aug. 31, 1957, 22 F.R. 7099.
Provisional Intergovernmental Committee for the Movement of Migrants from Europe (now known as the Intergovernmental Committee for European Migration), Ex. Ord. No. 10335, Mar. 28, 1952, 17 F.R. 2741.
South Pacific Commission, Ex. Ord. No. 10086, Nov. 25, 1949, 14 F.R. 7147.
United International Bureau for the Protection of Intellectual Property (BIRPI), Ex. Ord. No. 11484, Sept. 29, 1969, 34 F.R. 15337.
United Nations, Ex. Ord. No. 9698, Feb. 19, 1946, 11 F.R. 1809.
United Nations Educational, Scientific, and Cultural Organization, Ex. Ord. No. 9863, May 31, 1947, 12 F.R. 3559.
United Nations Industrial Development Organization, Ex. Ord. No. 12628, Mar. 8, 1988, 53 F.R. 7725.
Universal Postal Union, Ex. Ord. No. 10727, Aug. 31, 1957, 22 F.R. 7099.
World Health Organization, Ex. Ord. No. 10025, Dec. 30, 1948, 13 F.R. 9361.
World Intellectual Property Organization, Ex. Ord. No. 11866, June 18, 1975, 40 F.R. 26015.
World Meteorological Organization, Ex. Ord. No. 10676, Sept. 1, 1956, 21 F.R. 6625.
World Tourism Organization, Ex. Ord. No. 12508, Mar. 22, 1985, 50 F.R. 11837.
World Trade Organization, Ex. Ord. No. 13042, Apr. 9, 1997, 62 F.R. 18017.

PUBLIC INTERNATIONAL ORGANIZATIONS FORMERLY ENTITLED TO ENJOY CERTAIN PRIVILEGES, EXEMPTIONS, AND IMMUNITIES

Executive orders designating international organizations as public international organizations entitled to enjoy the privileges, exemptions, and immunities conferred by the International Organizations Immunities Act (this subchapter) were revoked as follows:
Caribbean Commission, Ex. Ord. No. 10025, Dec. 30, 1948, 13 F.R. 9361; revoked by Ex. Ord. No. 10983, Dec. 30, 1961, 27 F.R. 32.
Coffee Study Group, Ex. Ord. No. 10943, May 19, 1961, 26 F.R. 4419; revoked by Ex. Ord. No. 12033, Jan. 10, 1978, 43 F.R. 1915.
Inter-American Coffee Board, Ex. Ord. No. 9751, July 11, 1946, 11 F.R. 7713; revoked by Ex. Ord. No. 10083, Oct. 10, 1949, 14 F.R. 6161.
Intergovernmental Committee on Refugees, Ex. Ord. No. 9823, Jan. 24, 1947, 12 F.R. 551; revoked by Ex. Ord. No. 10083, Oct. 10, 1949, 14 F.R. 6161.
Interim Communications Satellite Committee, Ex. Ord. No. 11227, June 2, 1965, 30 F.R. 7369; revoked by Ex. Ord. No. 11718, May 14, 1973, 38 F.R. 12797.
International Refugee Organization, Ex. Ord. No. 9887, Aug. 22, 1947, 12 F.R. 5723; revoked by Ex. Ord. No. 10832, Aug. 18, 1959, 24 F.R. 6753.
International Telecommunications Satellite Consortium, Ex. Ord. No. 11277, Apr. 30, 1966, 31 F.R. 6609; revoked by Ex. Ord. No. 11718, May 14, 1973, 38 F.R. 12797.
Lake Ontario Claims Tribunal, Ex. Ord. No. 11372, Sept. 18, 1967, 32 F.R. 13251; revoked by Ex. Ord. No. 11439, Dec. 7, 1968, 33 F.R. 18257.
Southeast Asia Treaty Organization, Ex. Ord. No. 10866, Feb. 20, 1960, 25 F.R. 1584; revoked by Ex. Ord. No. 12033, Jan. 10, 1978, 43 F.R. 1915.
United Nations Relief and Rehabilitation Administration, Ex. Ord. No. 9698, Feb. 19, 1946, 11 F.R. 1809; revoked by Ex. Ord. No. 10083, Oct. 10, 1949, 14 F.R. 6161.

REVOCATION OF EXECUTIVE ORDER NOS. 9721 AND 10103

Ex. Ord. No. 9721, May 10, 1946, 11 F.R. 5209, as amended by Ex. Ord. No. 10103, Feb. 1, 1950, 15 F.R. 597, which provided for the transfer of Federal Government personnel to public international organizations, was revoked with certain savings provisions by section 2 of Ex. Ord. No. 10804, Feb. 12, 1959, 24 F.R. 1147, and subsequently revoked by Ex. Ord. No. 12553, Feb. 25, 1986, 51 F.R. 7237.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 8 section 1401; title 10 section 130c; title 15 sections 78dd–1, 78dd–2, 78dd–3; title 16 section 6104; title 18 sections 831, 1116.

§ 288a. Privileges, exemptions, and immunities of international organizations

International organizations shall enjoy the status, immunities, exemptions, and privileges set forth in this section, as follows:

(a) International organizations shall, to the extent consistent with the instrument creating them, possess the capacity—

(i) to contract;

(ii) to acquire and dispose of real and personal property;

(iii) to institute legal proceedings.

(b) International organizations, their property and their assets, wherever located, and by whomsoever held, shall enjoy the same immunity from suit and every form of judicial process as is enjoyed by foreign governments, except to the extent that such organizations may expressly waive their immunity for the purpose of any proceedings or by the terms of any contract.

(c) Property and assets of international organizations, wherever located and by whomsoever held, shall be immune from search, unless such immunity be expressly waived, and from confiscation. The archives of international organizations shall be inviolable.

(d) Insofar as concerns customs duties and internal-revenue taxes imposed upon or by reason of importation, and the procedures in connection therewith; the registration of foreign agents; and the treatment of official communications, the privileges, exemptions, and immunities to which international organizations shall be entitled shall be those accorded under similar circumstances to foreign governments.

(Dec. 29, 1945, ch. 652, title I, § 2, 59 Stat. 669.)

§ 288b. Baggage and effects of officers and employees exempted from customs duties and internal revenue taxes

Pursuant to regulations prescribed by the Commissioner of Customs with the approval of the Secretary of the Treasury, the baggage and effects of alien officers and employees of international organizations, or of aliens designated by foreign governments to serve as their representatives in or to such organizations, or of the families, suites, and servants of such officers, employees, or representatives shall be admitted (when imported in connection with the arrival of the owner) free of customs duties and free of internal-revenue taxes imposed upon or by reason of importation.

(Dec. 29, 1945, ch. 652, title I, § 3, 59 Stat. 669.)

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Treasury, with certain exceptions, to Secretary of the Treasury, with power to delegate, see Reorg. Plan No. 26, §§ 1, 2, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, 1281, set out in the Appendix to Title 5, Government Organization and Employees. The Commissioner of Customs, referred to in text, is an officer of the Treasury Department.

§ 288c. Exemption from property taxes

International organizations shall be exempt from all property taxes imposed by, or under the authority of, any Act of Congress, including such Acts as are applicable solely to the District of Columbia or the Territories.

(Dec. 29, 1945, ch. 652, title I, § 6, 59 Stat. 671.)

§ 288d. Privileges, exemptions, and immunities of officers, employees, and their families; waiver

(a) Persons designated by foreign governments to serve as their representatives in or to international organizations and the officers and employees of such organizations, and members of the immediate families of such representatives, officers, and employees residing with them, other than nationals of the United States, shall, insofar as concerns laws regulating entry into and departure from the United States, alien registration and fingerprinting, and the registration of foreign agents, be entitled to the same privileges, exemptions, and immunities as are accorded under similar circumstances to officers and employees, respectively, of foreign governments, and members of their families.

(b) Representatives of foreign governments in or to international organizations and officers and employees of such organizations shall be immune from suit and legal process relating to acts performed by them in their official capacity and falling within their functions as such representatives, officers, or employees except insofar as such immunity may be waived by the foreign government or international organization concerned.

(Dec. 29, 1945, ch. 652, title I, § 7(a), (b), 59 Stat. 671.)

§ 288e. Personnel entitled to benefits

(a) Notification to and acceptance by Secretary of State of personnel

No person shall be entitled to the benefits of this subchapter, unless he (1) shall have been duly notified to and accepted by the Secretary of State as a representative, officer, or employee; or (2) shall have been designated by the Secretary of State, prior to formal notification and acceptance, as a prospective representative, officer, or employee; or (3) is a member of the family or suite, or servant, of one of the foregoing accepted or designated representatives, officers, or employees.

(b) Deportation of undesirables

Should the Secretary of State determine that the continued presence in the United States of any person entitled to the benefits of this subchapter is not desirable, he shall so inform the foreign government or international organization concerned, as the case may be, and after such person shall have had a reasonable length of time, to be determined by the Secretary of State, to depart from the United States, he shall cease to be entitled to such benefits.

(c) Extent of diplomatic status

No person shall, by reason of the provisions of this subchapter, be considered as receiving diplomatic status or as receiving any of the privileges incident thereto other than such as are specifically set forth herein.

(Dec. 29, 1945, ch. 652, title I, § 8, 59 Stat. 672.)

§ 288f. Applicability of reciprocity laws

The privileges, exemptions, and immunities of international organizations and of their officers and employees, and members of their families, suites, and servants, provided for in this subchapter, shall be granted notwithstanding the fact that the similar privileges, exemptions, and immunities granted to a foreign government, its officers, or employees, may be conditioned upon the existence of reciprocity by that foreign government: *Provided*, That nothing contained in this subchapter shall be construed as precluding the Secretary of State from withdrawing the privileges, exemptions, and immunities provided in this subchapter from persons who are nationals of any foreign country on the ground that such country is failing to accord corresponding privileges, exemptions, and immunities to citizens of the United States.

(Dec. 29, 1945, ch. 652, title I, § 9, 59 Stat. 673.)

§ 288f–1. European Space Agency and Organization of Eastern Caribbean States; extension of privileges, exemptions, and immunities to members

The provisions of this subchapter may be extended to the European Space Agency and to the

Organization of Eastern Caribbean States (including any office established in the United States by that organization) in the same manner, to the same extent, and subject to the same conditions, as they may be extended to a public international organization in which the United States participates pursuant to any treaty or under the authority of any Act of Congress authorizing such participation or making an appropriation for such participation.

(Dec. 29, 1945, ch. 652, title I, § 11, as added Pub. L. 89–353, Feb. 2, 1966, 80 Stat. 5; amended Pub. L. 98–164, title I, § 120, Nov. 22, 1983, 97 Stat. 1023; Pub. L. 100–362, July 6, 1988, 102 Stat. 819.)

AMENDMENTS

1988—Pub. L. 100–362 inserted ''and to the Organization of Eastern Caribbean States (including any office established in the United States by that organization)'' after ''European Space Agency''.

1983—Pub. L. 98–164 substituted ''Space Agency'' for ''Space Research Organization''.

EXECUTIVE ORDER

For executive orders relating to extension of certain privileges, exemptions, and immunities to public international organizations, see notes set out under section 288 of this title.

§ 288f–2. Organization of African Unity; extension of privileges, exemptions, and immunities

The provisions of this subchapter may be extended to the Organization of African Unity and may continue to be extended to the International Labor Organization and the United Nations Industrial Development Organization in the same manner, to the same extent, and subject to the same conditions, as they may be extended to a public international organization in which the United States participates pursuant to any treaty or under the authority of any Act of Congress authorizing such participation or making an appropriation for such participation.

(Dec. 29, 1945, ch. 652, title I, § 12, as added Pub. L. 93–161, Nov. 27, 1973, 87 Stat. 635; amended Pub. L. 96–60, title IV, § 404, Aug. 15, 1979, 93 Stat. 403; Pub. L. 105–277, div. A, § 101(b) [title IV, § 406], Oct. 21, 1998, 112 Stat. 2681–50, 2681–101.)

AMENDMENTS

1998—Pub. L. 105–277 inserted ''and the United Nations Industrial Development Organization'' after ''International Labor Organization''.

1979—Pub. L. 96–60 authorized continuation of extension of privileges and immunities provisions to International Labor Organization.

EXECUTIVE ORDER

For executive orders relating to extension of certain privileges, exemptions, and immunities to public international organizations, see notes set out under section 288 of this title.

§ 288f–3. Immunities for International Committee of the Red Cross

The International Committee of the Red Cross, in view of its unique status as an impartial humanitarian body named in the Geneva Conventions of 1949 and assisting in their implementation, shall be considered to be an international organization for the purposes of this subchapter and may be extended the provisions of this subchapter in the same manner, to the same extent, and subject to the same conditions, as such provisions may be extended to a public international organization in which the United States participates pursuant to any treaty or under the authority of any Act of Congress authorizing such participation or making an appropriation for such participation.

(Dec. 29, 1945, ch. 652, title I, § 13, as added Pub. L. 100–204, title VII, § 743, Dec. 22, 1987, 101 Stat. 1395.)

EXECUTIVE ORDER

For executive orders relating to extension of certain privileges, exemptions, and immunities to public international organizations, see notes set out under section 288 of this title.

§ 288f–4. International Union for Conservation of Nature and Natural Resources; extension of privileges, exemptions, and immunities

The International Union for Conservation of Nature and Natural Resources shall be considered to be an international organization for the purposes of this subchapter and may be extended the provisions of this subchapter in the same manner, to the same extent, and subject to the same conditions, as such provisions may be extended to a public international organization in which the United States participates pursuant to any treaty or under the authority of any Act of Congress authorizing such participation or making an appropriation for such participation.

(Dec. 29, 1945, ch. 652, title I, § 14, as added Pub. L. 103–236, title IV, § 426, Apr. 30, 1994, 108 Stat. 458.)

§ 288g. Organization of American States; extension of privileges and immunities to members

Under such terms and conditions as he shall determine, the President is hereby authorized to extend, or to enter into an agreement extending, to the representatives of member states (other than the United States) to the Organization of American States and to permanent observers to the Organization of American States, and to members of the staffs of said representatives and permanent observers, the same privileges and immunities, subject to corresponding conditions and obligations, as are enjoyed by diplomatic envoys accredited to the United States.

(July 10, 1952, ch. 628, 66 Stat. 516; Pub. L. 93–149, § 1(b), Nov. 7, 1973, 87 Stat. 560.)

CODIFICATION

Section was not enacted as part of the International Organizations Immunities Act which comprises this subchapter.

AMENDMENTS

1973—Pub. L. 93–149 substituted provisions extending diplomatic privileges and immunities to representatives of member states to the Organization of American States, to permanent observers to the Organization of American States, and to member of staff of such representatives and permanent observers, for provisions extending such privileges and immunities to representatives of member states on the Council of the Organization of American State and members of their staff.

EX. ORD. NO. 11931. EXTENSION OF DIPLOMATIC PRIVILEGES AND IMMUNITIES TO PERMANENT OBSERVERS TO ORGANIZATION OF AMERICAN STATES

Ex. Ord. No. 11931, Aug. 3, 1976, 41 F.R. 32689, provided:

By virtue of the authority vested in me by the Act of November 7, 1973 (87 Stat. 560; 22 U.S.C. 288g), and as President of the United States of America, I extend to Permanent Observers to the Organization of American States, and to the members of the diplomatic staffs of such Permanent Observers, the same privileges and immunities, subject to corresponding conditions and obligations, as are enjoyed by diplomatic envoys accredited to the United States.

This Executive order shall be effective as of November 7, 1973. The enjoyment of privileges and immunities extended hereunder shall be subject to any Agreements entered into between the Government of the United States and the Organization of American States after that date.

GERALD R. FORD.

§ 288h. Commission of European Communities; extension of privileges and immunities to members

Under such terms and conditions as he shall determine and consonant with the purposes of this section, the President is authorized to extend, or to enter into an agreement extending, to the Mission to the United States of America of the Commission of the European Communities, and to members thereof, the same privileges and immunities subject to corresponding conditions and obligations as are enjoyed by diplomatic missions accredited to the United States and by members thereof. Under such terms and conditions as the President may determine, the President is authorized to extend to other offices of the Commission of the European Communities which are established in the United States, and to members thereof—

(1) the privileges and immunities described in the preceding sentence; or

(2) as appropriate for the functioning of a particular office, privileges and immunities, equivalent to those accorded consular premises, consular officers, and consular employees, pursuant to the Vienna Convention on Consular Relations.

(Pub. L. 92–499, Oct. 18, 1972, 86 Stat. 815; Pub. L. 100–204, title VII, § 741, Dec. 22, 1987, 101 Stat. 1394.)

CODIFICATION

Section was not enacted as part of the International Organizations Immunities Act which comprises this subchapter.

AMENDMENTS

1987—Pub. L. 100–204 inserted sentence at end.

EX. ORD. NO. 12651. OFFICES OF THE COMMISSION OF THE EUROPEAN COMMUNITIES

Ex. Ord. No. 12651, Sept. 9, 1988, 53 F.R. 35287, provided:

By virtue of the authority vested in me as President by the Constitution and laws of the United States of America, and the Act to extend diplomatic privileges and immunities to the Mission to the United States of America of the Commission of the European Communities and the members thereof, 22 U.S.C. Sec. 288h, I hereby extend to the Permanent Observer Mission of the Delegation of the Commission of the European Communities to the United Nations the same privileges and immunities as are accorded to permanent observer missions of states to the United Nations. I also hereby extend to the members of the diplomatic staff of that mission assigned to New York to observe the work of the United Nations and duly notified to the United States Government and the United Nations in that capacity, and to their families, the same privileges and immunities, subject to corresponding conditions and obligations, as are accorded to members of the diplomatic staff of missions accredited to the United Nations.

Pursuant to the same authority, I also hereby extend to the West Coast Office of the Delegation of the Commission of the European Communities and to the officers and employees of that mission assigned to San Francisco to represent the Commission to the Government of the United States and duly notified to and accepted by the Secretary of State, and to their families, the privileges and immunities, subject to corresponding conditions and obligations, substantively equivalent to those accorded consular premises, consular officers, and consular employees pursuant to the Vienna Convention on Consular Relations. For the purpose of extending privileges and immunities to the West Coast Office of the Delegation of the Commission of the European Communities, its official functions shall consist in:

(a) protecting in the United States the interests of the European Communities within the limits permitted by domestic and international law;

(b) furthering the development of commercial, economic, cultural, and scientific relations between the European Communities and the United States and otherwise promoting friendly relations between them;

(c) ascertaining by all lawful means conditions and developments in the commercial, economic, cultural, and scientific life of the United States, reporting thereon to the European Communities and giving information to persons interested.

Pursuant to the same authority, I also hereby extend to the members of the administrative and technical staff and members of the service staff of the Delegation of the Commission of the European Communities assigned to Washington to represent the Commission to the Government of the United States and duly notified to and accepted by the Secretary of State, and to their families, the same privileges and immunities, subject to corresponding conditions and obligations, as are enjoyed by members of the administrative and technical staff and members of the service staff of diplomatic missions accredited to the United States.

This order is not intended to abridge in any respect privileges, exemptions or immunities that the Delegation of the Commission of the European Communities may have acquired or may acquire by international agreements or by Congressional action.

RONALD REAGAN.

EX. ORD. NO. 11689. PRESIDENTIAL EXTENSION OF DIPLOMATIC PRIVILEGES AND IMMUNITIES

Ex. Ord. No. 11689, Dec. 5, 1972, 37 F.R. 25987, provided:

By virtue of the authority vested in me by the Act of October 18, 1972 (Public Law 92–499) [this section], and as President of the United States, I hereby extend to the Mission to the United States of America of the Commission of the European Communities, and to the officers of that Mission assigned to Washington to represent the Commission to the Government of the United States and duly notified to and accepted by the Secretary of State, and to their families, the same privileges and immunities, subject to corresponding conditions and obligations, as are enjoyed by diplomatic missions accredited to the United States and by members of the diplomatic staffs thereof.

RICHARD NIXON.

§ 288i. Liaison Office of the People's Republic of China; extension of privileges and immunities to members

Under such terms and conditions as he shall determine and consonant with the purposes of

this section, the President is authorized to extend to the Liaison Office of the People's Republic of China in Washington and to the members thereof the same privileges and immunities subject to corresponding conditions and obligations as are enjoyed by diplomatic missions accredited to the United States and by members thereof.

(Pub. L. 93–22, Apr. 20, 1973, 87 Stat. 24.)

CODIFICATION

Section was not enacted as part of the International Organizations Immunities Act which comprises this subchapter.

EXECUTIVE ORDER NO. 11771

Ex. Ord. No. 11771, Mar. 18, 1974, 39 F.R. 10415, which extended diplomatic privileges and immunities to the Liaison Office of the People's Republic of China in Washington, D.C., was revoked by Ex. Ord. No. 12553, Feb. 25, 1986, 51 F.R. 7237.

§ 288j. International Development Law Institute

For purposes of the International Organizations Immunities Act (22 U.S.C. 288 and following), the International Development Law Institute shall be considered to be a public international organization in which the United States participates under the authority of an Act of Congress authorizing such participation.

(Pub. L. 102–511, title VIII, § 805, Oct. 24, 1992, 106 Stat. 3353.)

REFERENCES IN TEXT

The International Organizations Immunities Act, referred to in text, is title I of act Dec. 29, 1945, ch. 652, 59 Stat. 669, as amended, which is classified principally to this subchapter. For complete classification of this Act to the Code, see Short Title note set out under section 288 of this title and Tables.

CODIFICATION

Section was enacted as part of the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992, also known as the FREEDOM Support Act, and not as part of the International Organizations Immunities Act which comprises this subchapter.

§ 288k. Extension of certain privileges, exemptions, and immunities to Hong Kong Economic and Trade Offices

(a) Application of International Organizations Immunities Act

The provisions of the International Organizations Immunities Act (22 U.S.C. 288 et seq.) may be extended to the Hong Kong Economic and Trade Offices in the same manner, to the same extent, and subject to the same conditions as such provisions may be extended to a public international organization in which the United States participates pursuant to any treaty or under the authority of any Act of Congress authorizing such participation or making an appropriation for such participation.

(b) Application of international agreement on certain State and local taxation

The President is authorized to apply the provisions of Article I of the Agreement on State and Local Taxation of Foreign Employees of Public International Organizations, done at Washington on April 21, 1994, to the Hong Kong Economic and Trade Offices.

(c) "Hong Kong Economic and Trade Offices" defined

The term ''Hong Kong Economic and Trade Offices'' refers to Hong Kong's official economic and trade missions in the United States.

(Pub. L. 105–22, § 1, June 27, 1997, 111 Stat. 236.)

REFERENCES IN TEXT

The International Organizations Immunities Act, referred to in subsec. (a), is title I of act Dec. 29, 1945, ch. 652, 59 Stat. 669, as amended, which is classified principally to this subchapter. For complete classification of this Act to the Code, see Short Title note set out under section 288 of this title and Tables.

CODIFICATION

Section was not enacted as part of the International Organizations Immunities Act which comprises this subchapter.

SUBCHAPTER XIX—INTERNATIONAL REFUGEE ORGANIZATION

§ 289. Acceptance of membership by the United States; conditions

The President is hereby authorized to accept membership for the United States in the International Refugee Organization (hereinafter referred to as the ''Organization''), the constitution of which was approved in New York on December 15, 1946, by the General Assembly of the United Nations, and deposited in the archives of the United Nations: *Provided, however*, That this authority is granted and the approval of the Congress of the acceptance of membership of the United States in the International Refugee Organization is given upon condition and with the reservation that no agreement shall be concluded on behalf of the United States and no action shall be taken by any officer, agency, or any other person and acceptance of the constitution of the Organization by or on behalf of the Government of the United States shall not constitute or authorize action (1) whereby any person shall be admitted to or settled or resettled in the United States or any of its Territories or possessions without prior approval thereof by the Congress, and this subchapter shall not be construed as such prior approval, or (2) which will have the effect of abrogating, suspending, modifying, adding to, or superseding any of the immigration laws or any other laws of the United States.

(July 1, 1947, ch. 185, § 1, 61 Stat. 214.)

REFERENCES IN TEXT

The immigration laws, referred to in text, are classified generally to Title 8, Aliens and Nationality. See also section 1101(a)(17) of Title 8.

§ 289a. Designation of representative and alternates; compensation

The President shall designate from time to time a representative of the United States and not to exceed two alternates to attend a specified session or specified sessions of the general council of the Organization. Whenever the United States is elected to membership on the

executive committee, the President shall designate from time to time, either from among the aforesaid representative and alternates or otherwise, a representative of the United States and not to exceed one alternate to attend sessions of the executive committee. Such representative or representatives shall each be entitled to receive compensation at a rate not to exceed $12,000 per annum, and any such alternate shall be entitled to receive compensation at a rate not to exceed $10,000 per annum, for such period or periods as the President may specify, except that no Member of the Senate or House of Representatives or officer of the United States who is designated as such a representative shall be entitled to receive such compensation.

(July 1, 1947, ch. 185, § 2, 61 Stat. 215.)

§ 289b. Authorization of appropriations; payment of salaries and expenses

There is hereby authorized to be appropriated annually to the Department of State—

(a) such sums, not to exceed $73,325,000 for the fiscal year beginning July 1, 1947, as may be necessary for the payment of United States contributions to the Organization (consisting of supplies, services, or funds and all necessary expenses related thereto) as determined in accordance with article 10 of the constitution of the Organization; and

(b) such sums, not to exceed $175,000 for the fiscal year beginning July 1, 1947, as may be necessary for the payment of—

(1) salaries of the representative or representatives and alternates provided for in section 289a of this title, and appropriate staff, including personal services in the District of Columbia and elsewhere, without regard to the civil-service laws and chapter 51 and subchapter III of chapter 53 of title 5; and

(2) such other expenses as the Secretary of State deems necessary to participation by the United States in the activities of the Organization; *Provided*, That the provisions of section 287e of this title and regulations thereunder, applicable to expenses incurred pursuant to subchapter XVI of this chapter shall be applicable to any expenses incurred pursuant to this chapter.

(July 1, 1947, ch. 185, § 3, 61 Stat. 215; Oct. 28, 1949, ch. 782, title II, § 202(2), title XI, § 1106(a), 63 Stat. 954, 972.)

REFERENCES IN TEXT

The civil-service laws, referred to in subsec. (b)(1), are set forth in Title 5, Government Organization and Employees. See, particularly, section 3301 et seq. of Title 5.

Subchapter XVI [§ 287 et seq.] of this chapter, referred to in subsec. (b)(2), was in the original a reference to the United Nations Participation Act of 1945.

CODIFICATION

In subsec. (b)(1), ''chapter 51 and subchapter III of chapter 53 of title 5'' substituted for ''the Classification Act of 1949'' on authority of Pub. L. 89–554, § 7(b), Sept. 6, 1966, 80 Stat. 631, the first section of which enacted Title 5, Government Organization and Employees.

AMENDMENTS

1949—Subsec. (b)(1). Act Oct. 28, 1949, substituted ''Classification Act of 1949'' for ''Classification Act of 1923''.

REPEALS

Act Oct. 28, 1949, ch. 782, cited as a credit to this section, was repealed (subject to a savings clause) by Pub. L. 89–554, Sept. 6, 1966, § 8, 80 Stat. 632, 655.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 289c of this title.

§ 289c. Transfer of funds; furnishing supplies and services; accounting for reimbursements

(a) Sums from the appropriations made pursuant to subsection (a) of section 289b of this title may be transferred to any department, agency, or independent establishment of the Government to carry out the purposes of such subsection, and such sums shall be available for obligation and expenditure in accordance with the laws governing obligations and expenditures of the department, agency, independent establishment, or organizational unit thereof concerned, and without regard to section 3324(a) and (b) of title 31 and section 5 of title 41.

(b) Upon request of the Organization, any department, agency, or independent establishment of the Government (upon receipt of advancements or reimbursements for the cost and necessary expenses) may furnish supplies, or if advancements are made may procure and furnish supplies, and may furnish or procure and furnish services, to the Organization. When reimbursement is made it shall be credited, at the option of the department, agency, or independent establishment concerned, either to the appropriation, fund, or account utilized in incurring the obligation, or to an appropriate appropriation fund, or account which is current at the time of such reimbursement.

(July 1, 1947, ch. 185, § 4, 61 Stat. 215; Pub. L. 89–554, § 8(a), Sept. 6, 1966, 80 Stat. 654.)

CODIFICATION

In subsec. (a), ''section 3324(a) and (b) of title 31'' substituted for reference to section 3648 of the Revised Statutes, as amended (U.S.C. 1940 edition, title 31, sec. 529) on authority of Pub. L. 97–258, § 4(b), Sept. 13, 1982, 96 Stat. 1067, the first section of which enacted Title 31, Money and Finance.

AMENDMENTS

1966—Subsec. (b). Pub. L. 89–554 struck out proviso which excepted certain personnel from the ceiling imposed by section 947 of former title 5.

§ 289d. Omitted

CODIFICATION

Section, act July 1, 1947, ch. 185, § 5, 61 Stat. 216, authorized appropriations in the form of advance contributions to the Preparatory Commission of the Organization during the interim period between July 1, 1947 and the coming into force of the constitution of the Organization.

SUBCHAPTER XX—WORLD HEALTH ORGANIZATION

§ 290. Acceptance of membership by the United States

The President is hereby authorized to accept membership for the United States in the World

Health Organization (hereinafter referred to as the Organization), the constitution of which was adopted in New York on July 22, 1946, by the International Health Conference for the establishment of an International Health Organization, and deposited in the archives of the United Nations.

(June 14, 1948, ch. 469, § 1, 62 Stat. 441.)

INTERNATIONAL HEALTH ADMINISTRATION

Ex. Ord. No. 10399, Sept. 29, 1952, 17 F.R. 8648, designated Surgeon General to perform certain duties under International Sanitary Regulations of World Health Organization.

§ 290a. Designation of representatives and alternates; compensation; loyalty checkup

The President shall designate from time to time to attend a specified session or specified sessions of the World Health Assembly of the Organization not to exceed three delegates of the United States and such number of alternates as he may determine consistent with the rules of procedure of the World Health Assembly. One of the delegates shall be designated as the chief delegate. Whenever the United States becomes entitled to designate a person to serve on the Executive Board of the Organization, under article 24 of the constitution of the Organization, the President shall designate a representative of the United States, by and with the advice and consent of the Senate, and may designate not to exceed one alternate to attend sessions of the Executive Board. Such representative must be a graduate of a recognized medical school and have spent not less than three years in active practice as a physician or surgeon. Such representative and any such alternate shall each be entitled to receive compensation at one of the rates established under section 3962 or 3963 of this title, for such period or periods as the President may specify, except that no Member of the Senate or House of Representatives or officer of the United States who is thus designated shall be entitled to receive such compensation: *Provided*, That no person shall serve as such representative, delegate, or alternate until such person has been investigated as to loyalty and security by the Director of the Office of Personnel Management.

(June 14, 1948, ch. 469, § 2, 62 Stat. 441; Apr. 5, 1952, ch. 159, § 1, 66 Stat. 43; Pub. L. 87–793, § 1001(i), Oct. 11, 1962, 76 Stat. 865; 1978 Reorg. Plan No. 2, § 102, eff. Jan. 1, 1979, 43 F.R. 36037, 92 Stat. 3783; Pub. L. 96–465, title II, § 2206(a)(4), Oct. 17, 1980, 94 Stat. 2161.)

AMENDMENTS

1980—Pub. L. 96–465 substituted ''established under section 3962 or 3963 of this title'' for ''provided by section 867 of this title,''.

1962—Pub. L. 87–793 substituted ''Such representative and any such alternate shall each be entitled to receive compensation at one of the rates provided by section 867 of this title'' for ''Such representative shall be entitled to receive compensation at a rate not to exceed $12,000 per annum and any such alternate shall be entitled to receive compensation at a rate not to exceed $10,000 per annum.''

1952—Act Apr. 5, 1952, substituted ''Civil Service Commission'' for ''Federal Bureau of Investigation''.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96–465 effective Feb. 15, 1981, except as otherwise provided, see section 2403 of Pub. L. 96–465, set out as an Effective Date note under section 3901 of this title.

EFFECTIVE DATE OF 1962 AMENDMENT

Amendment by Pub. L. 87–793 effective on first day of first pay period which begins on or after Oct. 11, 1962, see section 1008 of Pub. L. 87–793.

TRANSFER OF FUNCTIONS

''Director of the Office of Personnel Management'' substituted in text for ''Civil Service Commission'' pursuant to Reorg. Plan No. 2 of 1978, § 102, 43 F.R. 36037, 92 Stat. 3783, set out under section 1101 of Title 5, Government Organization and Employees, which transferred functions vested by statute in Civil Service Commission to Director of Office of Personnel Management (except as otherwise specified), effective Jan. 1, 1979, as provided by section 1–102 of Ex. Ord. No. 12107, Dec. 28, 1978, 44 F.R. 1055, set out under section 1101 of Title 5.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 290b of this title; title 5 section 1304.

§ 290b. Authorization of appropriations; payment of salaries and expenses

There are hereby authorized to be appropriated to the Department of State for contribution to the working capital fund of the organization the sum of $560,000 and as annual appropriations the following:

(a) such sums as may be necessary for the payment by the United States of its share of the expenses of the Organization as apportioned by the Health Assembly in accordance with article 56 of the constitution of the Organization, except that payments by the United States for any fiscal year of the Organization after 1958 shall not exceed 33⅓ per centum of the total assessments of active members of the Organization for such fiscal year; and

(b) such additional sums, not to exceed $83,000 for the fiscal year beginning July 1, 1947, as may be necessary to pay the expenses incident to participation by the United States in the activities of the Organization, including—

(1) salaries of the representative and alternate provided for in section 290a of this title, and appropriate staff, including personal services in the District of Columbia and elsewhere, without regard to the civil-service laws and chapter 51 and subchapter III of chapter 53 of title 5; services as authorized by section 3109 of title 5; under such rules and regulations as the Secretary of State may prescribe, allowances for living quarters, including heat, fuel, and light and cost of living allowances to persons temporarily stationed abroad; printing and binding without regard to section 501 of title 44 and section 5 of title 41; and

(2) such other expenses as the Secretary of State deems necessary to participation by the United States in the activities of the Organization: *Provided*, That the provisions of section 287r of this title, and regulations thereunder, applicable to expenses incurred pursuant to subchapter XVII of this chapter

shall be applicable to any expenses incurred pursuant to this paragraph.

(June 14, 1948, ch. 469, § 3, 62 Stat. 441; Oct. 28, 1949, ch. 782, title II, § 202(2), title XI, § 1106(a), 63 Stat. 954, 972; Sept. 21, 1950, ch. 976, § 1(d), 64 Stat. 902; Aug. 26, 1954, ch. 937, title IV, § 419, as added July 8, 1955, ch. 301, § 8(j), 69 Stat. 288.)

REFERENCES IN TEXT

The civil-service laws, referred to in subsec. (b)(1), are set forth in Title 5, Government Organization and Employees. See, particularly, section 3301 et seq. of Title 5.

Subchapter XVII [§ 287m et seq.] of this chapter, referred to in subsec. (b)(2), was in the original a reference to the Act of July 30, 1946, Public Law 565, Seventy-ninth Congress.

CODIFICATION

In subsec. (b)(1), ''chapter 51 and subchapter III of chapter 53 of title 5'' and ''section 3109 of title 5'' substituted for ''the Classification Act of 1949'' and ''section 15 of Public Law 600, Seventy–ninth Congress [5 U.S.C. 55a]'', respectively, on authority of Pub. L. 89–554, § 7(b), Sept. 6, 1966, 80 Stat. 631, the first section of which enacted Title 5, Government Organization and Employees.

''Section 501 of title 44'' substituted for ''section 11 of the Act of March 1, 1919 (44 U.S.C. 111)'' on authority of Pub. L. 90–620, § 2(b), Oct. 22, 1968, 82 Stat. 1305, the first section of which enacted Title 44, Public Printing and Documents.

AMENDMENTS

1955—Subsec. (a). Act July 8, 1955, removed limitation of $3,000,000 which may be appropriated annually, and limited payments by United States to not more than 33⅓ per centum of total assessments.

1950—Opening par. amended by Joint Res. Sept. 21, 1950, § 1(d)(1), to provide for a contribution of $560,000 to working capital fund.

Subsec. (a). Joint Res. Sept. 21, 1950, § 1(d)(2), increased authorized annual appropriation from $1,920,000 to $3,000,000.

1949—Subsec. (b)(1). Act Oct. 28, 1949, substituted ''Classification Act of 1949'' for ''Classification Act of 1923''.

REPEALS

Pub. L. 85–141, § 8(n), Aug. 14, 1957, 71 Stat. 362, repealed section 419 of act Aug. 26, 1954, cited as a credit to this section, except insofar as section 419 affected this section.

Act Oct. 28, 1949, ch. 782, cited as a credit to this section, was repealed (subject to a savings clause) by Pub. L. 89–554, Sept. 6, 1966, § 8, 80 Stat. 632, 655.

ANNUAL APPROPRIATIONS

Annual appropriations to meet the obligations of membership in various international organizations were contained in acts listed in a note set out under section 269a of this title.

LIMITATION OF CONTRIBUTIONS

Contributions by United States, except for special projects, limited to amount provided by Joint Res. Sept. 21, 1950; consent by State Department and reports to Congress, see section 262a of this title.

§ 290c. Withdrawal from Organization on one-year notice

In adopting this subchapter the Congress does so with the understanding that, in the absence of any provision in the World Health Organization Constitution for withdrawal from the Organization, the United States reserves its right to withdraw from the Organization on a one-year notice: *Provided, however*, That the financial obligations of the United States to the Organization shall be met in full for the Organization's current fiscal year.

(June 14, 1948, ch. 469, § 4, 62 Stat. 442.)

§ 290d. Enactment of specific legislation by Congress

In adopting this subchapter, the Congress does so with the understanding that nothing in the Constitution of the World Health Organization in any manner commits the United States to enact any specific legislative program regarding any matters referred to in said Constitution.

(June 14, 1948, ch. 469, § 5, 62 Stat. 442.)

§ 290e. Congressional declaration of policy

The Congress of the United States, recognizing that the diseases of mankind, because of their widespread prevalence, debilitating effects, and heavy toll in human life, constitute a major deterrent to the efforts of many peoples to develop their economic resources and productive capacities, and to improve their living conditions, declares it to be the policy of the United States to continue and strengthen mutual efforts among the nations for research against diseases such as heart disease and cancer. In furtherance of this policy, the Congress invites the World Health Organization to initiate studies looking toward the strengthening of research and related programs against these and other diseases common to mankind or unique to individual regions of the globe.

(June 14, 1948, ch. 469, § 6, as added Pub. L. 85–477, ch. V, § 502(m), June 30, 1958, 72 Stat. 275.)

§ 290e–1. International Agency for Research on Cancer; authorization of appropriations; limitation

There are hereby authorized to be appropriated such sums as may be necessary for the annual payment by the United States of its share of the expenses of the International Agency for Research on Cancer as determined in accordance with article VIII of the Statute of the International Agency for Research on Cancer, except that in no event shall that payment for any year exceed 16 per centum of all contributions assessed Participating Members of the Agency for that year.

(Pub. L. 92–494, Oct. 14, 1972, 86 Stat. 811.)

SUBCHAPTER XXI—INTER-AMERICAN FOUNDATION

§ 290f. Inter-American Foundation

(a) Establishment

There is created as an agency of the United States of America a body corporate to be known as the Inter-American Foundation (hereinafter in this section referred to as the ''Foundation'').

(b) Congressional declaration of purpose

The future of freedom, security, and economic development in the Western Hemisphere rests on the realization that man is the foundation of all

human progress. It is the purpose of this section to provide support for developmental activities designed to achieve conditions in the Western Hemisphere under which the dignity and the worth of each human person will be respected and under which all men will be afforded the opportunity to develop their potential, to seek through gainful and productive work the fulfillment of their aspirations for a better life, and to live in justice and peace. To this end, it shall be the purpose of the Foundation, primarily in cooperation with private, regional, and international organizations, to—

(1) strengthen the bonds of friendship and understanding among the peoples of this hemisphere;

(2) support self-help efforts designed to enlarge the opportunities for individual development;

(3) stimulate and assist effective and ever wider participation of the people in the development process;

(4) encourage the establishment and growth of democratic institutions, private and governmental, appropriate to the requirements of the individual sovereign nations of this hemisphere.

In pursuing these purposes, the Foundation shall place primary emphasis on the enlargement of educational opportunities at all levels, the production of food and the development of agriculture, and the improvement of environmental conditions relating to health, maternal and child care, family planning, housing, free trade union development, and other social and economic needs of the people.

(c) Programs and projects to achieve purposes

The Foundation shall carry out the purposes set forth in subsection (b) of this section primarily through and with private organizations, individuals, and international organizations by undertaking or sponsoring appropriate research and by planning, initiating, assisting, financing, administering, and executing programs and projects designed to promote the achievement of such purposes.

(d) Coordination of activities with national and international agencies

In carrying out its functions under this section, the Foundation shall, to the maximum extent possible, coordinate its undertakings with the developmental activities in the Western Hemisphere of the various organs of the Organization of American States, the United States Government, international organizations, and other entities engaged in promoting social and economic development of Latin America.

(e) Powers and functions

The Foundation, as a corporation—

(1) shall have perpetual succession unless sooner dissolved by an Act of Congress;

(2) may adopt, alter, and use a corporate seal, which shall be judicially noticed;

(3) may make and perform contracts and other agreements with any individual, corporation, or other body of persons however designated whether within or without the United States of America, and with any government or governmental agency, domestic or foreign;

(4) shall determine and prescribe the manner in which its obligations shall be incurred and its expenses, including expenses for representation (not to exceed $10,000 in any fiscal year), allowed and paid;

(5) may, as necessary for the transaction of the business of the Foundation, employ and fix the compensation of not to exceed one hundred persons at any one time;

(6) may acquire by purchase, devise, bequest, or gift, or otherwise lease, hold, and improve, such real and personal property as it finds to be necessary to its purposes, whether within or without the United States, and in any manner dispose of all such real and personal property held by it and use as general funds all receipts arising from the disposition of such property;

(7) shall be entitled to the use of the United States mails in the same manner and on the same conditions as the executive departments of the Government;

(8) may, with the consent of any board, corporation, commission, independent establishment, or executive department of the Government, including any field service thereof, avail itself of the use of information, services, facilities, officers, and employees thereof in carrying out the provisions of this section;

(9) may accept money, funds, property, and services of every kind by gift, device,[1] bequest, grant, or otherwise, and make advances, grants, and loans to any individual, corporation, or other body of persons, whether within or without the United States of America, or to any government or governmental agency, domestic or foreign, when deemed advisable by the Foundation in furtherance of its purposes;

(10) may sue and be sued, complain, and defend, in its corporate name in any court of competent jurisdiction; and

(11) shall have such other powers as may be necessary and incident to carrying out its powers and duties under this section.

(f) Disposal of assets on liquidation

Upon termination of the corporate life of the Foundation all of its assets shall be liquidated and, unless otherwise provided by Congress, shall be transferred to the United States Treasury as the property of the United States.

(g) Board of directors; number, term, and appointment

The management of the Foundation shall be vested in a board of directors (hereafter in this section referred to as the ''Board'') composed of nine members appointed by the President, by and with the advice and consent of the Senate, one of whom he shall designate to serve as Chairman of the Board and one of whom he shall designate to serve as Vice Chairman of the Board. Six members of the Board shall be appointed from private life. Three members of the Board shall be appointed from among officers or employees of agencies of the United States concerned with inter-American affairs. Members of the Board shall be appointed for terms of six years, except that of the members first appointed two shall be appointed for terms of two

[1] So in original. Probably should be ''devise,''.

years and two shall be appointed for terms of four years, as designated by the President at the time of their appointment. A member of the Board appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term; but upon the expiration of his term of office a member shall continue to serve until his successor is appointed and shall have qualified. Members of the Board shall be eligible for reappointment. All individuals appointed to the Board shall possess an understanding of and sensitivity to community level development processes. No more than 5 members of the Board may be members of any one political party.

(h) Reimbursement of expenses

Members of the Board shall serve without additional compensation, but shall be reimbursed for travel expenses, including per diem in lieu of subsistence, in accordance with section 5703 of title 5, while engaged in their duties on behalf of the corporation.

(i) Board; authority

The Board shall direct the exercise of all the powers of the Foundation.

(j) Rules and regulations; quorum of the Board

The Board may prescribe, amend, and repeal bylaws, rules, and regulations governing the manner in which the business of the Foundation may be conducted and in which the powers granted to it by law may be exercised and enjoyed. A majority of the Board shall be required as a quorum.

(k) Authority of the Board to appoint committees

In furtherance and not in limitation of the powers conferred upon it, the Board may appoint such committees for the carrying out of the work of the Foundation as the Board finds to be for the best interests of the Foundation, each committee to consist of two or more members of the Board, which committees, together with officers and agents duly authorized by the Board and to the extent provided by the Board, shall have and may exercise the powers of the Board in the management of the business and affairs of the Foundation.

(*l*) President of Foundation: appointment and compensation; employment of experts and consultants

(1) The chief executive officer of the Foundation shall be a President who shall be appointed by the Board of Directors on such terms as the Board may determine. The President shall receive compensation at the rate provided for level IV of the Executive Schedule under section 5315 of title 5.

(2) Experts and consultants, or organizations thereof, may be employed as authorized by section 3109 of title 5.

(m) Establishment of Council; consultation by the Board; reimbursement of expenses of members of the Council

In order to further the purposes of the Foundation there shall be established a Council to be composed of such number of individuals as may be selected by the Board from among individuals knowledgeable concerning developmental activities in the Western Hemisphere. The Board shall, from time to time, consult with the Council concerning the objectives of the Foundation. Members of the Council shall receive no compensation for their services but shall be entitled to reimbursement in accordance with section 5703 of title 5 for travel and other expenses incurred by them in the performance of their functions under this subsection.

(n) Nonprofit nature of the Foundation; conflict of interests

The Foundation shall be a nonprofit corporation and shall have no capital stock. No part of its revenue earnings, or other income or property shall inure to the benefit of its directors, officers, and employees and such revenue, earnings, or other income, or property shall be used for the carrying out of the corporate purposes set forth in this section. No director, officer, or employee of the corporation shall in any manner directly or indirectly participate in the deliberation upon or the determination of any question affecting his personal interests or the interests of any corporation, partnership, or organization in which he is directly or indirectly interested.

(*o*) Personnel; service in foreign governments or agencies

When approved by the Foundation, in furtherance of its purpose, the officers and employees of the Foundation may accept and hold offices or positions to which no compensation is attached with governments or governmental agencies of foreign countries.

(p) Service of employees of other agencies in the Foundation; rights and privileges

The Secretary of State shall have authority to detail employees of any agency under his jurisdiction to the Foundation under such circumstances and upon such conditions as he may determine. Any such employee so detailed shall not lose any privileges, rights, or seniority as an employee of any such agency by virtue of such detail.

(q) Establishment of principal and branch offices

The Foundation shall maintain its principal office in the metropolitan Washington, D.C., area. The Foundation may establish agencies, branch offices, or other offices in any place or places outside the United States in which the Foundation may carry on all or any of its operations and business.

(r) Exemption from tax

The Foundation, including its franchise and income, shall be exempt from taxation now or hereafter imposed by the United States, or any territory or possession thereof, or by any State, county, municipality, or local taxing authority.

(s) Authorization of appropriations

(1) Notwithstanding any other provision of law, not to exceed an aggregate amount of $50,000,000 of the funds made available for the fiscal years 1970 and 1971 to carry out part I of the Foreign Assistance Act of 1961 [22 U.S.C. 2151 et seq.] shall be available to carry out the purposes of this section. Funds made available to

carry out the purposes of this section under the preceding sentence are authorized to remain available until expended.

(2) There are authorized to be appropriated $28,800,000 for fiscal year 1992 and $31,000,000 for fiscal year 1993 to carry out this section. Amounts appropriated under this paragraph are authorized to remain available until expended.

(t) Application of chapter 91 of title 31

The Foundation shall be subject to the provisions of chapter 91 of title 31.

(u) Interest on funds invested pending disbursement

When, with the permission of the Foundation, funds made available to a grantee under this section are invested pending disbursement, the resulting interest is not required to be deposited in the United States Treasury if the grantee uses the resulting interest for the purposes for which the grant was made. This subsection applies with respect to both interest earned before and interest earned after August 24, 1982.

(v) Travel expenses

Funds made available to the Foundation may be used for the expenses described in section 1345 of title 31 (relating to travel, transportation, and subsistence expenses for meetings).

(w) Printing expenses

Funds made available to the Foundation may be used for printing and binding without regard to section 501 of title 44.

(Pub. L. 91–175, pt. IV, § 401, Dec. 30, 1969, 83 Stat. 821; Pub. L. 92–226, pt. IV, § 406(2)–(5), Feb. 7, 1972, 86 Stat. 34; Pub. L. 95–105, title V, § 508, Aug. 17, 1977, 91 Stat. 859; Pub. L. 97–241, title V, § 501, Aug. 24, 1982, 96 Stat. 297; Pub. L. 98–164, title X, § 1001, Nov. 22, 1983, 97 Stat. 1051; Pub. L. 99–83, title VII, § 708, Aug. 8, 1985, 99 Stat. 243; Pub. L. 99–529, title II, § 202(e), title IV, § 403(a), Oct. 24, 1986, 100 Stat. 3012, 3019; Pub. L. 101–246, title VI, § 601, Feb. 16, 1990, 104 Stat. 73; Pub. L. 102–138, title I, § 173(a), (b)(1), (c), (d), Oct. 28, 1991, 105 Stat. 679, 680.)

REPEAL OF SECTION

For repeal of section by Pub. L. 106–113, div. B, § 1000(a)(2) [title V, § 586(c)(2), (j)], Nov. 29, 1999, 113 Stat. 1535, 1501A–118, 1501A–120, as amended by Pub. L. 106–429, § 101(a) [title V, § 591(2)], Nov. 6, 2000, 114 Stat. 1900, 1900A–59, see Abolition of the Inter-American Foundation note set out below.

REFERENCES IN TEXT

The Foreign Assistance Act of 1961, referred to in subsec. (s)(1), is Pub. L. 87–195, Sept. 4, 1961, 75 Stat. 424, as amended. Part I of the Foreign Assistance Act of 1961 is classified generally to subchapter I (§ 2151 et seq.) of chapter 32 of this title. For provisions deeming references to subchapter I to include parts IV (§ 2346 et seq.), VI (§ 2348 et seq.), and VIII (§ 2349aa et seq.) of subchapter II of chapter 32, see section 202(b) of Pub. L. 92–228, set out as a note under section 2346 of this title, and sections 2348c and 2349aa–5 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.

CODIFICATION

In subsec. (t), ''chapter 91 of title 31'' substituted for ''the Government Corporation Control Act [31 U.S.C. 841 et seq.]'' on authority of Pub. L. 97–258, § 4(b), Sept. 13, 1982, 96 Stat. 1067, the first section of which enacted Title 31, Money and Finance.

AMENDMENTS

1991—Subsec. (g). Pub. L. 102–138, § 173(b)(1), inserted provision at end that all individuals appointed to the Board possess an understanding of and sensitivity to community level development processes and that no more than 5 members of the Board be of any one political party.

Subsec. (q). Pub. L. 102–138, § 173(c), amended subsec. (q) generally. Prior to amendment, subsec. (q) read as follows: ''The Foundation shall establish a principal office. The Foundation is authorized to establish agencies, branch offices, or other offices in any place or places within the United States or elsewhere in any of which locations the Foundation may carry on all or any of its operations and business.''

Subsec. (s)(2). Pub. L. 102–138, § 173(a), amended first sentence generally, substituting present provisions for provisions authorizing appropriations of $16,932,000 for fiscal year 1990 and $25,000,000 for fiscal year 1991.

Subsecs. (v), (w). Pub. L. 102–138, § 173(d), added subsecs. (v) and (w).

1990—Subsec. (s)(2). Pub. L. 101–246 amended first sentence generally, substituting ''$16,932,000 for the fiscal year 1990 and $25,000,000 for the fiscal year 1991'' for ''$11,969,000 for fiscal year 1986 and $12,969,000 for fiscal year 1987 (not less than $1,000,000 of which shall be for Haiti)''.

1986—Subsec. (g). Pub. L. 99–529, § 403(a), substituted ''nine members'' for ''seven members'' and ''Six members'' for ''Four members''.

Subsec. (s)(2). Pub. L. 99–529, § 202(e), substituted ''$12,969,000 for fiscal year 1987 (not less than $1,000,000 of which shall be for Haiti)'' for ''$11,969,000 for fiscal year 1987''.

1985—Subsec. (s)(2). Pub. L. 99–83 substituted provisions authorizing appropriations of $11,969,000 for each of fiscal years 1986 and 1987, for provisions authorizing appropriations of $16,000,000 for each of fiscal years 1984 and 1985.

1983—Subsec. (s)(2). Pub. L. 98–164 substituted ''$16,000,000 for the fiscal year 1984 and $16,000,000 for the fiscal year 1985'' for ''$12,000,000 for the fiscal year 1982 and $12,800,000 for the fiscal year 1983''.

1982—Subsec. (h). Pub. L. 97–241, § 501(b), substituted ''travel expenses, including per diem in lieu of subsistence, in accordance with section 5703 of title 5'' for ''actual and necessary expenses not in excess of $50 per day, and for transportation expenses''.

Subsec. (s)(2). Pub. L. 97–241, § 501(a), substituted ''$12,000,000 for the fiscal year 1982 and $12,800,000 for the fiscal year 1983'' for ''$25,000,000 for each of the fiscal years 1979 and 1980''.

Subsec. (u). Pub. L. 97–241, § 501(c), added subsec. (u).

1977—Subsec. (s). Pub. L. 95–105 designated existing provisions as par. (1) and added par. (2).

1972—Pub. L. 92–226, § 406(3), substituted ''Foundation'' for ''Institute'' wherever appearing in subsecs. (b) to (g), (i), (j) to (r), and (t).

Subsec. (a). Pub. L. 92–226, § 406(2), substituted ''Inter-American Foundation'' and ''Foundation'' for ''Inter-American Social Development Institute'' and ''Institute''.

Subsec. (e)(4). Pub. L. 92–226, § 406(4), inserted '', including expenses for representation (not to exceed $10,000 in any fiscal year),''.

Subsec. (*l*). Pub. L. 92–226, § 406(5), designated existing provisions as par. (1), substituted ''Foundation'' for ''Institute'' and ''President'' for ''Executive Director'' in two places, and added par. (2).

EFFECTIVE DATE OF 1986 AMENDMENT

Section 403(b) of Pub. L. 99–529 provided that: ''The amendments made by subsection (a) [amending this section] shall take effect 120 days after the date of enactment of this Act [Oct. 24, 1986].''

EFFECTIVE DATE OF 1985 AMENDMENT

Amendment by Pub. L. 99–83 effective Oct. 1, 1985, see section 1301 of Pub. L. 99–83, set out as a note under section 2151–1 of this title.

SHORT TITLE

Part IV of Pub. L. 91–175, Dec. 30, 1969, 83 Stat. 821, as amended by Pub. L. 92–226, pt. IV, § 406(1), Feb. 7, 1972, 86 Stat. 34, which enacted this section, designated as the ''Inter-American Foundation Act''.

ABOLITION OF INTER-AMERICAN FOUNDATION

Pub. L. 106–113, div. B, § 1000(a)(2) [title V, § 586], Nov. 29, 1999, 113 Stat. 1535, 1501A–117, as amended by Pub. L. 106–429, § 101(a) [title V, § 591], Nov. 6, 2000, 114 Stat. 1900, 1900A–59, provided that:

''(a) DEFINITIONS.—In this section:

''(1) DIRECTOR.—The term 'Director' means the Director of the Office of Management and Budget.

''(2) FOUNDATION.—The term 'Foundation' means the Inter-American Foundation.

''(3) FUNCTION.—The term 'function' means any duty, obligation, power, authority, responsibility, right, privilege, activity, or program.

''(b) ABOLITION OF INTER-AMERICAN FOUNDATION.—During fiscal years 2000 and 2001, the President is authorized to abolish the Inter-American Foundation. The provisions of this section shall only be effective upon the effective date of the abolition of the Inter-American Foundation.

''(c) TERMINATION OF FUNCTIONS.—

''(1) Except as provided in subsection (d)(2), there are terminated upon the abolition of the Foundation all functions vested in, or exercised by, the Foundation or any official thereof, under any statute, reorganization plan, Executive order, or other provisions of law, as of the day before the effective date of this section.

''(2) REPEAL.—Section 401 of the Foreign Assistance Act of 1969 (22 U.S.C. 290f) is repealed upon the effective date specified in subsection (j).

''(3) FINAL DISPOSITION OF FUNDS.—Upon the date of transmittal to Congress of the certification described in subsection (d)(4), all unexpended balances of appropriations of the Foundation shall be deposited in the miscellaneous receipts account of the Treasury of the United States.

''(d) RESPONSIBILITIES OF THE DIRECTOR OF THE OFFICE OF MANAGEMENT AND BUDGET.—

''(1) IN GENERAL.—The Director of the Office of Management and Budget shall be responsible for—

''(A) the administration and wind-up of any outstanding obligation of the Federal Government under any contract or agreement entered into by the Foundation before the date of the enactment of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2000 [Nov. 29, 1999], except that the authority of this subparagraph does not include the renewal or extension of any such contract or agreement; and

''(B) taking such other actions as may be necessary to wind-up any outstanding affairs of the Foundation.

''(2) TRANSFER OF FUNCTIONS TO THE DIRECTOR.—There are transferred to the Director such functions of the Foundation under any statute, reorganization plan, Executive order, or other provision of law, as of the day before the date of the enactment of this section [Nov. 29, 1999], as may be necessary to carry out the responsibilities of the Director under paragraph (1).

''(3) AUTHORITIES OF THE DIRECTOR.—For purposes of performing the functions of the Director under paragraph (1) and subject to the availability of appropriations, the Director may—

''(A) enter into contracts;

''(B) employ experts and consultants in accordance with section 3109 of title 5, United States Code, at rates for individuals not to exceed the per diem rate equivalent to the rate for level IV of the Executive Schedule; and

''(C) utilize, on a reimbursable basis, the services, facilities, and personnel of other Federal agencies.

''(4) CERTIFICATION REQUIRED.—Whenever the Director determines that the responsibilities described in paragraph (1) have been fully discharged, the Director shall so certify to the appropriate congressional committees.

''(e) REPORT TO CONGRESS.—The Director of the Office of Management and Budget shall submit to the appropriate congressional committees a detailed report in writing regarding all matters relating to the abolition and termination of the Foundation. The report shall be submitted not later than 90 days after the termination of the Foundation.

''(f) TRANSFER AND ALLOCATION OF APPROPRIATIONS.—Except as otherwise provided in this section, the assets, liabilities (including contingent liabilities arising from suits continued with a substitution or addition of parties under subsection (g)(3)), contracts, property, records, and unexpended balance of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available to, or to be made available in connection with the functions, terminated by subsection (c)(1) or transferred by subsection (d)(2) shall be transferred to the Director for purposes of carrying out the responsibilities described in subsection (d)(1).

''(g) SAVINGS PROVISIONS.—

''(1) CONTINUING LEGAL FORCE AND EFFECT.—All orders, determinations, rules, regulations, permits, agreements, grants, contracts, certificates, licenses, registrations, privileges, and other administrative actions—

''(A) that have been issued, made, granted, or allowed to become effective by the Foundation in the performance of functions that are terminated or transferred under this section; and

''(B) that are in effect as of the date of the abolition of the Foundation, or were final before such date and are to become effective on or after such date,

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, the Director, or other authorized official, a court of competent jurisdiction, or by operation of law.

''(2) NO EFFECT ON JUDICIAL OR ADMINISTRATIVE PROCEEDINGS.—Except as otherwise provided in this section—

''(A) the provisions of this section shall not affect suits commenced prior to the date of the abolition of the Foundation; and

''(B) in all such suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and effect as if this section had not been enacted.

''(3) NONABATEMENT OF PROCEEDINGS.—No suit, action, or other proceeding commenced by or against any officer in the official capacity of such individual as an officer of the Foundation shall abate by reason of the enactment of this section. No cause of action by or against the Foundation, or by or against any officer thereof in the official capacity of such officer, shall abate by reason of the enactment of this section.

''(4) CONTINUATION OF PROCEEDING WITH SUBSTITUTION OF PARTIES.—If, before the date of the abolition of the Foundation, the Foundation, or officer thereof in the official capacity of such officer, is a party to a suit, then effective on such date such suit shall be continued with the Director substituted or added as a party.

''(5) REVIEWABILITY OF ORDERS AND ACTIONS UNDER TRANSFERRED FUNCTIONS.—Orders and actions of the Director in the exercise of functions terminated or transferred under this section shall be subject to judicial review to the same extent and in the same manner as if such orders and actions had been taken by

the Foundation immediately preceding their termination or transfer. Any statutory requirements relating to notice, hearings, action upon the record, or administrative review that apply to any function transferred by this section shall apply to the exercise of such function by the Director.

''(h) CONFORMING AMENDMENTS.—

''(1) AFRICAN DEVELOPMENT FOUNDATION.—Section 502 of the International Security and Development Cooperation Act of 1980 (22 U.S.C. 290h) is amended—

''(A) by inserting 'and' at the end of paragraph (2);

''(B) by striking the semicolon at the end of paragraph (3) and inserting a period; and

''(C) by striking paragraphs (4) and (5).

''(2) SOCIAL PROGRESS TRUST FUND AGREEMENT.—Section 36 of the Foreign Assistance Act of 1973 [Pub. L. 93–189, 22 U.S.C. 1942 note] is amended—

''(A) in subsection (a)—

''(i) by striking 'provide for' and all that follows through '(2) utilization' and inserting 'provide for the utilization'; and

''(ii) by striking 'member countries;' and all that follows through 'paragraph (2)' and inserting 'member countries.';

''(B) in subsection (b), by striking 'transfer or';

''(C) by striking subsection (c);

''(D) by redesignating subsection (d) as subsection (c); and

''(E) in subsection (c) (as so redesignated), by striking 'transfer or'.

''(3) FOREIGN ASSISTANCE ACT OF 1961.—Section 222A(d) of the Foreign Assistance Act of 1961 (22 U.S.C. 2182a(d)) is repealed.

''(i) DEFINITION.—In this section, the term 'appropriate congressional committees' means the Committee on Appropriations and the Committee on Foreign Relations of the Senate and the Committee on Appropriations and the Committee on International Relations of the House of Representatives.

''(j) EFFECTIVE DATES.—The repeal made by subsection (c)(2) and the amendments made by subsection (h) shall take effect upon the date of transmittal to Congress of the certification described in subsection (d)(4).''

TRANSITION RULE FOR BOARD APPOINTMENTS

Section 173(b)(2) of Pub. L. 102–138 provided that: ''The requirements established by the amendment made by paragraph (1) [amending this section] do not affect appointments made to the Board of the Inter-American Foundation before the date of enactment of this Act [Oct. 28, 1991].''

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 290h of this title.

SUBCHAPTER XXII—AFRICAN DEVELOPMENT FUND

§ 290g. African Development Fund; United States participation

The President is hereby authorized to accept participation for the United States in the African Development Fund (hereinafter referred to as the ''Fund'') provided for by the agreement establishing the Fund (hereinafter referred to as the ''agreement'') deposited in the Archives of the United Nations.

(Pub. L. 94–302, title II, § 202, May 31, 1976, 90 Stat. 593.)

SHORT TITLE

Section 201 of title II of Pub. L. 94–302 provided that: ''This title [enacting this subchapter] may be cited as the 'African Development Fund Act'.''

§ 290g–1. Appointment of Governor and Alternate Governor; rank, duties, and compensation

(a) The President, by and with the advice and consent of the Senate, shall appoint a Governor, and an Alternate Governor, of the Fund.

(b) The Governor, or in his absence the Alternate Governor, on the instructions of the President, shall cast the votes of the United States for the Director to represent the United States in the Fund. The Director representing the United States and his Alternate, if they are citizens of the United States, may, in the discretion of the President, receive such compensation, allowances, and other benefits not exceeding those authorized for a chief of mission under the Foreign Service Act of 1980 [22 U.S.C. 3901 et seq.].

(Pub. L. 94–302, title II, § 203, May 31, 1976, 90 Stat. 593; Pub. L. 96–465, title II, § 2206(a)(5), Oct. 17, 1980, 94 Stat. 2161.)

REFERENCES IN TEXT

The Foreign Service Act of 1980, referred to in subsec. (b), is Pub. L. 96–465, Oct. 17, 1980, 94 Stat. 2071, as amended, which is classified principally to chapter 52 (§ 3901 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 3901 of this title and Tables.

AMENDMENTS

1980—Subsec. (b). Pub. L. 96–465 substituted ''a chief of mission under the Foreign Service Act of 1980'' for ''a Chief of Mission, class 2, within the meaning of the Foreign Service Act of 1946, as amended''.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96–465 effective Feb. 15, 1981, except as otherwise provided, see section 2403 of Pub. L. 96–465, set out as an Effective Date note under section 3901 of this title.

§ 290g–2. Law governing reports to the President and the Congress

The provisions of section 286b of this title, shall apply with respect to the Fund to the same extent as with respect to the International Bank for Reconstruction and Development and the International Monetary Fund.

(Pub. L. 94–302, title II, § 204, May 31, 1976, 90 Stat. 594; Pub. L. 101–240, title V, § 541(e)(6), Dec. 19, 1989, 103 Stat. 2519.)

AMENDMENTS

1989—Pub. L. 101–240 struck out at end ''Reports with respect to the Fund under paragraphs (5) and (6) of section 286b(b) of this title, shall be included in the first report made thereunder after the United States accepts participation in the Fund.''

§ 290g–3. Specific actions requiring Congressional authorization

Unless Congress by law authorizes such action, neither the President nor any person or agency shall, on behalf of the United States:

(a) agree to an increase in the subscription of the United States to the Fund;

(b) vote for or agree to any amendment of the agreement which increases the obligations of the United States, or which would change the purpose or functions of the Fund; or

(c) make a loan or provide other financing to the Fund, except that funds for technical as-

sistance may be provided to the Fund by a United States agency created pursuant to an Act of Congress which is authorized by law to provide funds to international organizations.

(Pub. L. 94–302, title II, § 205, May 31, 1976, 90 Stat. 594.)

§ 290g–4. Authorization of appropriations; repayments and distributions from Fund to Treasury

(a) There is hereby authorized to be appropriated without fiscal year limitation, as the United States subscription, $25,000,000 to be paid by the Secretary of the Treasury to the Fund in three annual installments of $9,000,000, $8,000,000, and $8,000,000.

(b) Any repayment or distribution of moneys from the Fund to the United States shall be covered into the Treasury as a miscellaneous receipt.

(Pub. L. 94–302, title II, § 206, May 31, 1976, 90 Stat. 594.)

§ 290g–5. Federal Reserve banks as depository for the Fund; supervision

Any Federal Reserve bank which is requested to do so by the President shall act as a depository for the Fund, and the Board of Governors of the Federal Reserve System shall supervise and direct the carrying out of these functions by the Federal Reserve banks.

(Pub. L. 94–302, title II, § 207, May 31, 1976, 90 Stat. 594.)

§ 290g–6. Civil action by or against the Fund; service of process, venue, jurisdiction, removal of actions

For the purpose of any civil action which may be brought within the United States, its territories or possessions, or the Commonwealth of Puerto Rico, by or against the Fund in accordance with the agreement, the Fund shall be deemed to be an inhabitant of the Federal judicial district in which its principal office or agency appointed for the purpose of accepting service or notice of service is located, and any such action to which the Fund shall be party shall be deemed to arise under the laws of the United States, and the district courts of the United States (including the courts enumerated in section 460 of title 28) shall have original jurisdiction of any such action. When the Fund is defendant in any action in a State court, it may, at any time before the trial thereof, remove such action into the district court of the United States for the proper district by following the procedure for removal of causes otherwise provided by law.

(Pub. L. 94–302, title II, § 208, May 31, 1976, 90 Stat. 594.)

§ 290g–7. Force and effect of agreement; deposit of documents by the President; reservation of right to tax salaries and emoluments paid by the Fund to United States citizens or nationals

The agreement, including without limitation articles 41 through 50, shall have full force and effect in the United States, its territories and possessions, and the Commonwealth of Puerto Rico, upon the acceptance of participation by the United States in, and the entry into force of, the Fund. The President, at the time of deposit of the instrument of acceptance of participation of the United States in the Fund, shall also deposit a declaration that the United States retains for itself and its political subdivisions the right to tax salaries and emoluments paid by the Fund to its citizens or nationals and may deposit a declaration providing for reservations on other matters set forth in article 58.

(Pub. L. 94–302, title II, § 209, May 31, 1976, 90 Stat. 594.)

REFERENCES IN TEXT

The agreement and articles 41 through 50 and article 58, referred to in text, mean the Bretton Woods Agreement and the articles thereof.

§ 290g–8. Presidential instructions to United States Governor of the Fund to veto any use of funds to benefit a country pursuing a detrimental economic policy against United States interests; exceptions

The President shall instruct the United States Governor of the Fund to cause the Executive Director representing the United States in the Fund to cast the votes of the United States against any loan or other utilization of the funds of the Fund for the benefit of any country which has—

(1) nationalized or expropriated or seized ownership or control of property owned by any United States citizen or by any corporation, partnership, or association not less than 50 per centum of which is beneficially owned by United States citizens;

(2) taken steps to repudiate or nullify existing contracts or agreements with any United States citizen or any corporation, partnership, or association not less than 50 per centum of which is beneficially owned by United States citizens; or

(3) imposed or enforced discriminatory taxes or other exactions, or restrictive maintenance or operational conditions, or has taken other actions, which have the effect of nationalizing, expropriating, or otherwise seizing ownership or control of property so owned;

unless the President determines that (A) an arrangement for prompt, adequate, and effective compensation has been made, (B) the parties have submitted the dispute to arbitration under the rules of the Convention for the Settlement of Investment Disputes, or (C) good faith negotiations are in progress aimed at providing prompt, adequate, and effective compensation under the applicable principles of international law.

(Pub. L. 94–302, title II, § 210, May 31, 1976, 90 Stat. 595.)

§ 290g–9. Repealed. Pub. L. 95–118, title VII, § 702, Oct. 3, 1977, 91 Stat. 1070

Section, Pub. L. 94–302, title II, § 211, May 31, 1976, 90 Stat. 595; H. Res. 5, Jan. 4, 1977, set forth provisions relating to United States participation in financial assistance by the African Development Fund to any coun-

try engaging in a consistent pattern of gross violations of internationally recognized human rights. See section 262d of this title.

EFFECTIVE DATE OF REPEAL

Repeal effective Oct. 3, 1977, see section 1001 of Pub. L. 95–118, set out as an Effective Date note under section 282i of this title.

§ 290g–10. Additional authorization for contribution to African Development Fund

(a) Payment of United States contribution; review of payment and voting structure with other donor nations

The United States Governor is authorized to contribute on behalf of the United States $50,000,000 to the African Development Fund, which would represent an additional United States contribution to the first replenishment. The Secretary of the Treasury is directed to begin discussions with other donor nations to the African Development Fund for the purpose of setting amounts and of reviewing and possibly changing the voting structure within the Fund: *Provided*, *however*, That any commitment to make such contribution shall be made subject to obtaining the necessary appropriations.

(b) Authorization of appropriations

In order to pay for the United States contribution to the African Development Fund provided for in this section there are authorized to be appropriated without fiscal year limitation $50,000,000 for payment by the Secretary of the Treasury.

(Pub. L. 94–302, title II, § 211, formerly § 212, as added Pub. L. 95–118, title VI, § 601, Oct. 3, 1977, 91 Stat. 1069; renumbered § 211, Pub. L. 96–259, title III, § 301(1), June 3, 1980, 94 Stat. 430.)

PRIOR PROVISIONS

A prior section 211 of Pub. L. 94–302 was classified to section 290g–9 of this title prior to repeal by Pub. L. 95–118, title VII, § 702, Oct. 3, 1977, 91 Stat. 1070.

EFFECTIVE DATE

Section effective Oct. 3, 1977, except that no funds authorized to be appropriated by this section may be available for use or obligation prior to Oct. 1, 1977, see section 1001 of Pub. L. 95–118, set out as a note under section 282i of this title.

§ 290g–11. Additional authorization for payment of United States contribution

(a) United States share

The United States Governor of the Fund is authorized to contribute on behalf of the United States $125,000,000 to the Fund as the United States contribution to the second replenishment of the resources of the Fund, except that any commitment to make such contribution shall be made subject to obtaining the necessary appropriations.

(b) Authorization of appropriations

In order to pay for the United States contribution provided for in this section, there is authorized to be appropriated, without fiscal year limitation, $125,000,000 for payment by the Secretary of the Treasury.

(c) Funding requirements

For the purpose of keeping to a minimum the cost to the United States, the Secretary of the Treasury—

(1) shall pay the United States contribution to the African Development Fund authorized by this section by letter of credit in three annual installments; and

(2) shall take the steps necessary to obtain a certification from the Fund that any undisbursed balances resulting from draw-downs on such letter of credit will not exceed at any time the United States share of expected disbursement requirements for the following three-month period.

(Pub. L. 94–302, title II, § 212, as added Pub. L. 96–259, title III, § 301(2), June 3, 1980, 94 Stat. 430.)

§ 290g–12. Additional authorization for payment of United States contribution

(a)(1) The United States Governor of the Fund is authorized to contribute on behalf of the United States $150,000,000 to the Fund as the United States contribution to the third replenishment of the resources of the Fund.

(2) Any commitment to make the contribution authorized in paragraph (1) shall be made subject to obtaining the necessary appropriations.

(b) In order to pay for the United States contribution provided for in this section, there are authorized to be appropriated, without fiscal year limitation, $150,000,000 for payment by the Secretary of the Treasury.

(Pub. L. 94–302, title II, § 213, as added Pub. L. 98–181, title X, § 1003, Nov. 30, 1983, 97 Stat. 1286.)

§ 290g–13. Additional authorization for payment of United States contribution

(a)(1) The United States Governor of the Fund is authorized to contribute $225,000,000 to the fourth replenishment of the resources of the Fund.

(2) Any commitment to make the contribution authorized in paragraph (1) shall be made subject to obtaining the necessary appropriations.

(b) In order to pay for the United States contribution provided for in this section, there are authorized to be appropriated, without fiscal year limitation, $225,000,000 for payment by the Secretary of the Treasury.

(Pub. L. 94–302, title II, § 214, as added Pub. L. 99–190, § 101(i) [title I, (a)], Dec. 19, 1985, 99 Stat. 1291, 1294.)

CODIFICATION

Section 214 of Pub. L. 94–302 is based on section 201 of title II of H.R. 2253, Ninety-ninth Congress, as reported May 15, 1985, and enacted into law by Pub. L. 99–190.

§ 290g–14. Additional authorization for payment of United States contribution

(a) Contribution authorized

The United States Governor of the Fund is authorized to contribute $315,000,000 to the fifth replenishment of the resources of the Fund, except that such authority shall be effective only to such extent or in such amounts as are provided in advance in appropriations Acts.

(b) Authorization of appropriations

In order to pay for the United States contribution provided for in this section, there are authorized to be appropriated, without fiscal year limitation, $315,000,000, for payment by the Secretary of the Treasury.

(Pub. L. 94–302, title II, § 215, as added Pub. L. 100–461, title V, § 555, Oct. 1, 1988, 102 Stat. 2268–36.)

CODIFICATION

Section 215 of Pub. L. 94–302 is based on section 2 of H.R. 4645, One Hundredth Congress, as reported Sept. 28, 1988, and enacted into law by Pub. L. 100–461.

§ 290g–15. Sixth replenishment

(a) Contribution authorized

The United States Governor of the Fund is authorized to contribute $405,000,000 to the sixth replenishment of the resources of the Fund, except that such authority shall be effective only to such extent or in such amounts as are provided in advance in appropriations Acts.

(b) Limitations on authorization of appropriations

In order to pay for the United States contribution provided for in this section, there are authorized to be appropriated, without fiscal year limitation, $135,000,000 for payment by the Secretary of the Treasury.

(Pub. L. 94–302, title II, § 216, as added Pub. L. 102–145, § 125(c), as added Pub. L. 102–266, § 102, Apr. 1, 1992, 106 Stat. 98.)

SUBSEQUENT REPLENISHMENT

Pub. L. 106–113, div. B, § 1000(a)(2) [title V, § 594], Nov. 29, 1999, 113 Stat. 1535, 1501A–122, provided in part that the Secretary of the Treasury may contribute on behalf of the United States to the eighth replenishment of the resources of the African Development Fund, and authorized $300,000,000 to be appropriated without fiscal year limitation.

SUBCHAPTER XXIII—AFRICAN DEVELOPMENT FOUNDATION

§ 290h. Congressional findings

The Congress finds that—

(1) social and economic development ultimately depends on the active participation of individuals within a society and on the enhancement of opportunities for those individuals;

(2) the development of individuals and institutions in African countries can benefit by the provision of support for community-based self-help activities;

(3) by enacting title IX of chapter 2 of part I of the Foreign Assistance Act of 1961 [22 U.S.C. 2218], and recent amendments to that Act, the Congress has sought to enable the poor to participate in the process of development;

(4) the Inter-American Foundation, established by Congress in the Foreign Assistance Act of 1969 [22 U.S.C. 290f], to support the efforts of the people of Latin America and the Caribbean to solve their development problems, has demonstrated a successful approach to development; and

(5) an African Development Foundation similar in structure to the Inter-American Foundation, but adapted to the specific needs of Africa, can complement current United States development programs in Africa.

(Pub. L. 96–533, title V, § 502, Dec. 16, 1980, 94 Stat. 3151; Pub. L. 106–113, div. B, § 1000(a)(2) [title V, § 586(h)(1)], Nov. 29, 1999, 113 Stat. 1535, 1501A–119.)

AMENDMENT OF SECTION

For amendment of section by Pub. L. 106–113, div. B, § 1000(a)(2) [title V, § 586(h)(1), (j)], Nov. 29, 1999, 113 Stat. 1535, 1501A–119, 1501A–120, see Abolition of the Inter-American Foundation note set out under section 290f of this title.

REFERENCES IN TEXT

The Foreign Assistance Act of 1961, referred to in par. (3), is Pub. L. 87–195, Sept. 4, 1961, 75 Stat. 424, as amended. Title IX of chapter 2 of part I of the Foreign Assistance Act of 1961 is classified generally to subpart IX of part II of subchapter I (§ 2218) 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.

The Foreign Assistance Act of 1969, referred to in par. (4), is Pub. L. 91–175, Dec. 30, 1969, 83 Stat. 805, as amended. The Inter-American Foundation was established by section 401 of that Act, which is classified to section 290f 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.

SHORT TITLE

Section 501 of title V of Pub. L. 96–533 provided: ''This title [enacting this subchapter] may be cited as the 'African Development Foundation Act'.''

§ 290h–1. African Development Foundation

(a) Establishment of Foundation

There is established a body corporate to be known as the ''African Development Foundation'' (hereafter in this subchapter referred to as the ''Foundation'').

(b) Principal and branch offices

The Foundation shall establish a principal office in the United States and may establish such branch offices in Africa as may be necessary to carry out its functions.

(Pub. L. 96–533, title V, § 503, Dec. 16, 1980, 94 Stat. 3152.)

§ 290h–2. Congressional declaration of purposes

(a) Purposes of Foundation

In order to enable the people of African countries to develop their potential, fulfill their aspirations, and enjoy better, more productive lives, the purposes of the Foundation shall be—

(1) to strengthen the bonds of friendship and understanding between the people of Africa and the United States;

(2) to support self-help activities at the local level designed to enlarge opportunities for community development;

(3) to stimulate and assist effective and expanding participation of Africans in their development process; and

(4) to encourage the establishment and growth of development institutions which are

indigenous to particular countries in Africa and which can respond to the requirements of the poor in those countries.

(b) Implementation

The Foundation shall carry out the purposes specified in subsection (a) of this section in cooperation with, and in response to, organizations indigenous to Africa which are representative of the needs and aspirations of the poor in Africa and, in carrying out such purposes, the Foundation shall, to the extent possible, coordinate its development assistance activities with the activities of the United States Government and private, regional, and international organizations.

(Pub. L. 96–533, title V, § 504, Dec. 16, 1980, 94 Stat. 3152.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 290h–3 of this title.

§ 290h–3. Functions of Foundation

(a) Types of programs; project limitations; dissemination of project insights

(1) In order to carry out the purposes set forth in section 290h–2 of this title, the Foundation may make grants, loans, and loan guarantees to any African private or public group (including public international organizations), association, or other entity engaged in peaceful activities for—

(A) the fostering of local development institutions and the support of development efforts initiated by communities themselves;

(B) the development of self-evaluation techniques by participants in projects supported under this section, for the purpose of transferring experience gained in such projects to similar development activities;

(C) development research by Africans and the transfer of development resources, expertise, and knowledge within Africa;

(D) the procurement of such technical or other assistance as is deemed appropriate by the recipient of such grant, loan, or guarantee, to carry out the purposes of this subchapter; and

(E) other projects that would carry out the purposes set forth in section 290h–2 of this title.

(2) The total amount of grants, loans, and loan guarantees that may be made under this section for a project may not exceed $250,000.

(3) The Foundation may disseminate to the American public and to United States and multilateral development institutions insights gained from African development projects assisted under this subchapter.

(b) Community project priorities; disbursement of funds by recipients to other African entities

In making grants, loans, and loan guarantees under subsection (a) of this section, the Foundation shall give priority to projects which community groups undertake to foster their own development and in the initiation, design, implementation, and evaluation of which there is the maximum feasible participation of the poor. Where appropriate and in keeping with the purposes of this subchapter, the Foundation may make such grants, loans, and loan guarantees to African entities which are representative and knowledgeable of, and sensitive to, the needs and aspirations of the poor and which would disburse funds acquired under such grants, loans, and loan guarantees to other African entities to carry out the purposes of this subchapter.

(Pub. L. 96–533, title V, § 505, Dec. 16, 1980, 94 Stat. 3152; Pub. L. 100–461, title II, § 201, Oct. 1, 1988, 102 Stat. 2268–13.)

AMENDMENTS

1988—Subsec. (a)(1). Pub. L. 100–461 inserted ''(including public international organizations)'' after ''public group''.

§ 290h–4. Powers of Foundation

(a) General provisions

The Foundation, as a corporation—

(1) shall have perpetual succession unless dissolved by an Act of Congress;

(2) may sue and be sued, complain, and defend, in its corporate name in any court of competent jurisdiction;

(3) may adopt, alter, and use a seal, which shall be judicially noticed;

(4) may prescribe, amend, and repeal such rules and regulations as may be necessary for carrying out the functions of the Foundation;

(5) may make and perform such contracts and other agreements with any individual, corporation, or other private or public entity however designated and wherever situated, as may be necessary for carrying out the functions of the Foundation;

(6) may determine and prescribe the manner in which its obligations shall be incurred and its expenses allowed and paid, including expenses for representation not exceeding $10,000 in any fiscal year;

(7) may, as necessary for carrying out the functions of the Foundation, employ and fix the compensation of not to exceed the following number of persons at any one time: 25 during the fiscal year 1981, 50 during the fiscal year 1982, and 75 thereafter;

(8) may lease, purchase, or otherwise acquire, own, hold, improve, use, or otherwise deal in and with such property (real, personal, or mixed) or any interest therein, wherever situated, as may be necessary for carrying out the functions of the Foundation;

(9) may accept gifts or donations of services or of property (real, personal, or mixed), tangible or intangible, in furtherance of the purposes of this subchapter;

(10) may use the United States mails in the same manner and on the same conditions as the executive departments of the Government;

(11) may, with the consent of any agency of the United States, use the information, services, facilities, and personnel of that agency in carrying out the purposes of this subchapter; and

(12) shall have such other powers as may be necessary and incident to carrying out this subchapter.

(b) Nonprofit entity; restriction on use of moneys; conflict of interests

The Foundation shall be a nonprofit corporation and shall have no capital stock. No part of its revenue, earnings, or other income or property shall inure to the benefit of any of its directors, officers, or employees, and such revenue, earnings, or other income or property shall only be used for carrying out the purposes of this subchapter. No director, officer, or employee of the corporation shall in any manner directly or indirectly participate in the deliberation upon or the determination of any question affecting his or her personal interests or the interests of any corporation, partnership, or organization in which he or she is directly or indirectly interested.

(c) Tax exemption

The Foundation, including its franchise and income, shall be exempt from taxation now or hereafter imposed by the United States, by any territory or possession of the United States, or by any State, county, municipality, or local taxing authority.

(d) Termination of Foundation and liquidation of assets

Upon termination of the corporate life of the Foundation its assets shall be liquidated and, unless otherwise provided by Congress, shall be transferred to the United States Treasury as the property of the United States.

(Pub. L. 96–533, title V, § 506, Dec. 16, 1980, 94 Stat. 3153.)

§ 290h–5. Management of Foundation

(a) Board of directors; membership; designation of Chairperson and Vice Chairperson; appointment considerations; term; vacancies

(1) The management of the Foundation shall be vested in a board of directors (hereafter in this subchapter referred to as the ''Board'') composed of seven members appointed by the President, by and with the advice and consent of the Senate. The President shall designate one member of the Board to serve as Chairperson of the Board and one member to serve as Vice Chairperson of the Board. Five members of the Board shall be appointed from private life. Two members of the Board shall be appointed from among officers and employees of agencies of the United States concerned with African affairs. All members of the Board shall be appointed on the basis of their understanding of and sensitivity to community level development processes. Members of the Board shall be appointed so that no more than four members of the Board are members of any one political party.

(2) Members of the Board shall be appointed for terms of six years, except that of the members first appointed, as designated by the President at the time of their appointment, two shall be appointed for terms of two years and two shall be appointed for terms of four years. A member of the Board appointed to fill a vacancy occurring before the expiration of the term for which that member's predecessor was appointed shall be appointed only for the remainder of that term. Upon the expiration of his or her term a member shall continue to serve until a successor is appointed and shall have qualified.

(b) Compensation, actual, necessary, and transportation expenses

Members of the Board shall serve without additional compensation, but may be reimbursed for actual and necessary expenses not exceeding $100 per day, and for transportation expenses, while engaged in their duties on behalf of the Foundation.

(c) Quorum

A majority of the Board shall constitute a quorum.

(d) President of Foundation; appointment and compensation; employment of experts and consultants

(1) The Board of Directors shall appoint a president of the Foundation on such terms as the Board may determine. The president of the Foundation shall receive compensation at a rate not to exceed that provided for level IV of the Executive Schedule under section 5315 of title 5.

(2) Experts and consultants may be employed by the Board as authorized by section 3109 of title 5.

(e) Advisory council; membership; appointment considerations; consultations with council; compensation, travel, and other expenses

(1) The Board shall establish an advisory council to be composed of such number of individuals as may be selected by the Board from among individuals knowledgeable about development activities in Africa. The advisory council may include African recipients of grants, loans, or loan guarantees under this subchapter.

(2) The Board shall, at least once each year, consult the advisory council concerning the objectives and activities of the Foundation.

(3) Members of the advisory council shall receive no compensation for their services but may be allowed travel and other expenses in accordance with section 5703 of title 5, which are incurred by them in the performance of the functions under this subsection.

(Pub. L. 96–533, title V, § 507, Dec. 16, 1980, 94 Stat. 3154; Pub. L. 101–167, title II, Nov. 21, 1989, 103 Stat. 1209.)

AMENDMENTS

1989—Subsec. (a)(1). Pub. L. 101–167 inserted at end ''Members of the Board shall be appointed so that no more than four members of the Board are members of any one political party.''

EFFECTIVE DATE OF 1989 AMENDMENT

Pub. L. 101–167, title II, Nov. 21, 1989, 103 Stat. 1209, provided: ''That the amendment to section 507(a)(1) of such Act [22 U.S.C. 290h–5(a)(1)] shall not affect an appointment made to the Board prior to the date of enactment of this Act [Nov. 21, 1989]''.

§ 290h–6. Government corporation control provisions applicable

The Foundation shall be subject to the provisions of chapter 91 of title 31 applicable to wholly owned Government corporations.

(Pub. L. 96–533, title V, § 508, Dec. 16, 1980, 94 Stat. 3155.)

CODIFICATION

"The provisions of chapter 91 of title 31 applicable to wholly owned Government corporations" substituted in text for "title I of the Government Corporation Control Act [31 U.S.C. 846 et seq.]" on authority of Pub. L. 97–258, § 4(b), Sept. 13, 1982, 96 Stat. 1067, the first section of which enacted Title 31, Money and Finance.

§ 290h–7. Limitation on spending authority

Any authority provided by this subchapter involving the expenditure of funds (other than the funds made available pursuant to section 290h–8 of this title) shall be effective for a fiscal year only to such extent or in such amounts as are provided in advance in appropriation Acts.

(Pub. L. 96–533, title V, § 509, Dec. 16, 1980, 94 Stat. 3155.)

§ 290h–8. Authorization of appropriations

There are authorized to be appropriated to carry out this subchapter, in addition to amounts otherwise available for that purpose, $3,872,000 for fiscal year 1986 and $3,872,000 for fiscal year 1987. Funds appropriated under this section are authorized to remain available until expended.

(Pub. L. 96–533, title V, § 510, Dec. 16, 1980, 94 Stat. 3155; Pub. L. 97–113, title III, § 313, Dec. 29, 1981, 95 Stat. 1536; Pub. L. 99–83, title VIII, § 810(a), Aug. 8, 1985, 99 Stat. 264.)

AMENDMENTS

1985—Pub. L. 99–83 amended section generally. Prior to amendment, section read as follows: "Of the funds appropriated to carry out part I of the Foreign Assistance Act of 1961, other than funds appropriated for the Economic Support Fund, not less than $2,000,000 for the fiscal year 1982 and up to $2,000,000 for the fiscal year 1983 shall be used to carry out this subchapter."

1981—Pub. L. 97–113 struck out "for the fiscal year 1981" after "Of the funds appropriated" and substituted "not less than $2,000,000 for the fiscal year 1982 and up to $2,000,000 for the fiscal year 1983" for "$2,000,000".

EFFECTIVE DATE OF 1985 AMENDMENT

Amendment by Pub. L. 99–83 effective Oct. 1, 1985, see section 1301 of Pub. L. 99–83, set out as a note under section 2151–1 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 290h–7 of this title.

§ 290h–9. Repealed. Pub. L. 101–167, title II, Nov. 21, 1989, 103 Stat. 1209

Section, Pub. L. 96–533, title V, § 511, Dec. 16, 1980, 94 Stat. 3155; Pub. L. 99–83, title VIII, § 810(b), Aug. 8, 1985, 99 Stat. 264, related to expiration of authority of Foundation.

SUBCHAPTER XXIV—AFRICAN DEVELOPMENT BANK

§ 290i. Acceptance of membership

The President is hereby authorized to accept membership for the United States in the African Development Bank (hereinafter in this subchapter referred to as the "Bank") provided for by the agreement establishing the Bank (hereinafter in this subchapter referred to as the "agreement") deposited in the archives of the United Nations.

(Pub. L. 97–35, title XIII, § 1332, Aug. 13, 1981, 95 Stat. 741.)

REFERENCES IN TEXT

This subchapter, referred to in text, was in the original "this part", meaning part 3 of subtitle B of title XIII of Pub. L. 97–35, Aug. 13, 1981, 95 Stat. 741, known as the African Development Bank Act, which enacted this subchapter and amended sections 262d, 262f, and 276c–2 of this title and section 24 of Title 12, Banks and Banking. For complete classification of part 3 to the Code, see Short Title note set out below and Tables.

EFFECTIVE DATE

Section 1372 of Pub. L. 97–35 provided that: "This subtitle [subtitle B (§§ 1311–1372) of title XIII of Pub. L. 97–35, enacting this subchapter and sections 262g–1 to 262g–3, 283z–2, 284*o*, 285w, and 286e–1h of this title, amending sections 262d, 262f, 262g, 276c–2, 283w, 283z–1, 285s, 285t, 285u, 286e–1f, and 286u of this title and section 24 of Title 12, Banks and Banking, repealing section 286e–10 of this title, and enacting provisions set out as notes under sections 262c, 262g–2, and 290i of this title] shall take effect upon its enactment [Aug. 13, 1981], except that funds authorized to be appropriated by any provision contained in part 1 [enacting section 286e–1h of this title and amending section 286e–1f of this title] or part 4 [enacting sections 283z–2 and 285w of this title and amending sections 283w, 283z–1, 285s, 285t, and 285u of this title] shall not be available for use or obligation prior to October 1, 1981."

SHORT TITLE

Section 1331 of Pub. L. 97–35 provided that: "This part [part 3 (§§ 1331–1342) of subtitle B of title XIII of Pub. L. 97–35, enacting this subchapter and amending sections 262d, 262f, and 276c–2 of this title and section 24 of Title 12, Banks and Banking] may be cited as the 'African Development Bank Act'."

§ 290i–1. Governor and Alternate Governor

(a) Appointment; term; termination and reappointment

The President, by and with the advice and consent of the Senate, shall appoint a Governor, an Alternate Governor, and a Director of the Bank. The term of office for the Governor and the Alternate Governor shall be five years, subject at any time to termination of appointment or to reappointment. The Governor and Alternate Governor shall remain in office until a successor has been appointed.

(b) Compensation and expenses

No person shall be entitled to receive any salary or other compensation from the United States for services as a Governor or Alternate Governor, except for reasonable expenses to attend meetings of the Board of Governors.

(c) Voting

The Governor, or in the Governor's absence the Alternate Governor, on the instructions of the President, shall cast the votes of the United States for the Director to represent the United States in the Bank.

(Pub. L. 97–35, title XIII, § 1333, Aug. 13, 1981, 95 Stat. 741; Pub. L. 101–513, title V, § 562(b)(3), Nov. 5, 1990, 104 Stat. 2034.)

AMENDMENTS

1990—Subsec. (a). Pub. L. 101–513 substituted "Governor, an Alternate Governor, and a Director" for "Governor and an Alternate Governor".

DELEGATION OF FUNCTIONS

Functions of President under subsec. (c) delegated to Secretary of the Treasury, see Ex. Ord. No. 12403, Feb. 8, 1983, 48 F.R. 6087.

§ 290i–2. Director or Alternate Director; allowances

The Director or Alternate Director representing the United States, if citizens of the United States, may, in the discretion of the President, receive such compensation, allowances, and other benefits as, together with those received from the Bank and from the African Development Fund, may not exceed those authorized for a chief of mission under the Foreign Service Act of 1980 [22 U.S.C. 3901 et seq.].

(Pub. L. 97–35, title XIII, § 1334, Aug. 13, 1981, 95 Stat. 741.)

REFERENCES IN TEXT

The Foreign Service Act of 1980, referred to in text, is Pub. L. 96–465, Oct. 17, 1980, 94 Stat. 2071, as amended, which is classified principally to chapter 52 (§ 3901 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 3901 of this title and Tables.

DELEGATION OF FUNCTIONS

Functions of President under this section delegated to Secretary of the Treasury, see Ex. Ord. No. 12403, Feb. 8, 1983, 48 F.R. 6087.

§ 290i–3. Applicability of Bretton Woods Agreements Act

The provisions of section 4 of the Bretton Woods Agreements Act (22 U.S.C. 286b) shall apply with respect to the Bank to the same extent as with respect to the International Bank for Reconstruction and Development and the International Monetary Fund.

(Pub. L. 97–35, title XIII, § 1335, Aug. 13, 1981, 95 Stat. 741; Pub. L. 101–240, title V, § 541(e)(7), Dec. 19, 1989, 103 Stat. 2519.)

REFERENCES IN TEXT

The Bretton Woods Agreements Act, referred to in section catchline, is act July 31, 1945, ch. 339, 59 Stat. 512, as amended, which is classified principally to subchapter XV (§ 286 et seq.) of this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 286 of this title and Tables.

AMENDMENTS

1989—Pub. L. 101–240 struck out at end ''Reports with respect to the Bank under paragraphs (5) and (6) of section 4 of that Act shall be included in the first and subsequent reports made thereunder after the United States accepts membership in the Bank.''

§ 290i–4. Restrictions

(a)[1] Unless authorized by law, neither the President, nor any person or agency, shall, on behalf of the United States—

(1) subscribe to additional shares of stock of the Bank;

(2) vote for or agree to any amendment of the agreement which increases the obligations of the United States, or which changes the purpose or functions of the Bank; or

(3) make a loan or provide other financing to the Bank, except that funds for technical assistance may be provided to the Bank by a United States agency created pursuant to an Act of Congress which is authorized by law to provide funds to international organizations.

(Pub. L. 97–35, title XIII, § 1336, Aug. 13, 1981, 95 Stat. 742.)

§ 290i–5. Federal Reserve banks as depositories

Any Federal Reserve bank which is requested to do so by the Bank shall act as its depository or as its fiscal agent, and the Board of Governors of the Federal Reserve System shall supervise and direct the carrying out of these functions by the Federal Reserve banks.

(Pub. L. 97–35, title XIII, § 1337, Aug. 13, 1981, 95 Stat. 742.)

§ 290i–6. Subscription to stock

(a) Authorization of United States subscription to stock

The President is authorized to agree to subscribe on behalf of the United States to twenty-nine thousand eight hundred and twenty shares of the capital stock of the Bank: *Provided, however*, That the subscription shall be effective only to such extent or in such amounts as are provided in advance in appropriations Acts.

(b) Authorization of appropriations

There is authorized to be appropriated, without fiscal year limitation, for payment by the Secretary of the Treasury of the initial United States subscription to twenty-nine thousand eight hundred and twenty shares of the capital stock of the Bank, $359,733,570: *Provided, however*, That not more than $17,986,679 of such sum may be made available for paid in subscriptions to the Bank for each of the fiscal years 1982, 1983, and 1984.

(c) Distributions by Bank

Any payment or distributions of moneys from the Bank to the United States shall be covered into the Treasury as a miscellaneous receipt.

(Pub. L. 97–35, title XIII, § 1338, Aug. 13, 1981, 95 Stat. 742.)

DELEGATION OF FUNCTIONS

Functions of President under subsec. (a) delegated to Secretary of the Treasury, see Ex. Ord. No. 12403, Feb. 8, 1983, 48 F.R. 6087.

§ 290i–7. Jurisdiction of United States courts

For the purposes of any civil action which may be brought within the United States, its territories or possessions, or the Commonwealth of Puerto Rico, by or against the Bank in accordance with the agreement, the Bank shall be deemed to be an inhabitant of the Federal judicial district in which its principal office within the United States or its agent appointed for the purpose of accepting service or notice of service is located, and any such action to which the Bank shall be a party shall be deemed to arise under the laws of the United States, and the district courts of the United States, including the courts enumerated in section 460 of title 28,

[1] So in original. No subsec. (b) has been enacted.

shall have original jurisdiction of any such action. When the Bank is defendant in any action in a State court, it may at any time before the trial thereof remove the action into the appropriate district court of the United States by following the procedure for removal provided in section 1446 of title 28.

(Pub. L. 97–35, title XIII, § 1339, Aug. 13, 1981, 95 Stat. 742.)

§ 290i–8. Force and effect of agreement

Paragraph 5 of article 49, articles 50 through 59, and the other provisions of the agreement shall have full force and effect in the United States, its territories and possessions, and the Commonwealth of Puerto Rico, upon acceptance of membership by the United States in the Bank. The President, at the time of deposit of the instrument of acceptance of membership by the United States in the Bank, shall also deposit a declaration as provided in article 64, paragraph 3, of the agreement that the United States retains for itself and its political subdivisions the right to tax salaries and emoluments paid by the Bank to United States citizens or nationals.

(Pub. L. 97–35, title XIII, § 1340, Aug. 13, 1981, 95 Stat. 743.)

REFERENCES IN TEXT

The agreement, referred to in text, is the agreement establishing the African Development Bank. See section 290i of this title.

§ 290i–9. Securities issued by Bank; Securities and Exchange Commission oversight

(a) Treatment as exempt securities; reports to Securities and Exchange Commission

Any securities issued by the Bank (including any guarantee by the Bank, whether or not limited in scope) in connection with the raising of funds for inclusion in the Bank's ordinary capital resources as defined in article 9 of the agreement and any securities guaranteed by the Bank as to both principal and interest to which the commitment in article 7, paragraph 4(a), of the agreement is expressly applicable, shall be deemed to be exempted securities within the meaning of sections 77c(a)(2) and 78c(a)(12) of title 15. The Bank shall file with the Securities and Exchange Commission such annual and other reports with regard to such securities as the Commission shall determine to be appropriate in view of the special character of the Bank and its operations as necessary in the public interest or for the protection of investors.

(b) Suspension of provisions; reports to Congress

The Securities and Exchange Commission, acting in consultation with such agency or officer as the President shall designate, is authorized to suspend the provisions of subsection (a) of this section at any time as to any or all securities issued or guaranteed by the Bank during the period of such suspension. The Commission shall include in its annual reports to Congress such information as it shall deem advisable with regard to the operations and effect of this section and in connection therewith shall include any views submitted for such purpose by any association of dealers registered with the Commission.

(Pub. L. 97–35, title XIII, § 1341, Aug. 13, 1981, 95 Stat. 743.)

REFERENCES IN TEXT

The agreement, referred to in subsec. (a), is the agreement establishing the African Development Bank. See section 290i of this title.

DELEGATION OF FUNCTIONS

Functions of President under subsec. (b) delegated to Secretary of the Treasury, see Ex. Ord. No. 12403, Feb. 8, 1983, 48 F.R. 6087.

§ 290i–10. Authorization of United States subscription to stock; authorization of appropriations

(a) The United States Governor of the Bank is authorized to agree to subscribe on behalf of the United States to fifty-nine thousand, six hundred and thirty-two shares of the capital stock of the Bank, except that the subscription shall be effective only to such extent or in such amounts as are provided in advance in appropriations Acts.

(b) In order to pay for the United States subscription authorized in subsection (a) of this section, there are authorized to be appropriated, without fiscal year limitation, $719,370,633, for payment by the Secretary of the Treasury.

(Pub. L. 97–35, title XIII, § 1343, as added Pub. L. 100–202, § 101(e) [title I], Dec. 22, 1987, 101 Stat. 1329–131, 1329–134.)

CODIFICATION

Section 1343 of Pub. L. 97–35 is based on section 301 of title III of H.R. 3750, One Hundredth Congress, as introduced Dec. 11, 1987, and enacted into law by Pub. L. 100–202.

FIFTH GENERAL CAPITAL INCREASE

Pub. L. 106–113, div. B, § 1000(a)(2) [title V, § 594], Nov. 29, 1999, 113 Stat. 1535, 1501A–122, provided in part that the Secretary of the Treasury may effect the United States participation in the fifth general capital increase of the African Development Bank, and authorized $40,847,011 to be appropriated without fiscal year limitation for payment by the Secretary for paid-in capital of the Bank and $639,932,485 to be appropriated without fiscal year limitation for payment by the Secretary for callable capital of the Bank.

SUBCHAPTER XXV—UNITED STATES-INDIA FUND FOR CULTURAL, EDUCATIONAL, AND SCIENTIFIC COOPERATION

§ 290j. Establishment of the Fund

(a) Agreement with Government of India; program purposes

The President is authorized to enter into an agreement with the Government of India for the establishment of a fund (hereafter in this subchapter referred to as the ''Fund'') which would provide grants and other assistance for cultural, educational, and scientific programs of mutual interest. Such programs may include exchanges of persons, exchanges of information, and other programs of study, research, and scholarly cooperation. The agreement may also provide for the establishment of an endowment, a foundation, or other means to carry out the purposes of the agreement.

(b) United States representatives

The United States representatives on any board or other entity created in accordance with the agreement to administer the Fund shall be designated by the President predominately from among representatives of United States Government agencies, including those administering programs which may be supported in whole or in part by the Fund.

(c) Funding of programs

United States Government agencies carrying out programs of the types specified in subsection (a) of this section may receive amounts directly from the Fund for use in carrying out those programs.

(Pub. L. 98–164, title IX, § 902, Nov. 22, 1983, 97 Stat. 1051.)

SHORT TITLE

Section 901 of title IX of Pub. L. 98–164 provided that: ''This title [enacting this subchapter] may be cited as the 'United States-India Fund for Cultural, Educational, and Scientific Cooperation Act'.''

EX. ORD. NO. 12517. DELEGATION CONCERNING UNITED STATES-INDIA FUND FOR CULTURAL, EDUCATIONAL, AND SCIENTIFIC COOPERATION

Ex. Ord. No. 12517, May 29, 1985, 50 F.R. 23105, provided:

By the authority vested in me as President by the Constitution and statutes of the United States of America, including section 301 of Title 3 of the United States Code, and in order to delegate certain functions concerning the United States-India Fund for Cultural, Educational, and Scientific Cooperation to the Secretary of State, it is hereby ordered as follows:

SECTION 1. All functions vested in the President by the United States-India Fund for Cultural, Educational, and Scientific Cooperation Act (Title IX of Public Law 98–164, 97 Stat. 1051; ''the Act'') [22 U.S.C. 290j et seq.] are delegated to the Secretary of State.

SEC. 2. India rupees provided to the President for purposes of Title IX of the Act and under Title III of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriation Act, 1985 (Public Law 98–411, 98 Stat. 1545) are allocated to the Secretary of the Treasury for investment to generate earnings for purposes of Title IX of the Act.

RONALD REAGAN.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 290j–1 of this title.

§ 290j–1. Use of United States owned rupees to capitalize the Fund

(a) Subject to applicable requirements concerning reimbursement to the Treasury for United States owned foreign currencies, the President may make available to the Fund, for use in carrying out the agreement authorized by section 290j of this title, up to the equivalent of $200,000,000 in foreign currencies owned by the United States in India or owed to the United States by the Government of India. Such use may include investment in order to generate interest which would be retained in the Fund and used to support programs pursuant to that agreement.

(b) In accordance with the agreement negotiated pursuant to section 290j(a) of this title, sums made available for investment for the United States-India Fund for Cultural, Educational, and Scientific Cooperation under the Departments of Commerce, Justice, and State, and the Judiciary and Related Agencies Appropriation Act, 1985, and any earnings on such sums shall be available for the purposes of section 290j(a) of this title.

(Pub. L. 98–164, title IX, § 903, Nov. 22, 1983, 97 Stat. 1051; Pub. L. 99–93, title VIII, § 808, Aug. 16, 1985, 99 Stat. 452; Pub. L. 100–204, title III, § 305, Dec. 22, 1987, 101 Stat. 1379.)

REFERENCES IN TEXT

The Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriation Act, 1985, referred to in subsec. (b), is Pub. L. 98–411, Aug. 30, 1984, 98 Stat. 1545. For provisions relating to contribution to the United States-India Fund for Cultural, Educational, and Scientific Cooperation, see 98 Stat. 1567.

AMENDMENTS

1987—Subsec. (b). Pub. L. 100–204 amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows: ''Pending completion of the negotiation of an agreement with the Government of India, the annual earnings generated by the moneys appropriated by the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriation Act, 1985, may be used for the purposes set out in section 290j(a) of this title.''

1985—Pub. L. 99–93 designated existing provisions as subsec. (a) and added subsec. (b).

SUBCHAPTER XXVI—MULTILATERAL INVESTMENT GUARANTEE AGENCY

§ 290k. Acceptance of membership

The President is hereby authorized to accept membership for the United States in the Multilateral Investment Guarantee Agency (hereinafter in this subchapter referred to as the ''Agency'') provided for by the Convention Establishing the Multilateral Investment Guarantee Agency (hereinafter in this subchapter referred to as the ''Convention'') deposited in the archives of the International Bank for Reconstruction and Development (hereinafter in this subchapter referred to as the ''Bank'').

(Pub. L. 100–202, § 101(e) [title I], Dec. 22, 1987, 101 Stat. 1329–131, 1329–134.)

CODIFICATION

Section is based on section 403 of title IV of H.R. 3750, One Hundredth Congress, as introduced Dec. 11, 1987, and enacted into law by Pub. L. 100–202.

Section 402 of title IV of H.R. 3750, as introduced Dec. 11, 1987, and as enacted into law by section 101(e) [title I] of Pub. L. 100–202, provided that: ''This title [enacting this subchapter] shall be codified as subchapter XXVI of chapter 7 of title 22 of the United States Code.''

SHORT TITLE

Section 401 of title IV of H.R. 3750, as introduced Dec. 11, 1987, and as enacted into law by section 101(e) [title I] of Pub. L. 100–202, provided that: ''This title [enacting this subchapter] may be cited as the 'Multilateral Investment Guarantee Agency Act'.''

§ 290k–1. Governor and Alternate Governor

The Governor and Alternate Governor of the Bank, appointed under section 286a of this title, shall serve as Governor and Alternate Governor, respectively, of the Agency.

(Pub. L. 100–202, § 101(e) [title I], Dec. 22, 1987, 101 Stat. 1329–131, 1329–134.)

CODIFICATION

Section is based on section 404 of title IV of H.R. 3750, One Hundredth Congress, as introduced Dec. 11, 1987, and enacted into law by Pub. L. 100–202.

§ 290k–2. Instructions for United States Director

Immediately after taking office and prior to the issuance by the Agency of its first guarantee, the United States Director of the Agency shall propose and actively seek the adoption by the Board of Directors of policies and procedures under which the Agency will not issue guarantees in respect of any proposed investment that would—

(1) be in any country which has not taken or is not taking steps to afford internationally recognized workers' rights to workers in that country;

(2) be subject to trade-distorting performance requirements imposed by the host country that are likely to result in a significant net reduction in—

(A) employment in the United States or other member countries; or

(B) other trade benefits likely to accrue to the United States or other member countries from the investment; or

(3) increase a country's productive capacity in an industry already facing excess worldwide capacity for the same, similar or competing product, and cause substantial injury to producers of such product in another member country.

(Pub. L. 100–202, § 101(e) [title I], Dec. 22, 1987, 101 Stat. 1329–131, 1329–134.)

CODIFICATION

Section is based on section 405 of title IV of H.R. 3750, One Hundredth Congress, as introduced Dec. 11, 1987, and enacted into law by Pub. L. 100–202.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 290k–3 of this title.

§ 290k–3. Opposition to certain guarantees or investment promotions; independent evaluation of guaranteed investments

Consistent with the purposes of section 290k–2 of this title, the Secretary of the Treasury shall—

(1) instruct the United States Director to oppose, and to actively seek the concurrence of other members of the Board of Directors in opposing, any guarantee or other investment promotion under consideration by the Agency if the proposed investment would—

(A) be in any country which is not a beneficiary developing country for purposes of title V of the Trade Act of 1974 [19 U.S.C. 2461 et seq.] because it has not taken or is not taking steps to afford internationally-recognized workers' rights to workers in that country;

(B) be subject to trade-distorting performance requirements imposed by the host country that are likely to result in a significant net reduction in—

(i) employment in the United States; or

(ii) other trade benefits likely to accrue to the United States from the investment; or

(C) likely increase a country's productive capacity in an industry already facing excess worldwide capacity for the same, similar or competing product, and cause substantial injury to producers of such products in the United States; and

(2) within 12 months after the United States becomes a member of the Agency and each year thereafter for the 3 succeeding years, conduct an independent evaluation of the United States investments which have been guaranteed by the Agency to determine—

(A) the anticipated net impact of such investments on employment in and exports from the United States, and

(B) the extent to which such investments were made in countries which had not taken or are not taking steps to afford internationally-recognized workers' rights to workers in those countries.

In the course of conducting each evaluation required under paragraph (2), the Secretary shall actively solicit and take into account the views of United States labor organizations. The Secretary shall furnish a copy of each such evaluation on its completion to the Congress.

(Pub. L. 100–202, § 101(e) [title I], Dec. 22, 1987, 101 Stat. 1329–131, 1329–134.)

REFERENCES IN TEXT

The Trade Act of 1974, referred to in par. (1)(A), is Pub. L. 93–618, Jan. 3, 1975, 88 Stat. 1978, as amended. Title V of the Trade Act of 1974 is classified generally to subchapter V (§ 2461 et seq.) of chapter 12 of Title 19, Customs Duties. For complete classification of this Act to the Code, see section 2101 of Title 19 and Tables.

CODIFICATION

Section is based on section 406 of title IV of H.R. 3750, One Hundredth Congress, as introduced Dec. 11, 1987, and enacted into law by Pub. L. 100–202.

§ 290k–4. Consultation with representatives of private sector and of labor organizations on Agency policy directions and operations

Recognizing that United States participation in the Agency represents an effort to enhance United States trade prospects and strengthen the role of the United States private sector in the development process, the Secretary of the Treasury shall ensure regular and continuing consultations with United States private sector representatives and representatives of United States labor organizations, through appropriate mechanisms, on policy directions and operations of the Agency, and shall take account of those consultations in determining the policies of the United States toward the Agency.

(Pub. L. 100–202, § 101(e) [title I], Dec. 22, 1987, 101 Stat. 1329–131, 1329–134.)

CODIFICATION

Section is based on section 407 of title IV of H.R. 3750, One Hundredth Congress, as introduced Dec. 11, 1987, and enacted into law by Pub. L. 100–202.

§ 290k–5. Applicability of Bretton Woods Agreements Act

The provisions of section 286b of this title shall apply with respect to the Agency to the same extent as with respect to the Bank and the International Monetary Fund.

(Pub. L. 100–202, § 101(e) [title I], Dec. 22, 1987, 101 Stat. 1329–131, 1329–134; Pub. L. 101–240, title V, § 541(e)(5), Dec. 19, 1989, 103 Stat. 2518.)

REFERENCES IN TEXT

The Bretton Woods Agreements Act, referred to in section catchline, is act July 31, 1945, ch. 339, 59 Stat. 512, as amended, which is classified principally to subchapter XV (§ 286 et seq.) of this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 286 of this title and Tables.

CODIFICATION

Section is based on section 408 of title IV of H.R. 3750, One Hundredth Congress, as introduced Dec. 11, 1987, and enacted into law by Pub. L. 100–202.

AMENDMENTS

1989—Pub. L. 101–240 struck out at end ''Reports with respect to the Agency under paragraphs (5) and (6) of section 286b(b) of this title shall be included in the reports made thereunder after the United States accepts membership in the Agency.''

§ 290k–6. Restrictions

Unless authorized by law, neither the President nor any person or agency shall, on behalf of the United States—

(1) subscribe to additional shares of stock of the Agency;

(2) vote for or agree to any amendment of the Convention which increases the obligations of the United States, or which changes the purpose or functions of the Agency; or

(3) make a loan or provide other financing to the Agency.

(Pub. L. 100–202, § 101(e) [title I], Dec. 22, 1987, 101 Stat. 1329–131, 1329–134.)

CODIFICATION

Section is based on section 409 of title IV of H.R. 3750, One Hundredth Congress, as introduced Dec. 11, 1987, and enacted into law by Pub. L. 100–202.

§ 290k–7. Federal Reserve banks as depositories

Any Federal Reserve bank that is requested to do so by the Agency shall act as its depository or as its fiscal agent, and the Board of Governors of the Federal Reserve System shall supervise and direct the carrying out of these functions by the Federal Reserve banks.

(Pub. L. 100–202, § 101(e) [title I], Dec. 22, 1987, 101 Stat. 1329–131, 1329–134.)

CODIFICATION

Section is based on section 410 of title IV of H.R. 3750, One Hundredth Congress, as introduced Dec. 11, 1987, and enacted into law by Pub. L. 100–202.

§ 290k–8. Subscription of stock

(a) Authority of Secretary of the Treasury

The Secretary of the Treasury is authorized to subscribe on behalf of the United States to 20,519 shares of the capital stock of the Agency, except that the subscription shall be effective only to such extent or in such amounts as are provided in advance in appropriations Acts.

(b) Authorization of appropriations

In order to pay for United States subscription authorized in subsection (a) of this section, there are authorized to be appropriated, without fiscal year limitation, $222,015,580, for payment by the Secretary of the Treasury.

(c) Dividends deposited into Treasury

Any payment of dividends made to the United States by the Agency shall be deposited into the Treasury as a miscellaneous receipt.

(Pub. L. 100–202, § 101(e) [title I], Dec. 22, 1987, 101 Stat. 1329–131, 1329–134.)

CODIFICATION

Section is based on section 411 of title IV of H.R. 3750, One Hundredth Congress, as introduced Dec. 11, 1987, and enacted into law by Pub. L. 100–202.

FIRST GENERAL CAPITAL INCREASE

Pub. L. 106–113, div. B, § 1000(a)(2) [title V, § 594], Nov. 29, 1999, 113 Stat. 1535, 1501A–122, provided in part that the Secretary of the Treasury may effect the United States participation in the first general capital increase of the Multilateral Investment Guarantee Agency and authorized $29,870,087 to be appropriated without fiscal year limitation for payment by the Secretary for paid-in capital of the Agency and $139,365,533 to be appropriated without fiscal year limitation for payment by the Secretary for callable capital of the Agency.

§ 290k–9. Jurisdiction of United States courts and enforcement of arbitral awards

For the purposes of any civil action which may be brought within the United States, its territories or possessions, or the Commonwealth of Puerto Rico, by or against the Agency in accordance with the Convention, including an action brought to enforce an arbitral award against the Agency, the Agency shall be deemed to be an inhabitant of the Federal judicial district in which its principal office within the United States or its agent appointed for the purpose of accepting service or notice of service is located, and any such action to which the Agency shall be a party shall be deemed to arise under the laws of the United States, and the district courts of the United States, including the courts enumerated in section 460 of title 28, shall have original jurisdiction of any such action. When the Agency is a defendant in any action in a State court, it may at any time before the trial thereof remove the action into the appropriate district court of the United States by following the procedure for removal provided in section 1446 of title 28.

(Pub. L. 100–202, § 101(e) [title I], Dec. 22, 1987, 101 Stat. 1329–131, 1329–134.)

CODIFICATION

Section is based on section 412 of title IV of H.R. 3750, One Hundredth Congress, as introduced Dec. 11, 1987, and enacted into law by Pub. L. 100–202.

§ 290k–10. Effectiveness of Convention

Articles 43 through 48, inclusive, of the Convention shall have full force and effect in the United States, its territories and possessions,

and the Commonwealth of Puerto Rico, upon the entry into force of the Convention for the United States.

(Pub. L. 100–202, § 101(e) [title I], Dec. 22, 1987, 101 Stat. 1329–131, 1329–134.)

CODIFICATION

Section is based on section 413 of title IV of H.R. 3750, One Hundredth Congress, as introduced Dec. 11, 1987, and enacted into law by Pub. L. 100–202.

§ 290k–11. Arbitral awards; enforcement; full faith and credit; Federal Arbitration Act inapplicable; exclusiveness of district court jurisdiction

(a) An award of an arbitral tribunal resolving a dispute arising under Article 57 or Article 58 of the Convention shall create a right arising under a treaty of the United States. The pecuniary obligations imposed by such an award shall be enforced and shall be given the same full faith and credit as if the award were a final judgment of a court of general jurisdiction of one of the several States. The Federal Arbitration Act (9 U.S.C. 1, et seq.) shall not apply to enforcement of awards rendered pursuant to the Convention.

(b) The district courts of the United States (including the courts enumerated in section 460 of title 28) shall have exclusive jurisdiction over actions and proceedings under subsection (a) of this section, regardless of the amount in controversy.

(Pub. L. 100–202, § 101(e) [title I], Dec. 22, 1987, 101 Stat. 1329–131, 1329–134.)

REFERENCES IN TEXT

The Federal Arbitration Act, referred to in subsec. (a), is classified generally to Title 9, Arbitration.

CODIFICATION

Section is based on section 414 of title IV of H.R. 3750, One Hundredth Congress, as introduced Dec. 11, 1987, and enacted into law by Pub. L. 100–202.

SUBCHAPTER XXVII—EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT

§ 290*l*. Acceptance of membership

The President is hereby authorized to accept membership for the United States in the European Bank for Reconstruction and Development (in this subchapter referred to as the ''Bank'') provided for by the agreement establishing the Bank (in this subchapter referred to as the ''Agreement''), signed on May 29, 1990.

(Pub. L. 101–513, title V, § 562(c)(2), Nov. 5, 1990, 104 Stat. 2034.)

REFERENCES IN TEXT

This subchapter, referred to in text, was in the original ''this subsection'' meaning subsection (c) of section 562 of Pub. L. 101–513, title V, Nov. 5, 1990, 104 Stat. 2034, which is classified principally to this subchapter. For complete classification of subsection (c) to the Code, see Short Title note set out below and Tables.

SHORT TITLE

Section 562(c)(1) of Pub. L. 101–513 provided that: ''This subsection [enacting this subchapter and amending sections 262r and 276c–2 of this title and section 24 of Title 12, Banks and Banking] may be cited as the 'European Bank for Reconstruction and Development Act'.''

§ 290*l*–1. Governor and alternate Governor

(a) Appointment

The President, by and with the advice and consent of the Senate, shall appoint a Governor of the Bank, an alternate for the Governor, and a Director of the Bank.

(b) Compensation

Any person who serves as a Governor of the Bank or as an alternate for the Governor may not receive any salary or other compensation from the United States by reason of such service.

(Pub. L. 101–513, title V, § 562(c)(3), Nov. 5, 1990, 104 Stat. 2034.)

CODIFICATION

Subsecs. (a) and (b) were in the original (A) and (B), respectively, and were editorially redesignated for purposes of codification.

§ 290*l*–2. Applicability of certain provisions of Bretton Woods Agreements Act

Section 286b of this title shall apply to the Bank in the same manner in which such section applies to the International Bank for Reconstruction and Development and the International Monetary Fund.

(Pub. L. 101–513, title V, § 562(c)(4), Nov. 5, 1990, 104 Stat. 2034.)

REFERENCES IN TEXT

The Bretton Woods Agreements Act, referred to in section catchline, is act July 31, 1945, ch. 339, 59 Stat. 512, as amended, which is classified principally to subchapter XV (§ 286 et seq.) of this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 286 of this title and Tables.

§ 290*l*–3. Federal Reserve banks as depositories

Any Federal Reserve Bank[1] which is requested to do so by the Bank may act as its depository, or as its fiscal agent, and the Board of Governors of the Federal Reserve System shall exercise general supervision over the carrying out of these functions.

(Pub. L. 101–513, title V, § 562(c)(5), Nov. 5, 1990, 104 Stat. 2034.)

§ 290*l*–4. Subscription of stock

(a) Subscription authority

(1) In general

The Secretary of the Treasury may subscribe on behalf of the United States to 100,000 shares of the capital stock of the Bank.

(2) Effectiveness of subscription commitment

Any commitment to make such subscription shall be effective only to such extent or in such amounts as are provided for in advance by appropriations Acts.

(b) Limitations on authorization of appropriations

For payment by the Secretary of the Treasury of the subscription of the United States for

[1] So in original. Probably should not be capitalized.

shares described in subsection (a) of this section, there are authorized to be appropriated $1,167,010,000 without fiscal year limitation.

(c) Disposition of net income distributions by Bank

Any payment made to the United States by the Bank as a distribution of net income shall be covered into the Treasury as a miscellaneous receipt.

(Pub. L. 101–513, title V, § 562(c)(6), Nov. 5, 1990, 104 Stat. 2034.)

CODIFICATION

Subsecs. (a) to (c) were in the original (A) to (C), respectively, and pars. (1) and (2) of subsec. (a) were in the original (i) and (ii), respectively, and were editorially redesignated for purposes of codification.

FIRST GENERAL CAPITAL INCREASE

Pub. L. 105–118, title V, § 560(a), Nov. 26, 1997, 111 Stat. 2425, provided in part that the Secretary of the Treasury may, to effect the United States participation in the first general capital increase of the European Bank for Reconstruction and Development, subscribe to and make payment for 100,000 additional shares of the capital stock of the Bank on behalf of the United States, and authorized $285,772,500 for paid-in capital and $984,327,500 for callable capital of the European Bank for Reconstruction and Development to be appropriated without fiscal year limitation, subject to obtaining the necessary appropriations.

§ 290*l*–5. Jurisdiction and venue of civil actions by or against Bank

(a) Jurisdiction

The United States district courts shall have original and exclusive jurisdiction of any civil action brought in the United States by or against the Bank.

(b) Venue

For purposes of section 1391(b) of title 28, the Bank shall be deemed to be a resident of the judicial district in which the principal office of the Bank in the United States, or its agent appointed for the purpose of accepting service or notice of service, is located.

(Pub. L. 101–513, title V, § 562(c)(7), Nov. 5, 1990, 104 Stat. 2035.)

CODIFICATION

Subsecs. (a) and (b) were in the original (A) and (B), respectively, and were editorially redesignated for purposes of codification.

§ 290*l*–6. Effectiveness of Agreement

The Agreement shall have full force and effect in the United States, its territories and possessions, and the Commonwealth of Puerto Rico, upon acceptance of membership by the United States in the Bank and the entry into force of the Agreement.

(Pub. L. 101–513, title V, § 562(c)(8), Nov. 5, 1990, 104 Stat. 2035.)

§ 290*l*–7. Exemption from securities laws for certain securities issued by Bank; reports required

(a) Exemption from securities laws; reports to Securities and Exchange Commission

Any securities issued by the Bank (including any guaranty by the Bank, whether or not limited in scope) in connection with the raising of funds for inclusion in the Bank's ordinary capital resources as defined in article 7 of the Agreement and any securities guaranteed by the Bank as to both principal and interest to which the commitment in article 6, paragraph 4, of the Agreement is expressly applicable, shall be deemed to be exempted securities within the meaning of section 77c(a)(2) of title 15 and section 78c(a)(12) of title 15. The Bank shall file with the Securities and Exchange Commission such annual and other reports with regard to such securities as the Commission shall determine to be appropriate in view of the special character of the Bank and its operations and necessary in the public interest or for the protection of investors.

(b) Authority of Securities and Exchange Commission to suspend exemption; reports to Congress

The Securities and Exchange Commission, acting in consultation with such agency or officer as the President shall designate, may suspend the provisions of subsection (a) of this section at any time as to any or all securities issued or guaranteed by the Bank during the period of such suspension. The Commission shall include in its annual reports to the Congress such information as it shall deem advisable with regard to the operations and effect of this section.

(Pub. L. 101–513, title V, § 562(c)(9), Nov. 5, 1990, 104 Stat. 2035.)

CODIFICATION

Subsecs. (a) and (b) were in the original (A) and (B), respectively, and were editorially redesignated for purposes of codification.

§ 290*l*–8. Congressional consultations

During negotiations on the establishment of operational guidelines for the Bank, the Secretary of the Treasury shall—

(A) consult on a regular and timely basis with the Committee on Banking, Finance and Urban Affairs and the Committee on Appropriations of the House of Representatives, and the Committee on Foreign Relations and the Committee on Appropriations of the Senate;

(B) seek to ensure that procedures and mechanisms are established, including the creation of specific departments or staffs within the Bank, which will allow the Bank to assess the impact of any loans, guarantees, or other activities on the environment and on internationally recognized human rights in borrower countries; and

(C) report, through consultation within 90 days after November 5, 1990, to the Committees specified in subparagraph (A) on the progress of efforts to create such procedures and mechanisms.

(Pub. L. 101–513, title V, § 562(c)(11), Nov. 5, 1990, 104 Stat. 2036.)

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 Con-

gress. 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.

GOALS IN NEGOTIATIONS CONCERNING STRUCTURE, BYLAWS, AND OPERATING PROCEDURES OF BANK

Section 584 of Pub. L. 101–513 provided that: ''In all negotiations concerning the structure, bylaws, and operating procedures of the European Bank for Reconstruction and Development (EBRD), the Secretary of the Treasury shall vigorously seek—

''(1) establishment of procedures for environmental assessment of all proposed operations with potentially significant environmental impacts;

''(2) establishment of an environmental unit with sufficient staff to review proposed operations, monitor compliance with environmental provisions, and provide overall policy guidance;

''(3) establishment of procedures for systematic consultation with and involvement of the public and interested nongovernmental organizations, including an opportunity for comment by local communities which may be affected by EBRD operations and establishment of a system of public notification and comment during the development of EBRD policies and operating procedures; and

''(4) agreement that a significant portion of the EBRD's funds shall be devoted to projects focused on environmental restoration and protection.''

SUBCHAPTER XXVIII—NORTH AMERICAN DEVELOPMENT BANK AND RELATED PROVISIONS

§ 290m. North American Development Bank

(a) Acceptance of membership

The President is hereby authorized to accept membership for the United States in the North American Development Bank (hereafter in this subchapter referred to as the ''Bank'') provided for in Chapter II of the Border Environment Cooperation Agreement (hereafter in this subchapter referred to as the ''Cooperation Agreement'').

(b) Subscription of stock

(1) Subscription authority

(A) In general

The Secretary of the Treasury may subscribe on behalf of the United States up to 150,000 shares of the capital stock of the Bank.

(B) Effectiveness of subscription

Except as provided in paragraph (3), any such subscription shall be effective only to such extent or in such amounts as are provided in advance in appropriations Acts.

(2) Limitations on authorization of appropriations

For payment by the Secretary of the Treasury of the subscription of the United States for shares described in paragraph (1), there are authorized to be appropriated $1,500,000,000 ($225,000,000 of which may be used for paid-in capital and $1,275,000,000 of which may be used for callable capital) without fiscal year limitation.

(3) Funding; limitation on callable capital subscriptions

(A) Funding

For fiscal year 1995, the Secretary of the Treasury shall pay to the Bank out of any sums in the Treasury not otherwise appropriated the sum of $56,250,000 for the paid-in portion of the United States share of the capital stock of the Bank, 10 percent of which may be transferred by the Bank to the President pursuant to section 290m–2 of this title to pay for the cost of direct and guaranteed Federal loans.

(B) Limitation on callable capital subscriptions

For fiscal year 1995, the Secretary of the Treasury shall subscribe to the callable capital portion of the United States share of the capital stock of the Bank in an amount not to exceed $318,750,000.

(4) Disposition of net income distributed by the facility

Any payment made to the United States by the Bank as a distribution of net income shall be covered into the Treasury as a miscellaneous receipt.

(c) Compensation of Board members

No person shall be entitled to receive any salary or other compensation from the Bank or the United States for services as a Board member.

(d) Applicability of Bretton Woods Agreements Act

The provisions of section 4 of the Bretton Woods Agreements Act [22 U.S.C. 286b] shall apply with respect to the Bank to the same extent as with respect to the International Bank for Reconstruction and Development and the International Monetary Fund.

(e) Restrictions

Unless authorized by law, neither the President nor any person or agency shall, on behalf of the United States—

(1) subscribe to additional shares of stock of the Bank;

(2) vote for or agree to any amendment of the Cooperation Agreement which increases the obligations of the United States, or which changes the purpose or functions of the Bank; or

(3) make a loan or provide other financing to the Bank.

(f) Federal Reserve banks as depositories

Any Federal Reserve bank that is requested to do so by the Bank shall act as its depository or as its fiscal agent, and the Board of Governors of the Federal Reserve System shall supervise and direct the carrying out of these functions by the Federal Reserve banks.

(g) Jurisdiction of United States courts and enforcement of arbitral awards

For the purpose of any civil action which may be brought within the United States, its territories or possessions, or the Commonwealth of Puerto Rico, by or against the Bank in accordance with the Cooperation Agreement, including an action brought to enforce an arbitral award

against the Bank, the Bank shall be deemed to be an inhabitant of the Federal judicial district in which its principal office within the United States or its agency appointed for the purpose of accepting service or notice of service is located, and any such action to which the Bank shall be a party shall be deemed to arise under the laws of the United States, and the district courts of the United States, including the courts enumerated in section 460 of title 28, shall have original jurisdiction of any such action. When the Bank is a defendant in any action in a State court, it may at any time before trial remove the action into the appropriate district court of the United States by following the procedure for removal provided in section 1446 of title 28.

(h) Exemption from securities laws for certain securities issued by Bank; reports required

(1) Omitted

(2) Exemption from securities laws for certain securities issued by the Bank; reports required

Any securities issued by the Bank (including any guarantee by the Bank, whether or not limited in scope) in connection with the raising of funds for inclusion in the Bank's capital resources as defined in Section 4 of Article II of Chapter II of the Cooperation Agreement, and any securities guaranteed by the Bank as to both the principal and interest to which the commitment in Section 3(d) of Article II of Chapter II of the Cooperation Agreement is expressly applicable, shall be deemed to be exempted securities within the meaning of section 77c(a)(2) of title 15, and section 78c(a)(12) of title 15. The Bank shall file with the Securities and Exchange Commission such annual and other reports with regard to such securities as the Commission shall determine to be appropriate in view of the special character of the Bank and its operations and necessary in the public interest or for the protection of investors.

(3) Authority of Securities and Exchange Commission to suspend exemption; reports to the Congress

The Securities and Exchange Commission, acting in consultation with the National Advisory Council on International Monetary and Financial Problems, is authorized to suspend the provisions of paragraph (2) at any time as to any or all securities issued or guaranteed by the Bank during the period of such suspension. The Commission shall include in its annual reports to Congress such information as it shall deem advisable with regard to the operations and effect of this subsection and in connection therewith shall include any views submitted for such purpose by any association of dealers registered with the Commission.

(Pub. L. 103–182, title V, § 541, Dec. 8, 1993, 107 Stat. 2165.)

REFERENCES IN TEXT

This subchapter, referred to in subsec. (a), was in the original ''this part'' meaning part 2 of subtitle D of title V of Pub. L. 103–182, which enacted this subchapter and amended section 24 of Title 12, Banks and Banking. For complete classification of part 2 to the Code, see Tables.

CODIFICATION

Section is comprised of section 541 of Pub. L. 103–182. Subsec. (h)(1) of section 541 amended section 24 of Title 12, Banks and Banking.

§ 290m–1. Status, immunities, and privileges

Article VIII of Chapter II of the Cooperation Agreement shall have full force and effect in the United States, its territories and possessions, and the Commonwealth of Puerto Rico, upon entry into force of the Cooperation Agreement.

(Pub. L. 103–182, title V, § 542, Dec. 8, 1993, 107 Stat. 2167.)

§ 290m–2. Community adjustment and investment program

(a) The President

(1) The President may enter into an agreement with the Bank that facilitates implementation by the President of a program for community adjustment and investment in support of the Agreement pursuant to chapter II of the Cooperation Agreement (hereafter in this section referred to as the ''community adjustment and investment program'').

(2) The President may receive from the Bank 10 percent of the paid-in capital actually paid to the Bank by the United States for the President to carry out, without further appropriations, through Federal agencies and their loan and loan guarantee programs, the community adjustment and investment program, pursuant to an agreement between the President and the Bank.

(3) The President may select one or more Federal agencies that make loans or guarantee the repayment of loans to assist in carrying out the community adjustment and investment program, and may transfer the funds received from the Bank to such agency or agencies for the purpose of assisting in carrying out the community adjustment and investment program.

(4)(A) Each Federal agency selected by the President to assist in carrying out the community adjustment and investment program shall use the funds transferred to it by the President from the Bank to pay for the costs of direct and guaranteed loans, as defined in section 661a of title 2, and, as appropriate, other costs associated with such loans, all subject to the restrictions and limitations that apply to such agency's existing loan or loan guarantee program.

(B) Funds transferred to an agency under subparagraph (A) shall be in addition to the amount of funds authorized in any appropriations Act to be expended by that agency for its loan or loan guarantee program.

(5) The President shall—

(A) establish guidelines for the loans and loan guarantees to be made under the community adjustment and investment program;

(B) endorse the grants made by the Bank for the community adjustment and investment program, as provided in Article I, section 1(b), and Article III, section 11(a), of Chapter II of the Cooperation Agreement; and

(C) endorse any loans or guarantees made by the Bank for the community adjustment and investment program, as provided in Article I, section 1(b), and Article III, section 6(a) and

(c) of Chapter II of the Cooperation Agreement.

(b) Advisory Committee

(1) Establishment

The President shall establish an advisory committee to be known as the Community Adjustment and Investment Program Advisory Committee (in this section referred to as the ''Advisory Committee'') in accordance with the provisions of the Federal Advisory Committee Act.

(2) Membership

(A) In general

The Advisory Committee shall consist of 9 members of the public, appointed by the President, who, collectively, represent—

(i) community groups whose constituencies include low-income families;

(ii) any scientific, professional, business, nonprofit, or public interest organization or association which is neither affiliated with, nor under the direction of, a government;

(iii) for-profit business interests; and

(iv) other appropriate entities with relevant expertise.

(B) Representation

Each of the categories described in clauses (i) through (iv) of subparagraph (A) shall be represented by no fewer than 1 and no more than 3 members of the Advisory Committee.

(3) Function

It shall be the function of the Advisory Committee—

(A) to provide advice to the President regarding the implementation of the community adjustment and investment program, including advice on the guidelines to be established by the President for the loans and loan guarantees to be made pursuant to subsection (a)(4) of this section, advice on identifying the needs for adjustment assistance and investment in support of the goals and objectives of the Agreement, taking into account economic and geographic considerations, and advice on such other matters as may be requested by the President; and

(B) to review on a regular basis the operation of the community adjustment and investment program and provide the President with the conclusions of its review.

(4) Terms of members

(A) In general

Each member of the Advisory Committee shall serve at the pleasure of the President.

(B) Chairperson

The President shall appoint a chairperson from among the members of the Advisory Committee.

(C) Meetings

The Advisory Committee shall meet at least annually and at such other times as requested by the President or the chairperson. A majority of the members of the Advisory Committee shall constitute a quorum.

(D) Reimbursement for expenses

The members of the Advisory Committee may receive reimbursement for travel, per diem, and other necessary expenses incurred in the performance of their duties, in accordance with the Federal Advisory Committee Act.

(E) Staff and facilities

The Advisory Committee may utilize the facilities and services of employees of any Federal agency without cost to the Advisory Committee, and any such agency is authorized to provide services as requested by the Committee.

(c) Ombudsman

The President shall appoint an ombudsman to provide the public with an opportunity to participate in the carrying out of the community adjustment and investment program.

(1) Function

It shall be the function of the ombudsman—

(A) to establish procedures for receiving comments from the general public on the operation of the community adjustment and investment program, to receive such comments, and to provide the President with summaries of the public comments; and

(B) to perform an independent inspection and programmatic audit of the operation of the community adjustment and investment program and to provide the President with the conclusions of its investigation and audit.

(2) Authorization of appropriations

There are authorized to be appropriated to the President, or such agency as the President may designate, $25,000 for fiscal year 1995 and for each fiscal year thereafter, for the costs of the ombudsman.

(d) Reporting requirement

The President shall submit to the appropriate congressional committees an annual report on the community adjustment and investment program (if any) that is carried out pursuant to this section. Each report shall state the amount of the loans made or guaranteed during the 12-month period ending on the day before the date of the report.

(Pub. L. 103–182, title V, § 543, Dec. 8, 1993, 107 Stat. 2167.)

REFERENCES IN TEXT

The Federal Advisory Committee Act, referred to in subsec. (b)(1), (4)(D), is Pub. L. 92–463, Oct. 6, 1972, 86 Stat. 770, as amended, which is set out in the Appendix to Title 5, Government Organization and Employees.

DELEGATION OF FUNCTIONS

Functions of President under subsec. (a)(1) to (3) of this section delegated to Secretary of the Treasury and functions of President under subsecs. (a)(5) and (d) of this section delegated to Community Adjustment and Investment Program Finance Committee by sections 4 to 6 of Ex. Ord. No. 12916, May 13, 1994, 59 F.R. 25780, set out as a note under section 3473 of Title 19, Customs Duties.

TERMINATION OF ADVISORY COMMITTEES

Advisory committees established after Jan. 5, 1973, to terminate not later than the expiration of the 2-year

period beginning on the date of their establishment, unless, in the case of a committee established by the President or an officer of the Federal Government, such committee is renewed by appropriate action prior to the expiration of such 2-year period, or in the case of a committee established by Congress, its duration is otherwise provided by law. See section 14 of Pub. L. 92–463, Oct. 6, 1972, 86 Stat. 776, set out in the Appendix to Title 5, Government Organization and Employees.

COMMUNITY ADJUSTMENT AND INVESTMENT PROGRAM FINANCE COMMITTEE

For provisions establishing the Community Adjustment and Investment Program Finance Committee to assist in carrying out the program pursuant to subsec. (a)(3) of this section and to provide to the President advice and conclusions of reviews by the Advisory Committee pursuant to subsec. (b)(3) of this section and summaries of public comments or conclusions of investigations and audits by the ombudsman pursuant to subsec. (c)(1) of this section, see Ex. Ord. No. 12916, §§7–9, May 13, 1994, 59 F.R. 25780, set out as a note under section 3473 of Title 19, Customs Duties.

DEFINITIONS

Agreement means the North American Free Trade Agreement, see section 3301(1) of Title 19, Customs Duties.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 290m of this title.

§ 290m–3. "Border Environment Cooperation Agreement" defined

For purposes of this subchapter, the term ''Border Environment Cooperation Agreement'' (referred to in this subchapter as the ''Cooperation Agreement'') means the November 1993 Agreement Between the Government of the United States of America and the Government of the United Mexican States Concerning the Establishment of a Border Environment Cooperation Commission and a North American Development Bank.

(Pub. L. 103–182, title V, §544, Dec. 8, 1993, 107 Stat. 2170.)

SUBCHAPTER XXIX—UNITED STATES-MEXICO BORDER HEALTH COMMISSION

§ 290n. Appointment of members of Border Health Commission

Not later than 30 days after November 29, 1999, the President shall appoint the United States members of the United States-Mexico Border Health Commission, and shall attempt to conclude an agreement with Mexico providing for the establishment of such Commission.

(Pub. L. 103–400, §2, as added Pub. L. 106–113, div. B, §1000(a)(4) [title V, §516(1)], Nov. 29, 1999, 113 Stat. 1535, 1501A–276.)

PRIOR PROVISIONS

A prior section 290n, Pub. L. 103–400, §2, Oct. 22, 1994, 108 Stat. 4169, related to the establishment of the Border Health Commission, prior to repeal by Pub. L. 106–113, div. B, §1000(a)(4) [title V, §516(1)], Nov. 29, 1999, 113 Stat. 1535, 1501A–276.

SHORT TITLE

Section 1 of Pub. L. 103–400 provided that: ''This Act [enacting this subchapter] may be cited as the 'United States-Mexico Border Health Commission Act'.''

§ 290n–1. Duties

It should be the duty of the Commission—

(1) to conduct a comprehensive needs assessment in the United States-Mexico Border Area for the purposes of identifying, evaluating, preventing, and resolving health problems and potential health problems that affect the general population of the area; and

(2) to implement the actions recommended by the needs assessment through—

(A) assisting in the coordination and implementation of the efforts of public and private entities to prevent and resolve such health problems, and

(B) assisting in the coordination and implementation of efforts of public and private entities to educate such population, in a culturally competent manner, concerning such health problems.

(Pub. L. 103–400, §3, Oct. 22, 1994, 108 Stat. 4169; Pub. L. 106–113, div. B, §1000(a)(4) [title V, §516(2)], Nov. 29, 1999, 113 Stat. 1535, 1501A–276.)

AMENDMENTS

1999—Par. (1). Pub. L. 106–113, §1000(a)(4) [title V, §516(2)(A)], substituted ''; and'' for semicolon at end.

Par. (2)(B). Pub. L. 106–113, §1000(a)(4) [title V, §516(2)(B)], substituted period for ''; and'' at end.

Par. (3). Pub. L. 106–113, §1000(a)(4) [title V, §516(2)(C)], struck out par. (3) which read as follows: ''to formulate recommendations to the Governments of the United States and Mexico concerning a fair and reasonable method by which the government of one country could reimburse a public or private entity in the other country for the cost of a health care service that the entity furnishes to a citizen of the first country who is unable, through insurance or otherwise, to pay for the service.''

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 290n–2 of this title.

§ 290n–2. Other authorized functions

In addition to the duties described in section 290n–1 of this title, the Commission should be authorized to perform the following functions as the Commission determines to be appropriate—

(1) to conduct or support investigations, research, or studies designed to identify, study, and monitor, on an on-going basis, health problems that affect the general population in the United States-Mexico Border Area;

(2) to conduct or support a binational, public-private effort to establish a comprehensive and coordinated system, which uses advanced technologies to the maximum extent possible, for gathering health-related data and monitoring health problems in the United States-Mexico Border Area; and

(3) to provide financial, technical, or administrative assistance to public or private nonprofit entities who act to prevent or resolve such problems or who educate the population concerning such health problems.

(Pub. L. 103–400, §4, Oct. 22, 1994, 108 Stat. 4169.)

§ 290n–3. Membership

(a) Number and appointment of United States section

The United States section of the Commission should be composed of 13 members. The section should consist of the following members:

(1) The Secretary of Health and Human Services or the Secretary's delegate.

(2) The commissioners of health or chief health officer from the States of Texas, New Mexico, Arizona, and California or such commissioners' delegates.

(3) Two individuals residing in United States-Mexico Border Area in each of the States of Texas, New Mexico, Arizona, and California who are nominated by the chief executive officer of the respective States and appointed by the President from among individuals who have demonstrated ties to community-based organizations and have demonstrated interest and expertise in health issues of the United States-Mexico Border Area.

(b) Commissioner

The Commissioner of the United States section of the Commission should be the Secretary of Health and Human Services or such individual's delegate to the Commission. The Commissioner should be the leader of the section.

(c) Compensation

Members of the United States section of the Commission who are not employees of the United States or any State—

(1) shall each receive compensation at a rate of not to exceed the daily equivalent of the annual rate of basic pay payable for positions at GS–15 of the General Schedule under section 5332 of title 5 for each day such member is engaged in the actual performance of the duties of the Commission; and

(2) shall be allowed travel expenses, including per diem in lieu of subsistence at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, while away from their homes or regular places of business in the performance of services of the Commission.

(Pub. L. 103–400, § 5, Oct. 22, 1994, 108 Stat. 4170.)

§ 290n–4. Regional offices

The Commission may designate or establish one border health office in each of the States of Texas, New Mexico, Arizona, and California. Such office should be located within the United States-Mexico Border Area, and should be coordinated with—

(1) State border health offices; and

(2) local nonprofit organizations designated by the State's chief executive officer and directly involved in border health issues.

If feasible to avoid duplicative efforts, the Commission offices should be located in existing State or local nonprofit offices. The Commission should provide adequate compensation for cooperative efforts and resources.

(Pub. L. 103–400, § 6, Oct. 22, 1994, 108 Stat. 4170.)

§ 290n–5. Reports

Not later than February 1 of each year that occurs more than 1 year after the date of the establishment of the Commission, the Commission should submit an annual report to both the United States Government and the Government of Mexico regarding all activities of the Commission during the preceding calendar year.

(Pub. L. 103–400, § 7, Oct. 22, 1994, 108 Stat. 4171.)

§ 290n–6. Definitions

As used in this subchapter:

(1) Commission

The term ''Commission'' means the United States-Mexico Border Health Commission.

(2) Health problem

The term ''health problem'' means a disease or medical ailment or an environmental condition that poses the risk of disease or medical ailment. The term includes diseases, ailments, or risks of disease or ailment caused by or related to environmental factors, control of animals and rabies, control of insect and rodent vectors, disposal of solid and hazardous waste, and control and monitoring of air quality.

(3) Secretary

The term ''Secretary'' means the Secretary of Health and Human Services.

(4) United States-Mexico Border Area

The term ''United States-Mexico Border Area'' means the area located in the United States and Mexico within 100 kilometers of the border between the United States and Mexico.

(Pub. L. 103–400, § 8, Oct. 22, 1994, 108 Stat. 4171.)

SUBCHAPTER XXX—MIDDLE EAST DEVELOPMENT BANK

§ 290*o*. Acceptance of membership

The President is hereby authorized to accept membership for the United States in the Bank for Economic Cooperation and Development in the Middle East and North Africa (in this subchapter referred to as the ''Bank'') provided for by the agreement establishing the Bank (in this subchapter referred to as the ''Agreement''), signed on May 31, 1996.

(Pub. L. 104–208, div. A, title I, § 101(c) [title VII, § 702], Sept. 30, 1996, 110 Stat. 3009–121, 3009–179.)

REFERENCES IN TEXT

This subchapter, referred to in text, was in the original ''this title'', meaning title I, § 101(c) [title VII], of div. A of Pub. L. 104–208, Sept. 30, 1996, 110 Stat. 3009–121, 3009–179, which is classified principally to this subchapter. For complete classification of title I, § 101(c) [title VII], to the Code, see Short Title note below and Tables.

SHORT TITLE

Section 101(c) [title VII, § 701] of div. A of Pub. L. 104–208 provided that: ''This title [enacting this subchapter and amending sections 262r and 276c–2 of this title and section 24 of Title 12, Banks and Banking] may be cited as the 'Bank for Economic Cooperation and Development in the Middle East and North Africa Act'.''

§ 290*o*–1. Governor and alternate Governor

(a) Appointment

At the inaugural meeting of the Board of Governors of the Bank, the Governor and the alternate for the Governor of the International Bank for Reconstruction and Development, appointed pursuant to section 286a of this title, shall serve ex-officio as a Governor and the alternate for

the Governor, respectively, of the Bank. The President, by and with the advice and consent of the Senate, shall appoint a Governor of the Bank and an alternate for the Governor.

(b) Compensation

Any person who serves as a governor of the Bank or as an alternate for the Governor may not receive any salary or other compensation from the United States by reason of such service.

(Pub. L. 104–208, div. A, title I, § 101(c) [title VII, § 703], Sept. 30, 1996, 110 Stat. 3009–121, 3009–179.)

§ 290*o*–2. Applicability of certain provisions of Bretton Woods Agreements Act

Section 286b of this title shall apply to the Bank in the same manner in which such section applies to the International Bank for Reconstruction and Development and the International Monetary Fund.

(Pub. L. 104–208, div. A, title I, § 101(c) [title VII, § 704], Sept. 30, 1996, 110 Stat. 3009–121, 3009–179.)

REFERENCES IN TEXT

The Bretton Woods Agreements Act, referred to in section catchline, is act July 31, 1945, ch. 339, 59 Stat. 512, as amended, which is classified principally to subchapter XV (§ 286 et seq.) of this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 286 of this title and Tables.

§ 290*o*–3. Federal Reserve Banks as depositories

Any Federal Reserve Bank which is requested to do so by the Bank may act as its depository, or as its fiscal agent, and the Board of Governors of the Federal Reserve System shall exercise general supervision over the carrying out of these functions.

(Pub. L. 104–208, div. A, title I, § 101(c) [title VII, § 705], Sept. 30, 1996, 110 Stat. 3009–121, 3009–179.)

§ 290*o*–4. Subscription of stock

(a) Subscription authority

(1) In general

The Secretary of the Treasury may subscribe on behalf of the United States to not more than 7,011,270 shares of the capital stock of the Bank.

(2) Effectiveness of subscription commitment

Any commitment to make such subscription shall be effective only to such extent or in such amounts as are provided for in advance by appropriations Acts.

(b) Limitations on authorization of appropriations

For payment by the Secretary of the Treasury of the subscription of the United States for shares described in subsection (a) of this section, there are authorized to be appropriated $1,050,007,800 without fiscal year limitation.

(c) Limitations on obligation of appropriated amounts for shares of capital stock

(1) Paid-in capital stock

(A) In general

Not more than $105,000,000 of the amounts appropriated pursuant to subsection (b) of this section may be obligated for subscription to shares of paid-in capital stock.

(B) Fiscal year 1997

Not more than $52,500,000 of the amounts appropriated pursuant to subsection (b) of this section for fiscal year 1997 may be obligated for subscription to shares of paid-in capital stock.

(2) Callable capital stock

Not more than $787,505,852 of the amounts appropriated pursuant to subsection (b) of this section may be obligated for subscription to shares of callable capital stock.

(d) Disposition of net income distributions by Bank

Any payment made to the United States by the Bank as a distribution of net income shall be covered into the Treasury as a miscellaneous receipt.

(Pub. L. 104–208, div. A, title I, § 101(c) [title VII, § 706], Sept. 30, 1996, 110 Stat. 3009–121, 3009–179.)

§ 290*o*–5. Jurisdiction and venue of civil actions by or against Bank

(a) Jurisdiction

The United States district courts shall have original and exclusive jurisdiction of any civil action brought in the United States by or against the Bank.

(b) Venue

For purposes of section 1391(b) of title 28, the Bank shall be deemed to be a resident of the judicial district in which the principal office of the Bank in the United States, or its agent appointed for the purpose of accepting service or notice of service, is located.

(Pub. L. 104–208, div. A, title I, § 101(c) [title VII, § 707], Sept. 30, 1996, 110 Stat. 3009–121, 3009–180.)

§ 290*o*–6. Effectiveness of Agreement

The Agreement shall have full force and effect in the United States, its territories and possessions, and the Commonwealth of Puerto Rico, upon acceptance of membership by the United States in the Bank and the entry into force of the Agreement.

(Pub. L. 104–208, div. A, title I, § 101(c) [title VII, § 708], Sept. 30, 1996, 110 Stat. 3009–121, 3009–180.)

§ 290*o*–7. Exemption from securities laws for certain securities issued by Bank; reports required

(a) Exemption from securities laws; reports to Securities and Exchange Commission

Any securities issued by the Bank (including any guaranty by the Bank, whether or not limited in scope) in connection with borrowing of funds, or the guarantee of securities as to both principal and interest, shall be deemed to be exempted securities within the meaning of section 77c(a)(2) of title 15 and section 78c(a)(12) of title 15. The Bank shall file with the Securities and Exchange Commission such annual and other reports with regard to such securities as the Commission shall determine to be appropriate in

view of the special character of the Bank and its operations and necessary in the public interest or for the protection of investors.

(b) Authority of Securities and Exchange Commission to suspend exemption; reports to Congress

The Securities and Exchange Commission, acting in consultation with such agency or officer as the President shall designate, may suspend the provisions of subsection (a) of this section at any time as to any or all securities issued or guaranteed by the Bank during the period of such suspension. The Commission shall include in its annual reports to the Congress such information as it shall deem advisable with regard to the operations and effect of this section.

(Pub. L. 104–208, div. A, title I, § 101(c) [title VII, § 709], Sept. 30, 1996, 110 Stat. 3009–121, 3009–180.)

CHAPTER 8—FOREIGN SERVICE BUILDINGS

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This chapter is referred to in sections 2701, 2703, 4304 of this title; title 7 section 1765d; title 40 sections 474, 511.

§ 291. Lease of buildings, etc., for offices, living quarters, heat, light, and equipment

The Secretary of State may lease or rent, for periods not exceeding ten years, such buildings and grounds for the use of the Foreign Service as may be necessary; and he may, in accordance with existing practice without cost to them, and within the limit of any appropriation made by Congress, furnish the officers and employees in the Foreign Service with living quarters, heat, light, and household equipment in Government-owned or rented buildings, at places where, in his judgment, it would be in the public interest to do so, notwithstanding the provisions of section 5536 of title 5; and appropriations for ''Contingent expenses, foreign missions,'' and ''Contingent expenses, consulates,'' are made available for such purposes.

(Apr. 18, 1930, ch. 184, title I, 46 Stat. 177.)

CODIFICATION

Section was not enacted as part of the Foreign Service Buildings Act, 1926, which comprises this chapter.

''Section 5536 of title 5'' substituted in text for ''section 1765 of the Revised Statutes (U.S.C., title 5, sec. 70; U.S.C., Supp. III, title 5, sec. 70)'' on authority of Pub. L. 89–554, § 7(b), Sept. 6, 1966, 80 Stat. 631, the first section of which enacted Title 5, Government Organization and Employees.

§ 292. Acquisition of sites and buildings for diplomatic and consular establishments; allotment of space; credit of payments without regard to limitations of amounts

(a) Authority of Secretary of State

The Secretary of State is empowered to acquire by purchase or construction in the manner hereinafter provided, within the limits of appropriations made to carry out this chapter, by exchange, in whole or in part, of any building or grounds of the United States in foreign countries and under the jurisdiction and control of the Secretary of State, sites and buildings in foreign capitals and in other foreign cities, and to alter, repair, and furnish such buildings for the use of the diplomatic and consular establishments of the United States, or for the purpose of consolidating within one or more buildings, the embassies, legation, consulates, and other agencies of the United States Government there maintained. The space in such buildings shall be allotted by the Secretary of State among the several agencies of the United States Government.

(b) Payments from other than appropriated funds for acquisition of property

Payments made for rent or otherwise by the United States from funds other than appropria-