106–429, §101(a) [title V, §591], Nov. 6, 2000, 114 Stat. 1900, 1900A–59, authorized the President, during fiscal years 2000 and 2001, to abandon the Inter-American Foundation, provided for the termination and transfer of functions of the Foundation, disposition of funds, and responsibilities and authorities of the Director of the Office of Management and Budget to take actions necessary to wind-up the affairs of the Foundation, required the Director to certify to Congress the discharge of the Director's responsibilities, directed the repeal of sections 290f and 212a(d) of this title and the amendment of section 296h of this title and section 36 of Pub. L. 93–189 (22 U.S.C. 1942 note), effective on the date of transmission to Congress of the Director's certification, and provided that section 1006(a)(2) [title V, §596] of Pub. L. 106–113 would only be effective upon the effective date of the abolition of the Foundation. The President did not exercise his authority to abolish the Inter-American Foundation during fiscal years 2000 and 2001.

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]."

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.


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 be included in the first list of diplomatic representatives of the United States to the Fund; or 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.].


REFERENCES IN TEXT

AMENDMENTS

EFFECTIVE DATE OF 1980 AMENDMENT

§ 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.


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 assistance 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.


§ 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.


§ 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 deposi-


tory 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.


§ 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 of process 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.


§ 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 the contents of said articles.


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.


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 2623 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.

§ 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.

(b) Any commitment to make the contribution authorized in paragraph (1) shall be made subject to obtaining the necessary appropriations.

§ 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.

§ 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 au-
authorized to be appropriated, without fiscal year limitation, $135,000,000 for payment by the Secretary of the Treasury.


SUBSEQUENT REPLENISHMENT

Pub. L. 106–113, div. B, §1600(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.

§ 290g–16. Ninth replenishment

(a) Contribution authority

(1) In general

The United States Governor of the Fund may contribute on behalf of the United States an amount equal to the amount appropriated under subsection (b) of this section, pursuant to the resolution of the Fund entitled “The Ninth General Replenishment of Resources of the African Development Fund”.

(2) Subject to appropriations

Any commitment to make the contribution authorized by 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

For the contribution authorized by subsection (a) of this section, there are authorized to be appropriated, without fiscal year limitation, $585,000,000 for payment by the Secretary of the Treasury, without fiscal year limitation.


§ 290g–17. Tenth replenishment

(a) The United States Governor of the Fund is authorized to contribute on behalf of the United States $407,000,000 to the tenth replenishment of the resources of the Fund, subject to obtaining the necessary appropriations.

(b) In order to pay for the United States contribution provided for in subsection (a), there are authorized to be appropriated, without fiscal year limitation, $407,000,000 for payment by the Secretary of the Treasury.


§ 290g–18. Eleventh replenishment

(a) The United States Governor of the African Development Fund is authorized to contribute on behalf of the United States $468,165,000 to the eleventh replenishment of the resources of the Fund, subject to obtaining the necessary appropriations.

(b) In order to pay for the United States contribution provided for in subsection (a), there are authorized to be appropriated, without fiscal year limitation, $468,165,000 for payment by the Secretary of the Treasury.


§ 290g–19. Multilateral Debt Relief Initiative

(a) The Secretary of the Treasury is authorized to contribute, on behalf of the United States, not more than $26,000,000 to the African Development Bank for the purpose of providing debt relief under the Multilateral Debt Relief Initiative in the period governed by the eleventh replenishment of resources of the African Development Fund, subject to obtaining the necessary appropriations and without prejudice to any funding arrangements in existence on June 24, 2009.

(b) In order to pay for the United States contribution provided for in subsection (a), there are authorized to be appropriated, without fiscal year limitation, not more than $26,000,000 for payment by the Secretary of the Treasury.


§ 290g–20. Twelfth replenishment

(a) The United States Governor of the Fund is authorized to contribute on behalf of the United States $585,000,000 to the twelfth replenishment of the resources of the Fund, subject to obtaining the necessary appropriations.

(b) In order to pay for the United States contribution provided for in subsection (a), there are authorized to be appropriated, without fiscal year limitation, $585,000,000 for payment by the Secretary of the Treasury.


§ 290g–21. Multilateral debt relief

(a) Authorization of contribution

The Secretary of the Treasury is authorized to contribute, on behalf of the United States, not more than $60,000,000 to the African Development Fund for the purpose of providing debt relief costs under the Multilateral Debt Relief Initiative incurred in the period governed by the twelfth replenishment of resources of the African Development Fund, subject to obtaining the necessary appropriations and without prejudice to any funding arrangements in existence on December 23, 2011.

(b) Appropriations

In order to pay for the United States contribution provided for in subsection (a), there are authorized to be appropriated, without fiscal year limitation, not more than $60,000,000 for payment by the Secretary of the Treasury.

(c) Multilateral Debt Relief Initiative

In this section, the term “Multilateral Debt Relief Initiative” means the proposal set out in the G8 Finance Ministers’ Communiqué entitled “Conclusions on Development”, done at London, June 11, 2005, and reaffirmed by G8 Heads of State at the Gleneagles Summit on July 8, 2005.
$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.

$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.

$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.

$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;