

gas emissions than would be emitted by the same entity or sector in the same country in the absence of the Fund's project, taking into account, unless impracticable, effects beyond the physical boundaries of the project or program that result from project or program activities.

(B) Public sector activities

The term “public sector activities” may include sovereign loans assumed by the recipient country to contribute to the financing of the investment plan.

(C) Clean energy technology

The term “clean energy technology” means a technology that, as compared with technologies being deployed at that time for widespread commercial use in the country involved—

- (i) achieves substantial reductions in greenhouse gas emissions;
- (ii) does not result in significant incremental adverse effects on public health or the environment; and
- (iii) does one or more of the following:
 - (I) generates electricity or useful thermal energy from a renewable resource;
 - (II) substantially increases the energy efficiency of buildings, industrial, or agricultural processes, or of electricity transmission, distribution, or end-use consumption; or
 - (III) substantially increases the energy efficiency of the transportation system or increases utilization of transportation fuels that have lifecycle greenhouse gas emissions that are substantially lower than those attributable to fossil fuel-based alternatives.

(Pub. L. 111-117, div. F, title VII, § 7081(g), Dec. 16, 2009, 123 Stat. 3398.)

CODIFICATION

Section was enacted as part of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2010, and also as part of the Consolidated Appropriations Act, 2010, and not as part of part C of the Global Environmental Protection Assistance Act of 1989 which comprises this chapter.

CONTINUATION OF PRIOR LAW

Pub. L. 112-74, div. I, title VII, § 7062(c)(8), Dec. 23, 2011, 125 Stat. 1250, provided that: “Section 7081(g)(2) and (4) of division F of Public Law 111-117 [22 U.S.C. 7909(2), (4)] shall continue in effect during fiscal year 2012 as if part of this Act [div. I of Pub. L. 112-74, 125 Stat. 1164].”

**CHAPTER 87—UNITED STATES AND INDIA
NUCLEAR COOPERATION**

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§ 8001. Sense of Congress

It is the sense of Congress that—

(1) preventing the proliferation of nuclear weapons, other weapons of mass destruction, the means to produce them, and the means to deliver them are critical objectives for United States foreign policy;

(2) sustaining the Nuclear Non-Proliferation Treaty (NPT) and strengthening its implementation, particularly its verification and compliance, is the keystone of United States non-proliferation policy;

(3) the NPT has been a significant success in preventing the acquisition of nuclear weapons capabilities and maintaining a stable international security situation;

(4) countries that have never become a party to the NPT and remain outside that treaty's legal regime pose a potential challenge to the achievement of the overall goals of global non-proliferation, because those countries have not undertaken the NPT obligation to prohibit the spread of nuclear weapons capabilities;

(5) it is in the interest of the United States to the fullest extent possible to ensure that those countries that are not States Party to the NPT are responsible in the disposition of any nuclear technology they develop;

(6) it is in the interest of the United States to enter into an agreement for nuclear cooperation arranged pursuant to section 2153 of title 42 with a country that has never been a State Party to the NPT if—

(A) the country has demonstrated responsible behavior with respect to the non-proliferation of technology related to nuclear weapons and the means to deliver them;

(B) the country has a functioning and uninterrupted democratic system of government, has a foreign policy that is congruent to that of the United States, and is working with the United States on key foreign policy initiatives related to nonproliferation;

(C) such cooperation induces the country to promulgate and implement substantially improved protections against the proliferation of technology related to nuclear weapons and the means to deliver them, and to refrain from actions that would further the development of its nuclear weapons program; and

(D) such cooperation will induce the country to give greater political and material support to the achievement of United States global and regional nonproliferation objectives, especially with respect to dissuading, isolating, and, if necessary, sanctioning and containing states that sponsor terrorism and terrorist groups that are seeking to acquire a nuclear weapons capability or other weapons of mass destruction capability and the means to deliver such weapons;

(7) the United States should continue its policy of engagement, collaboration, and exchanges with and between India and Pakistan;

(8) strong bilateral relations with India are in the national interest of the United States;

(9) the United States and India share common democratic values and the potential for increasing and sustained economic engagement;

(10) commerce in civil nuclear energy with India by the United States and other countries