

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 titles III through VI of this Act [div. I of Pub. L. 112-74, 125 Stat. 1175-1193, 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. 111-117, div. F, title VII, § 7026(c), Dec. 16, 2009, 123 Stat. 3354.

Pub. L. 111-8, div. H, title VII, § 7026(c), Mar. 11, 2009, 123 Stat. 871.

Pub. L. 110-161, div. J, title VI, § 614, Dec. 26, 2007, 121 Stat. 2318.

Pub. L. 109-102, title V, § 514, Nov. 14, 2005, 119 Stat. 2200.

Pub. L. 108-447, div. D, title V, § 514, Dec. 8, 2004, 118 Stat. 2995.

Pub. L. 108-199, div. D, title V, § 514, Jan. 23, 2004, 118 Stat. 171.

Pub. L. 108-7, div. E, title V, § 514, Feb. 20, 2003, 117 Stat. 184.

Pub. L. 107-115, title V, § 514, Jan. 10, 2002, 115 Stat. 2142.

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. For provisions relating to closure and transfer of functions of the United States Bureau of Mines, see note set out 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