

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.

AMENDMENTS

2004—Pub. L. 108-199 repealed heading and text of subsec. (a). Text read as follows: “Beginning 180 days after the date of enactment of this Act, 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.”

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 2860o 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 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 Inter-American 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.

¹ So in original. Two subsecs. (b) have been enacted.

§ 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 appoint 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. 23, 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 Com-