

1999—Subsec. (a). Pub. L. 106-158, §5(a), inserted before period at end: “, with special emphasis on economic sectors with significant United States export potential, such as energy, transportation, telecommunications, and environment”.

Subsec. (b)(5). Pub. L. 106-158, §5(b), added par. (5).

Subsec. (f)(1)(A). Pub. L. 106-158, §5(c)(1), substituted “\$48,000,000 for fiscal year 2000 and such sums as may be necessary for each fiscal year thereafter” for “\$77,000,000 for fiscal year 1995 and such sums as are necessary for fiscal year 1996”.

Subsec. (f)(2)(A). Pub. L. 106-158, §5(c)(2), substituted “in carrying out its program, provide, as appropriate, funds” for “in fiscal years 1993 and 1994, substantially increase the amount of funds it provides”.

1994—Subsec. (f)(1). Pub. L. 103-392 redesignated existing provisions as subpar. (A), substituted “\$77,000,000 for fiscal year 1995 and such sums as are necessary for fiscal year 1996.” for “\$55,000,000 for fiscal year 1993 and \$65,000,000 for fiscal year 1994.”, and added subpar. (B).

1992—Pub. L. 102-549 amended section generally. Prior to amendment, section consisted of subsections (a) to (d) which authorized a trade and development program to facilitate access to natural resources of interest to the United States and to stimulate reimbursable aid programs, established an agency called the Trade and Development Program to carry out the program, established an advisory board, and authorized appropriations for purposes of section.

1988—Subsec. (a). Pub. L. 100-418, §2204(b)(1), inserted sentence providing for use of funds for project planning, development, management, and procurement for bilateral and multilateral projects, for purpose of promoting use of United States exports in such projects.

Subsecs. (b) to (d). Pub. L. 100-418, §2204(b)(2), added subsections (b) and (c) and redesignated former subsec. (b) as (d).

1985—Subsec. (b). Pub. L. 99-83 amended subsec. (b) generally, substituting provisions authorizing appropriations of \$20,000,000 for fiscal years 1986 and 1987, for provisions authorizing appropriations of \$6,907,000 for fiscal years 1982 and 1983.

1981—Pub. L. 97-113, §312(b), designated existing provisions as subsec. (a), struck out provision for use of \$4,000,000 of funds made available for fiscal year 1981 for purposes of this chapter, and added subsec. (b).

1980—Pub. L. 96-533 substituted authorization for use of \$4,000,000 of available funds for fiscal year 1981 for such authorization for use of \$3,800,000 of available funds for fiscal year 1980 for reimbursable development programs.

1979—Pub. L. 96-53 substituted “\$3,800,000” for “\$3,000,000” and “1980” for “1979”.

1978—Pub. L. 95-424 substituted “\$3,000,000 of the funds made available for the purposes of this chapter for the fiscal year 1979” for “\$2,000,000 of the funds made available for the purposes of this chapter. In the fiscal year 1977 and \$2,000,000 of the funds made available for the purposes of this chapter in the fiscal year 1978.”.

1977—Pub. L. 95-88 struck out provisions authorizing the President to use up to \$1,000,000 of the funds made available for the purposes of this chapter in the fiscal year 1975 and \$2,000,000 in the fiscal year 1976, and inserted provisions authorizing the President to use \$2,000,000 of the funds made available for the purposes of this chapter in the fiscal year 1978.

1975—Pub. L. 94-161 increased usable funds in fiscal year 1976 to \$2,000,000 from \$1,000,000 and authorized use of \$2,000,000 in fiscal year 1977.

#### CHANGE OF NAME

Pub. L. 102-549, title II, §202(a), (e), Oct. 28, 1992, 106 Stat. 3657, 3658, provided that:

“(a) RENAMING OF TRADE AND DEVELOPMENT PROGRAM.—The Trade and Development Program shall, on or after the effective date of this section [Oct. 28, 1992], be known as the Trade and Development Agency.

“(e) REFERENCE IN OTHER LAWS.—Any reference in any law to the Trade and Development Program shall

be deemed to be a reference to the Trade and Development Agency.”

#### 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.

#### EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96-53 effective Oct. 1, 1979, see section 512(a) of Pub. L. 96-53, set out as a note under section 2151 of this title.

#### EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-424 effective Oct. 1, 1978, see section 605 of Pub. L. 95-424, set out as a note under section 2151 of this title.

#### DELEGATION OF FUNCTIONS

For delegation of functions of President under this section, see Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, as amended, set out as a note under section 2381 of this title.

#### APPOINTMENT OF PRESENT DIRECTOR NOT AFFECTED

Pub. L. 102-549, title II, §202(b), Oct. 28, 1992, 106 Stat. 3657, provided that: “The enactment of this title [amending this section and section 5401 of this title, section 5314 of Title 5, Government Organization and Employees, and sections 635q to 635s of Title 12, Banks and Banking, enacting provisions set out as a note above, and amending provisions set out as a note under section 2151 of this title] shall not affect the appointment of the individual who is the Director of the Trade and Development Program on the effective date of this section [Oct. 28, 1992].”

#### TRADE AND DEVELOPMENT PROGRAM ACTIVITIES FOR POLAND AND HUNGARY

Pub. L. 101-179, title III, §305, Nov. 28, 1989, 103 Stat. 1314, authorized appropriation of an additional \$6,000,000 for the 3-year period beginning Oct. 1, 1989, to carry out this section, in order to permit expansion of the Trade and Development Program [now Agency] into Poland and Hungary.

#### TRADE AND DEVELOPMENT PROGRAM; REAFFIRMATION OF SUPPORT

Pub. L. 100-418, title II, §2204(a), Aug. 23, 1988, 102 Stat. 1328, provided that: “The Congress reaffirms its support for the Trade and Development Program [now Trade and Development Agency], and believes that the Program’s [Agency’s] ability to support high priority development projects in developing countries would be enhanced by an increase in the funds authorized for the Program as well as by a clarification of the Program’s status as a separate component of the International Development Cooperation Agency.”

### § 2421a. Capital projects office within Agency for International Development

#### (a) Establishment of office

The Administrator of AID shall establish a capital projects office to carry out the purposes described in subsection (b) of this section.

#### (b) Purposes of office

The purposes referred to in subsection (a) of this section are—

(1) to develop an AID program that would focus solely on developmentally sound capital projects, taking into consideration development needs of the host country and the export opportunities for the United States; and

(2) to consider specifically opportunities for United States high-technology firms, includ-

ing small- and medium-sized firms, in supporting capital projects for developing countries and for countries making the transition from nonmarket to market economies.

**(c) Activities of AID**

The Administrator of AID (acting through the capital projects office), in coordination with the appropriate members of the Trade Promotion Coordination Committee—

(1) shall support capital projects in developing countries and in countries making the transition from nonmarket to market economies;

(2) shall periodically review infrastructure needs in developing countries and countries making the transition from nonmarket to market economies and shall explore opportunities for United States firms in the development of new capital projects in these countries, keeping both United States firms and the Congress informed of these reviews;

(3) shall ensure that each capital project for which AID provides funding is developmentally sound, as determined under the criteria developed by the Development Assistance Committee of the Organization for Economic Cooperation and Development;

(4) shall coordinate its activities with other AID offices, and work with AID country missions, in developing capital projects that provide opportunities for United States firms consistent with AID's primary mission to help developing countries with traditional development projects;

(5) shall coordinate, where appropriate, funds available to AID for tied-aid purposes; and

(6) shall play a special role in helping to meet the infrastructure needs of countries making the transition from nonmarket to market economies by meeting the challenge of infrastructure assistance provided by foreign governments to those countries, including by undertaking a comprehensive study of the infrastructure needs of the various countries making the transition from nonmarket to market economies—

(A) to identify those sectors in the economies of these countries that are most in need of rebuilding, and

(B) to identify the state of technology in these countries and the opportunity for United States high technology firms to help develop a technological infrastructure in these countries, including an assessment of export opportunities for United States high technology companies.

The results of the study conducted pursuant to paragraph (6) shall be reported to the appropriate congressional committees within 12 months after October 28, 1992.

(Pub. L. 102-549, title III, §302, Oct. 28, 1992, 106 Stat. 3658.)

CODIFICATION

Section was enacted as part of the Aid, Trade, and Competitiveness Act of 1992 and also as part of the Jobs Through Exports Act of 1992, and not as part of the Foreign Assistance Act of 1961 which comprises this chapter.

SHORT TITLE OF 1992 AMENDMENT

Pub. L. 102-549, title III, §301, Oct. 28, 1992, 106 Stat. 3658, provided that: "This title [enacting this section and sections 2421b to 2421e of this title and provisions set out as notes below] may be cited as the 'Aid, Trade, and Competitiveness Act of 1992'."

REPORTS TO CONGRESS ON CAPITAL PROJECTS

Pub. L. 102-549, title III, §305, Oct. 28, 1992, 106 Stat. 3660, directed President, not later than May 1, 1993, to submit to Congress a report describing the extent to which United States Government resources have been expended specifically to support specified projects in developing countries and countries making the transition from nonmarket to market economies, the extent to which the activities of the United States Government have been coordinated, and the extent to which United States Government capital projects and tied-aid credit programs have affected United States exports.

REPORT ON FEASIBILITY OF AID CREDIT GUARANTEES TO FINANCE CAPITAL PROJECTS

Pub. L. 102-549, title III, §307, Oct. 28, 1992, 106 Stat. 3660, directed President, not later than May 1, 1993, to submit to Committee on Foreign Affairs and Committee on Appropriations of House of Representatives and Committee on Foreign Relations and Committee on Appropriations of Senate a report on feasibility of allowing AID to offer credit guarantees for financing of capital projects.

**§2421b. Capital projects for poverty alleviation and environmental safety and sustainability**

**(a) Purposes**

The Administrator of AID shall develop a program, in accordance with subsection (b) of this section, that focuses on developmentally sound capital projects for basic infrastructure that will measurably alleviate the worst manifestations of poverty or directly promote environmental safety and sustainability at the community level, taking into consideration development needs of the host country and export opportunities for services and goods from the United States.

**(b) Activities of AID**

In order to carry out subsection (a) of this section, the Administrator of AID shall, working with AID technical support staff, regional bureau staff, and country missions, identify and provide funding for capital projects to alleviate the worst manifestations of poverty or to promote environmental safety and sustainability at the community level in countries receiving assistance under part I of the Foreign Assistance Act of 1961 [22 U.S.C. 2151 et seq.]. Such projects may include basic sanitation systems, basic water supply and treatment, pollution control, and rural infrastructure benefiting poor communities or establishing environmentally sustainable patterns of rural development. Such projects should have measurable positive effects on indicators of human and environmental health.

(Pub. L. 102-549, title III, §303, Oct. 28, 1992, 106 Stat. 3659.)

REFERENCES IN TEXT

The Foreign Assistance Act of 1961, referred to in subsection (b), is Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424. Part I of the Act is classified generally to subchapter I (§2151 et seq.) of chapter 32 of this title. For provisions deem-