

determined by the Secretaries and the Administrator.

**(2) Eligibility**

A country shall be eligible for assistance under this subsection if the Secretaries and the Administrator determine that the country has demonstrated a commitment to—

- (A) just governance, including—
  - (i) promoting the rule of law;
  - (ii) respecting human and civil rights;
  - (iii) protecting private property rights;
 and
- (iv) combating corruption; and

(B) economic freedom, including economic policies that—

- (i) encourage citizens and firms to participate in global trade and international capital markets;
- (ii) promote private sector growth and the sustainable management of natural resources; and
- (iii) strengthen market forces in the economy.

**(3) Selection**

In determining which eligible countries to provide assistance to under paragraph (1), the Secretaries and the Administrator shall consider—

- (A) the opportunity to reduce greenhouse gas intensity in the eligible country; and
- (B) the opportunity to generate economic growth in the eligible country.

**(4) Types of projects**

Demonstration projects under this section may include—

- (A) coal gasification, coal liquefaction, and clean coal projects;
- (B) carbon sequestration projects;
- (C) cogeneration technology initiatives;
- (D) renewable projects; and
- (E) lower emission transportation.

(Pub. L. 101-240, title VII, § 736, as added Pub. L. 109-58, title XVI, § 1611, Aug. 8, 2005, 119 Stat. 1116.)

**§ 7907. Fellowship and exchange programs**

The Secretary of State, in coordination with the Secretary of Energy, the Secretary of Commerce, and the Administrator of the Environmental Protection Agency, shall carry out fellowship and exchange programs under which officials from developing countries visit the United States to acquire expertise and knowledge of best practices to reduce greenhouse gas intensity in their countries.

(Pub. L. 101-240, title VII, § 737, as added Pub. L. 109-58, title XVI, § 1611, Aug. 8, 2005, 119 Stat. 1117.)

**§ 7908. Authorization of appropriations**

There are authorized to be appropriated such sums as are necessary to carry out this chapter.

(Pub. L. 101-240, title VII, § 738, as added Pub. L. 109-58, title XVI, § 1611, Aug. 8, 2005, 119 Stat. 1117.)

**§ 7909. Authorization for the Clean Technology Fund**

**(1) Limitations on authorization of appropriations**

For fiscal year 2010, up to \$300,000,000 is authorized to be appropriated for a United States contribution to the Clean Technology Fund (the Fund).

**(2) Limits on country access**

The Secretary of the Treasury shall use the voice and vote of the United States to ensure that—

(A) The Fund does not provide more than 15 percent of Fund resources to any one country;

(B) Prior to the obligation of funds, recipient countries submit to the governing body of the Fund, and the governing body of the Fund appropriately reviews and considers, an investment plan that will achieve significant net reductions in national-level greenhouse gas emissions;

(C) The investment plan for a recipient country, whose borrowing status is classified by the World Bank as “International Development Association (IDA) blend”, shall have at least 15 percent of its total cost for public sector activities contributed from the public funds of the recipient country, and any recipient country whose borrowing status is classified by the World Bank as “International Bank for Reconstruction and Development (IBRD) Only” status, shall have at least 25 percent of its total cost for public sector activities contributed from public funds of the recipient country; and

(D) Assistance made available by the Fund is used exclusively to support the deployment of clean energy technologies in developing countries (including, where appropriate, through the provision of technical support or support for policy or institutional reforms) in a manner that achieves substantial net reductions in greenhouse gas emissions.

**(3) Reporting requirement**

Not later than 180 days after December 16, 2009, and annually thereafter, the Secretary of the Treasury shall submit to the Committees on Appropriations in the House and Senate, the Senate Foreign Relations Committee and the House Financial Services Committee, a report describing—

(A) the operations and governance of the Fund, and the purpose and progress of each project supported by the Fund, including the extent to which assistance made available by the Fund has reduced or will reduce greenhouse gas emissions in recipient countries; and

(B) how each project furthers the Fund’s investment plan of the country or countries in which the project is implemented.

**(4) Definitions**

For purposes of this section—

**(A) Net reductions**

The term “net reductions” refers to the extent to which a project or program supported under this section results in lower greenhouse

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