

EFFECTIVE DATE

Section effective Oct. 3, 1977, see section 1001 of Pub. L. 95-118, set out as a note under section 282i of this title.

FUTURE UNITED STATES CONTRIBUTIONS TO THE INTERNATIONAL FINANCIAL INSTITUTIONS

Pub. L. 96-536, § 101(b) [H.J. Res. 637, § 101(b); H.R. 4473, title I], Dec. 16, 1980, 94 Stat. 3167, provided in part that: "It is the sense of the Congress that the United States share of contributions to future replenishments of the International Financial Institutions should not exceed the percentages enumerated below for each of the respective accounts within these institutions:

"Asian Development Bank:

"Paid-in capital, 16.3 percent;

"Callable capital, 16.3 percent;

"Asian Development Fund, 22.2 percent;

"African Development Bank:

"Special Fund, 18 percent;

"Inter-American Development Bank:

"Paid-in capital, 34.5 percent;

"Callable capital, 34.5 percent;

"Fund for Special Operations, 40 percent;

"International Bank for Reconstruction and Development:

"Paid-in capital, 24 percent;

"Callable capital, 24 percent;

"International Development Association, 25 percent;

"International Finance Corporation, 23 percent."

Similar provisions were contained in the following appropriation acts:

Pub. L. 96-123, § 101(a) [incorporating Pub. L. 95-481, title III], Nov. 20, 1979, 93 Stat. 923.

Pub. L. 95-481, title III, Oct. 18, 1978, 92 Stat. 1599.

Pub. L. 95-148, title III, Oct. 31, 1977, 91 Stat. 1238.

STANDARDS FOR HUMAN NEEDS AND PROTECTION OF HUMAN RIGHTS; CONSULTATION FOR DEVELOPMENT OF CRITERIA; REPORT TO CONGRESS

Pub. L. 95-118, title VII, § 703, Oct. 3, 1977, 91 Stat. 1070, provided that:

"(a) The Secretary of State and the Secretary of the Treasury shall initiate a wide consultation designed to develop a viable standard for the meeting of basic human needs and the protection of human rights and a mechanism for acting together to insure that the rewards of international economic cooperation are especially available to those who subscribe to such standards and are seen to be moving toward making them effective in their own systems of governance.

"(b) Not later than one year after the date of enactment of this Act [Oct. 3, 1977], the Secretary of State and the Secretary of the Treasury shall report to the President of the Senate and the Speaker of the House of Representatives on the progress made in carrying out this section."

§ 262d. Human rights and United States assistance policies with international financial institutions**(a) Policy goals**

The United States Government, in connection with its voice and vote in the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the African Development Fund, the Asian Development Bank, the African Development Bank, the European Bank for Reconstruction and Development, and the International Monetary Fund, shall advance the cause of human rights, including by seeking to channel assistance toward countries other than those whose governments engage in—

(1) a pattern of gross violations of internationally recognized human rights, such as torture or cruel, inhumane, or degrading treatment or punishment, prolonged detention without charges, or other flagrant denial to life, liberty, and the security of person; or

(2) provide refuge to individuals committing acts of international terrorism by hijacking aircraft.

(b) Policy considerations for Executive Directors of institutions in implementation of duties

Further, the Secretary of the Treasury shall instruct each Executive Director of the above institutions to consider in carrying out his duties:

(1) specific actions by either the executive branch or the Congress as a whole on individual bilateral assistance programs because of human rights considerations;

(2) the extent to which the economic assistance provided by the above institutions directly benefit the needy people in the recipient country;

(3) whether the recipient country—

(A) is seeking to acquire unsafeguarded special nuclear material (as defined in section 6305(8) of this title) or a nuclear explosive device (as defined in section 6305(4) of this title);

(B) is not a State Party to the Treaty on the Non-Proliferation of Nuclear Weapons; or

(C) has detonated a nuclear explosive device; and

(4) in relation to assistance for the Socialist Republic of Vietnam, the People's Democratic Republic of Laos, Russia and the other independent states of the former Soviet Union (as defined in section 5801 of this title), and Democratic Kampuchea (Cambodia), the responsiveness of the governments of such countries in providing a more substantial accounting of Americans missing in action.

(c) Reporting requirements

(1) The Secretary of the Treasury shall report annually on all loans considered by the Boards of Executive Directors of the institutions listed in subsection (a) of this section to the Chairman and ranking minority member of the Committee on Banking, Finance and Urban Affairs of the House of Representatives, or the designees of such Chairman and ranking minority member, and the Chairman and ranking minority member of the Committee on Foreign Relations of the Senate.

(2) Each report required by paragraph (1) shall—

(A) include a list of all loans considered by the Board¹ of Executive Directors of the institutions listed in subsection (a) of this section and shall specify with respect to each such loan—

(i) the institution involved;

(ii) the date of final action;

(iii) the borrower;

(iv) the amount;

(v) the project or program;

¹ So in original. Probably should be "Boards".

- (vi) the vote of the United States Government;
- (vii) the reason for United States Government opposition, if any;
- (viii) the final disposition of the loan; and
- (ix) if the United States Government opposed the loan, whether the loan meets basic human needs;

(B) indicate whether the United States has opposed any loan, financial assistance, or technical assistance to a country on human rights grounds;

(C) indicate whether the United States has voted in favor of a loan, financial assistance, or technical assistance to a country with respect to which the United States had, in the preceding 2 years, opposed a loan, financial assistance, or technical assistance on human rights grounds; and

(D) in cases where the United States changed its voting position from opposition to support or from support to opposition, on human rights grounds—

- (i) indicate the policy considerations that were taken into account in the development of the United States voting position;
- (ii) describe human rights conditions in the country involved;
- (iii) indicate how the United States voted on all other loans, financial assistance, and technical assistance to such country during the preceding 2 years; and
- (iv) contain information as to how the United States voting position relates to the overall United States Government policy on human rights in such country.

(d) Requirements of United States assistance through institutions for projects in recipient countries

The United States Government, in connection with its voice and vote in the institutions listed in subsection (a) of this section, shall seek to channel assistance to projects which address basic human needs of the people of the recipient country.

(e) Criteria for determination of gross violations of internationally recognized human rights standards

In determining whether a country is in gross violation of internationally recognized human rights standards, as defined by the provisions of subsection (a) of this section, the United States Government shall give consideration to the extent of cooperation of such country in permitting an unimpeded investigation of alleged violations of internationally recognized human rights by appropriate international organizations including, but not limited to, the International Committee of the Red Cross, Amnesty International, the International Commission of Jurists, and groups or persons acting under the authority of the United Nations or the Organization of American States.

(f) Opposition by United States Executive Directors of institutions to financial or technical assistance to violating countries

The United States Executive Directors of the institutions listed in subsection (a) of this section are authorized and instructed to oppose any

loan, any extension of financial assistance, or any technical assistance to any country described in subsection (a)(1) or (2) of this section, unless such assistance is directed specifically to programs which serve the basic human needs of the citizens of such country.

(g)² Consultative and additional reporting requirements

The Secretary of the Treasury or his delegate shall consult frequently and in a timely manner with the chairmen and ranking minority members of the Committee on Banking, Finance and Urban Affairs of the House of Representatives and of the Committee on Foreign Relations of the Senate to inform them regarding any prospective changes in policy direction toward countries which have or recently have had poor human rights records.

(g)² Violations of religious freedom

In determining whether the government of a country engages in a pattern of gross violations of internationally recognized human rights, as described in subsection (a) of this section, the President shall give particular consideration to whether a foreign government—

- (1) has engaged in or tolerated particularly severe violations of religious freedom, as defined in section 6402 of this title; or
- (2) has failed to undertake serious and sustained efforts to combat particularly severe violations of religious freedom when such efforts could have been reasonably undertaken.

(Pub. L. 95-118, title VII, §701, Oct. 3, 1977, 91 Stat. 1069; Pub. L. 96-259, title V, §501(a), (b), June 3, 1980, 94 Stat. 431, 432; Pub. L. 97-35, title XIII, §1342(b), Aug. 13, 1981, 95 Stat. 743; Pub. L. 97-375, title II, §211, Dec. 21, 1982, 96 Stat. 1826; Pub. L. 98-181, title I [title X, §1004], Nov. 30, 1983, 97 Stat. 1286; Pub. L. 101-240, title V, §541(c), (d)(4), (e)(8), Dec. 19, 1989, 103 Stat. 2517-2519; Pub. L. 101-513, title V, §562(b)(2), Nov. 5, 1990, 104 Stat. 2034; Pub. L. 102-511, title X, §1008, Oct. 24, 1992, 106 Stat. 3361; Pub. L. 103-236, title VIII, §823(b), Apr. 30, 1994, 108 Stat. 512; Pub. L. 105-292, title IV, §422, Oct. 27, 1998, 112 Stat. 2810; Pub. L. 106-569, title XI, §1103(g), Dec. 27, 2000, 114 Stat. 3031.)

AMENDMENTS

2000—Subsec. (c)(1). Pub. L. 106-569 substituted “The Secretary of the Treasury shall report annually” for “Not later than 30 days after the end of each calendar quarter, the Secretary of the Treasury shall report quarterly”.

1998—Subsec. (g). Pub. L. 105-292 added subsec. (g) relating to violations of religious freedom.

1994—Subsec. (b)(3). Pub. L. 103-236 amended par. (3) generally. Prior to amendment, par. (3) read as follows: “whether the recipient country has detonated a nuclear device or is not a State Party to the Treaty on Non-proliferation of Nuclear Weapons or both; and”.

1992—Subsec. (a). Pub. L. 102-511, §1008(a), substituted “the African Development Bank, the European Bank for Reconstruction and Development, and the International Monetary Fund,” for “and the African Development Bank.”

Subsec. (b)(4). Pub. L. 102-511, §1008(b), inserted “Russia and the other independent states of the former Soviet Union (as defined in section 5801 of this title),” after “Laos.”

² So in original. Two subsecs. (g) have been enacted.

1990—Subsec. (g). Pub. L. 101-513 struck out “(2)” before “The Secretary” and substituted “of the Committee on Banking, Finance and Urban Affairs of the House of Representatives and of the Committee on Foreign Relations of the Senate” for “specified in paragraph (1)”.

1989—Subsec. (c). Pub. L. 101-240, §541(c), amended subsec. (c) generally, substituting provisions relating to quarterly reports by Secretary of the Treasury not later than 30 days after end of each calendar quarter for provisions relating to annual reports by Secretaries of State and the Treasury, and quarterly reports by Secretary of the Treasury.

Subsec. (d). Pub. L. 101-240, §541(e)(8), struck out at end “The annual report required under subsection (c) of this section shall include a listing of categories of such assistance granted, with particular attention to categories that address basic human needs.”

Subsec. (g)(1). Pub. L. 101-240, §541(d)(4), struck out par. (1) which related to quarterly reporting requirements by Secretary of the Treasury in consultation with Secretary of State.

1983—Subsec. (a)(1). Pub. L. 98-181 substituted “pattern” for “consistent pattern”.

Subsec. (g)(1). Pub. L. 98-181 substituted “Not later than thirty days after the end of each calendar quarter, the Secretary of the Treasury, in consultation with the Secretary of State, shall report.” for “The Secretary of the Treasury, in consultation with the Secretary of State, shall report quarterly”.

1982—Subsec. (c)(1). Pub. L. 97-375 inserted “excluding section 262e of this title and”.

1981—Subsec. (a). Pub. L. 97-35 inserted reference to the African Development Bank.

1980—Subsec. (c). Pub. L. 96-259, §501(a), designated existing provisions as par. (1) and added par. (2).

Subsec. (g). Pub. L. 96-259, §501(b), added subsec. (g).

CHANGE OF NAME

Committee on Banking, Finance and Urban Affairs of House of Representatives treated as referring to Committee on Banking and Financial Services of House of Representatives by section 1(a) of Pub. L. 104-14, set out as a note preceding section 21 of Title 2, The Congress. Committee on Banking and Financial Services of House of Representatives abolished and replaced by Committee on Financial Services of House of Representatives, and jurisdiction over matters relating to securities and exchanges and insurance generally transferred from Committee on Energy and Commerce of House of Representatives by House Resolution No. 5, One Hundred Seventh Congress, Jan. 3, 2001.

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103-236 effective 60 days after Apr. 30, 1994, see section 831 of Pub. L. 103-236, set out as an Effective Date note under section 6301 of this title.

EFFECTIVE DATE OF 1989 AMENDMENT

Pub. L. 101-240, title VIII, §801, Dec. 19, 1989, 103 Stat. 2524, provided that: “Except as otherwise provided in this Act, this Act and the amendments made by this Act [enacting sections 262m-7, 262p-4g to 262p-4k, 262r to 262r-2, 262s-1, 262t, 283z-5 to 283z-8, 286e-12, 286kk, and 2281 to 2286 of this title and section 3904a of Title 12, Banks and Banking, amending this section, sections 262m-7, 262p-1, 262p-5, 262s-2, 282b, 283b, 283cc, 284b, 285b, 286b, 286e-9, 286k-1, 286s, 290g-2, 290i-3, and 290k-5 of this title, and sections 635 and 635i-3 of Title 12, transferring former section 262q of this title to section 262s of this title and former section 4722 of Title 15, Commerce and Trade, to section 262s-2 of this title, repealing sections 262i, 262m-6, 276c-3, 283i, 286b-1, and 286b-2 of this title, enacting provisions set out as notes under sections 283z-6, 215l, and 2291 of this title and sections 635, 390l, and 3904a of Title 12, amending provisions set out as a note under section 262l of this title, and repealing provisions set out as notes under sections 262g-2 and 283 of

this title] shall take effect on the date of the enactment of this Act [Dec. 19, 1989].”

EFFECTIVE DATE OF 1981 AMENDMENT

Amendment by Pub. L. 97-35 effective Aug. 13, 1981, see section 1372 of Pub. L. 97-35, set out as an Effective Date note under section 290i of this title.

EFFECTIVE DATE

Section effective Oct. 3, 1977, see section 1001 of Pub. L. 95-118, set out as a note under section 282i of this title.

CONSULTATIONS FOR ADOPTION OF AMENDMENT TO ARTICLES OF AGREEMENT RESPECTING HUMAN RIGHTS STANDARDS IN CONNECTION WITH ANY APPLICATION FOR ASSISTANCE

Pub. L. 95-118, title VII, §705, as added by Pub. L. 96-259, title V, §501(c), June 3, 1980, 94 Stat. 432, provided that: “The President shall direct the United States Governor of the International Bank for Reconstruction and Development, the United States Governor of the International Finance Corporation, the United States Governor of the International Development Association, the United States Governor of the Inter-American Development Bank, the United States Governor of the Asian Development Bank, and the United States Governor of the African Development Fund, to consult with the other Governors of those institutions concerning adoption of an amendment to the Articles of Agreement of their respective institutions to establish human rights standards to be considered in connection with each application for assistance.”

AMENDMENT OF ARTICLES OF AGREEMENT OF INTERNATIONAL FINANCIAL INSTITUTIONS; ESTABLISHMENT OF HUMAN RIGHTS STANDARDS TO BE CONSIDERED IN CONNECTION WITH ASSISTANCE APPLICATION

Pub. L. 95-481, title VI, §611, Oct. 18, 1978, 92 Stat. 1602, provided that: “The President shall direct the United States Governor of the International Bank for Reconstruction and Development, the United States Governor of the International Finance Corporation, the United States Governor of the International Development Association, the United States Governor of the Inter-American Development Bank, the United States Governor of the Asian Development Bank, and the United States Governor of the African Development Fund, to propose and seek adoption of an amendment to the Articles of Agreement for their respective institutions to establish human rights standards to be considered in connection with each application for assistance.”

§ 262d-1. Congressional statement of policy of human rights and United States assistance policies with international institutions

It is the sense of the Congress that, where other means have proven ineffective in promoting international human rights, and except where the President determines that the cause of international human rights is served more effectively by actions other than voting against such assistance or where the assistance is directed to programs that serve the basic needs of the impoverished majority of the country in question, United States representatives to the International Bank for Reconstruction and Development, the International Development Association, the African Development Fund, the Asian Development Bank, and the Inter-American Development Bank should oppose loans and other financial or technical assistance to any country that persists in a systematic pattern of gross violations of fundamental human rights.

(Pub. L. 95-148, title V, §507, Oct. 31, 1977, 91 Stat. 1240.)