

Editorial Notes

AMENDMENTS

1989—Pub. L. 101-240 struck out at end “Reports with respect to the Fund under paragraphs (5) and (6) of section 286b(b) of this title, shall be included in the first report made thereunder after the United States accepts participation in the Fund.”

§ 290g-3. Specific actions requiring Congressional authorization

Unless Congress by law authorizes such action, neither the President nor any person or agency shall, on behalf of the United States:

- (a) agree to an increase in the subscription of the United States to the Fund;
- (b) vote for or agree to any amendment of the agreement which increases the obligations of the United States, or which would change the purpose or functions of the Fund; or
- (c) make a loan or provide other financing to the Fund, except that funds for technical assistance may be provided to the Fund by a United States agency created pursuant to an Act of Congress which is authorized by law to provide funds to international organizations.

(Pub. L. 94-302, title II, §205, May 31, 1976, 90 Stat. 594.)

§ 290g-4. Authorization of appropriations; repayments and distributions from Fund to Treasury

(a) There is hereby authorized to be appropriated without fiscal year limitation, as the United States subscription, \$25,000,000 to be paid by the Secretary of the Treasury to the Fund in three annual installments of \$9,000,000, \$8,000,000, and \$8,000,000.

(b) Any repayment or distribution of moneys from the Fund to the United States shall be covered into the Treasury as a miscellaneous receipt.

(Pub. L. 94-302, title II, §206, May 31, 1976, 90 Stat. 594.)

§ 290g-5. Federal Reserve banks as depository for the Fund; supervision

Any Federal Reserve bank which is requested to do so by the President shall act as a depository for the Fund, and the Board of Governors of the Federal Reserve System shall supervise and direct the carrying out of these functions by the Federal Reserve banks.

(Pub. L. 94-302, title II, §207, May 31, 1976, 90 Stat. 594.)

§ 290g-6. Civil action by or against the Fund; service of process, venue, jurisdiction, removal of actions

For the purpose of any civil action which may be brought within the United States, its territories or possessions, or the Commonwealth of Puerto Rico, by or against the Fund in accordance with the agreement, the Fund shall be deemed to be an inhabitant of the Federal judicial district in which its principal office or agency appointed for the purpose of accepting service or notice of service is located, and any such action to which the Fund shall be party shall be

deemed to arise under the laws of the United States, and the district courts of the United States (including the courts enumerated in section 460 of title 28) shall have original jurisdiction of any such action. When the Fund is defendant in any action in a State court, it may, at any time before the trial thereof, remove such action into the district court of the United States for the proper district by following the procedure for removal of causes otherwise provided by law.

(Pub. L. 94-302, title II, §208, May 31, 1976, 90 Stat. 594.)

§ 290g-7. Force and effect of agreement; deposit of documents by the President; reservation of right to tax salaries and emoluments paid by the Fund to United States citizens or nationals

The agreement, including without limitation articles 41 through 50, shall have full force and effect in the United States, its territories and possessions, and the Commonwealth of Puerto Rico, upon the acceptance of participation by the United States in, and the entry into force of, the Fund. The President, at the time of deposit of the instrument of acceptance of participation of the United States in the Fund, shall also deposit a declaration that the United States retains for itself and its political subdivisions the right to tax salaries and emoluments paid by the Fund to its citizens or nationals and may deposit a declaration providing for reservations on other matters set forth in article 58.

(Pub. L. 94-302, title II, §209, May 31, 1976, 90 Stat. 594.)

§ 290g-8. Presidential instructions to United States Governor of the Fund to veto any use of funds to benefit a country pursuing a detrimental economic policy against United States interests; exceptions

The President shall instruct the United States Governor of the Fund to cause the Executive Director representing the United States in the Fund to cast the votes of the United States against any loan or other utilization of the funds of the Fund for the benefit of any country which has—

(1) nationalized or expropriated or seized ownership or control of property owned by any United States citizen or by any corporation, partnership, or association not less than 50 per centum of which is beneficially owned by United States citizens;

(2) taken steps to repudiate or nullify existing contracts or agreements with any United States citizen or any corporation, partnership, or association not less than 50 per centum of which is beneficially owned by United States citizens; or

(3) imposed or enforced discriminatory taxes or other exactions, or restrictive maintenance or operational conditions, or has taken other actions, which have the effect of nationalizing, expropriating, or otherwise seizing ownership or control of property so owned;

unless the President determines that (A) an arrangement for prompt, adequate, and effective

compensation has been made, (B) the parties have submitted the dispute to arbitration under the rules of the Convention for the Settlement of Investment Disputes, or (C) good faith negotiations are in progress aimed at providing prompt, adequate, and effective compensation under the applicable principles of international law.

(Pub. L. 94-302, title II, §210, May 31, 1976, 90 Stat. 595.)

§ 290g-9. Repealed. Pub. L. 95-118, title VII, § 702, Oct. 3, 1977, 91 Stat. 1070

Section, Pub. L. 94-302, title II, §211, May 31, 1976, 90 Stat. 595; H. Res. 5, Jan. 4, 1977, set forth provisions relating to United States participation in financial assistance by the African Development Fund to any country engaging in a consistent pattern of gross violations of internationally recognized human rights. See section 262d of this title.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF REPEAL

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

§ 290g-10. Additional authorization for contribution to African Development Fund

(a) Payment of United States contribution; review of payment and voting structure with other donor nations

The United States Governor is authorized to contribute on behalf of the United States \$50,000,000 to the African Development Fund, which would represent an additional United States contribution to the first replenishment. The Secretary of the Treasury is directed to begin discussions with other donor nations to the African Development Fund for the purpose of setting amounts and of reviewing and possibly changing the voting structure within the Fund: *Provided, however*, That any commitment to make such contribution shall be made subject to obtaining the necessary appropriations.

(b) Authorization of appropriations

In order to pay for the United States contribution to the African Development Fund provided for in this section there are authorized to be appropriated without fiscal year limitation \$50,000,000 for payment by the Secretary of the Treasury.

(Pub. L. 94-302, title II, §211, formerly §212, as added Pub. L. 95-118, title VI, §601, Oct. 3, 1977, 91 Stat. 1069; renumbered §211, Pub. L. 96-259, title III, §301(1), June 3, 1980, 94 Stat. 430.)

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PRIOR PROVISIONS

A prior section 211 of Pub. L. 94-302 was classified to section 290g-9 of this title prior to repeal by Pub. L. 95-118, title VII, §702, Oct. 3, 1977, 91 Stat. 1070.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section effective Oct. 3, 1977, except that no funds authorized to be appropriated by this section may be

available for use or obligation prior to Oct. 1, 1977, see section 1001 of Pub. L. 95-118, set out as a note under section 282i of this title.

§ 290g-11. Additional authorization for payment of United States contribution

(a) United States share

The United States Governor of the Fund is authorized to contribute on behalf of the United States \$125,000,000 to the Fund as the United States contribution to the second replenishment of the resources of the Fund, except that any commitment to make such contribution shall be made subject to obtaining the necessary appropriations.

(b) Authorization of appropriations

In order to pay for the United States contribution provided for in this section, there is authorized to be appropriated, without fiscal year limitation, \$125,000,000 for payment by the Secretary of the Treasury.

(c) Funding requirements

For the purpose of keeping to a minimum the cost to the United States, the Secretary of the Treasury—

(1) shall pay the United States contribution to the African Development Fund authorized by this section by letter of credit in three annual installments; and

(2) shall take the steps necessary to obtain a certification from the Fund that any undisbursed balances resulting from drawdowns on such letter of credit will not exceed at any time the United States share of expected disbursement requirements for the following three-month period.

(Pub. L. 94-302, title II, §212, as added Pub. L. 96-259, title III, §301(2), June 3, 1980, 94 Stat. 430.)

§ 290g-12. Additional authorization for payment of United States contribution

(a)(1) The United States Governor of the Fund is authorized to contribute on behalf of the United States \$150,000,000 to the Fund as the United States contribution to the third replenishment of the resources of the Fund.

(2) Any commitment to make the contribution authorized in paragraph (1) shall be made subject to obtaining the necessary appropriations.

(b) In order to pay for the United States contribution provided for in this section, there are authorized to be appropriated, without fiscal year limitation, \$150,000,000 for payment by the Secretary of the Treasury.

(Pub. L. 94-302, title II, §213, as added Pub. L. 98-181, title I [title X, §1003], Nov. 30, 1983, 97 Stat. 1286.)

§ 290g-13. Additional authorization for payment of United States contribution

(a)(1) The United States Governor of the Fund is authorized to contribute \$225,000,000 to the fourth replenishment of the resources of the Fund.

(2) Any commitment to make the contribution authorized in paragraph (1) shall be made subject to obtaining the necessary appropriations.

(b) In order to pay for the United States contribution provided for in this section, there are