

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section effective Oct. 1, 2005, except as otherwise provided, see section 739 of Pub. L. 101-240, set out as a note under section 7901 of this title.

§ 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.)

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EFFECTIVE DATE

Section effective Oct. 1, 2005, except as otherwise provided, see section 739 of Pub. L. 101-240, set out as a note under section 7901 of this title.

§ 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(3) Repealed. Pub. L. 113-76, div. K, title VII, § 7034(i), Jan. 17, 2014, 128 Stat. 514**(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; Pub. L. 113-76, div. K, title VII, §7034(i), Jan. 17, 2014, 128 Stat. 514.)

Editorial Notes

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.

AMENDMENTS

2014—Par. (3). Pub. L. 113-76 struck out par. (3), which established a reporting requirement for operations and governance of the Fund.

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CONTINUATION OF PRIOR LAW

Pub. L. 113-235, div. J, title VII, §7060(c)(9), Dec. 16, 2014, 128 Stat. 2672, 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 2015 as if part of this Act [div. J of Pub. L. 113-235, 128 Stat. 2573].”

Prior continuations were contained in the following acts:

Pub. L. 113-76, div. K, title VII, §7060(c)(9), Jan. 17, 2014, 128 Stat. 554.

Pub. L. 112-74, div. I, title VII, §7062(c)(8), Dec. 23, 2011, 125 Stat. 1250.

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 nonproliferation 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 nonproliferation, 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 nonproliferation 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 has the potential to benefit the people of all countries;

(11) such commerce also represents a significant change in United States policy regarding commerce with countries that are not States Party to the NPT, which remains the foundation of the international nonproliferation regime;

(12) any commerce in civil nuclear energy with India by the United States and other countries must be achieved in a manner that minimizes the risk of nuclear proliferation or regional arms races and maximizes India's adherence to international nonproliferation regimes, including, in particular, the guidelines of the Nuclear Suppliers Group (NSG); and

(13) the United States should not seek to facilitate or encourage the continuation of nuclear exports to India by any other party if such exports are terminated under United States law.

(Pub. L. 109-401, title I, §102, Dec. 18, 2006, 120 Stat. 2726.)

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SHORT TITLE

Pub. L. 109-401, title I, §101, Dec. 18, 2006, 120 Stat. 2726, provided that: "This title [enacting this chapter and amending section 2652c of this title and section 2153 of Title 42, The Public Health and Welfare] may be cited as the 'Henry J. Hyde United States-India Peaceful Atomic Energy Cooperation Act of 2006'."

UNITED STATES-INDIA NUCLEAR COOPERATION APPROVAL AND NONPROLIFERATION ENHANCEMENT

Pub. L. 110-369, Oct. 8, 2008, 122 Stat. 4023, provided that:

"SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

"(a) SHORT TITLE.—This Act may be cited as the 'United States-India Nuclear Cooperation Approval and Nonproliferation Enhancement Act'.

"(b) TABLE OF CONTENTS.—[Omitted.]

"SEC. 2. DEFINITIONS.

"In this Act:

"(1) AGREEMENT.—The term 'United States-India Agreement for Cooperation on Peaceful Uses of Nuclear Energy' or 'Agreement' means the Agreement for Cooperation Between the Government of the United States of America and the Government of