

liberally contract with appropriate nongovernmental organizations that have a proven record of providing humanitarian assistance to displaced North Koreans in China;

(5) the UNHCR should pursue a multilateral agreement to adopt an effective “first asylum” policy that guarantees safe haven and assistance to North Korean refugees; and

(6) should the Government of China begin actively fulfilling its obligations toward North Korean refugees, all countries, including the United States, and relevant international organizations should increase levels of humanitarian assistance provided inside China to help defray costs associated with the North Korean refugee presence.

(b) Arbitration proceedings

It is further the sense of Congress that—

(1) if the Government of China continues to refuse to provide the UNHCR with access to North Koreans within its borders, the UNHCR should initiate arbitration proceedings pursuant to Article XVI of the UNHCR Mission Agreement and appoint an arbitrator for the UNHCR; and

(2) because access to refugees is essential to the UNHCR mandate and to the purpose of a UNHCR branch office, a failure to assert those arbitration rights in present circumstances would constitute a significant abdication by the UNHCR of one of its core responsibilities.

(Pub. L. 108–333, title III, §304, Oct. 18, 2004, 118 Stat. 1296.)

§ 7845. Annual reports

(a) Immigration and refugee information

Not later than 1 year after October 18, 2004, and every 12 months thereafter through 2017, the Secretary of State and the Secretary of Homeland Security shall submit a joint report to the appropriate congressional committees and the Committees on the Judiciary of the House of Representatives and the Senate on the operation of this subchapter during the previous year, which shall include the following:

(1) The number of aliens who are nationals or citizens of North Korea who applied for political asylum and the number who were granted political asylum.

(2) The number of aliens who are nationals or citizens of North Korea who applied for refugee status and the number who were granted refugee status.

(3) A detailed description of the measures undertaken by the Secretary of State to carry out section 7843 of this title, including country-specific information with respect to United States efforts to secure the cooperation and permission of the governments of countries in East and Southeast Asia to facilitate United States processing of North Koreans seeking protection as refugees. The information required under this paragraph shall be provided in unclassified form, with a classified annex, if necessary.

(b) Countries of particular concern

The President shall include in each annual report on proposed refugee admission pursuant to section 1157(d) of title 8, information about spe-

cific measures taken to facilitate access to the United States refugee program for individuals who have fled countries of particular concern for violations of religious freedom, identified pursuant to section 6442(b) of this title. The report shall include, for each country of particular concern, a description of access of the nationals or former habitual residents of that country to a refugee determination on the basis of—

(1) referrals by external agencies to a refugee adjudication;

(2) groups deemed to be of special humanitarian concern to the United States for purposes of refugee resettlement; and

(3) family links to the United States.

(Pub. L. 108–333, title III, §305, Oct. 18, 2004, 118 Stat. 1297; Pub. L. 110–346, §11, Oct. 7, 2008, 122 Stat. 3942; Pub. L. 112–172, §10, Aug. 16, 2012, 126 Stat. 1309.)

AMENDMENTS

2012—Subsec. (a). Pub. L. 112–172 substituted “2017” for “2012” in introductory provisions.

2008—Subsec. (a). Pub. L. 110–346, §11(1), (2), inserted “and refugee” before “information” in heading, and, in introductory provisions, substituted “through 2012” for “for each of the following 5 years” and “which shall include the following:” for “which shall include—”.

Pub. L. 110–346, §11(3)–(5), substituted “The number of aliens” for “the number of aliens” in pars. (1) and (2) and a period for “; and” in par. (1) and added par. (3).

CHAPTER 86—CLIMATE CHANGE TECHNOLOGY DEPLOYMENT IN DEVELOPING COUNTRIES

Sec.	
7901.	Definitions.
7902.	Reduction of greenhouse gas intensity.
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7905.	Greenhouse Gas Intensity Reducing Technology Export Initiative.
7906.	Technology demonstration projects.
7907.	Fellowship and exchange programs.
7908.	Authorization of appropriations.
7909.	Authorization for the Clean Technology Fund.

§ 7901. Definitions

In this chapter:

(1) Carbon sequestration

The term “carbon sequestration” means the capture of carbon dioxide through terrestrial, geological, biological, or other means, which prevents the release of carbon dioxide into the atmosphere.

(2) Greenhouse gas

The term “greenhouse gas” means carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride.

(3) Greenhouse gas intensity

The term “greenhouse gas intensity” means the ratio of greenhouse gas emissions to economic output.

(Pub. L. 101–240, title VII, §731, as added Pub. L. 109–58, title XVI, §1611, Aug. 8, 2005, 119 Stat. 1113.)

EFFECTIVE DATE

Pub. L. 101-240, title VII, §739, as added Pub. L. 109-58, title XVI, §1611, Aug. 8, 2005, 119 Stat. 1117, provided that: “Except as otherwise provided in this part [part C (§§ 731-739) of title VII of Pub. L. 101-240, enacting this chapter], this part takes effect on October 1, 2005.”

§ 7902. Reduction of greenhouse gas intensity**(a) Lead agency****(1) In general**

The Department of State shall act as the lead agency for integrating into United States foreign policy the goal of reducing greenhouse gas intensity in developing countries.

(2) Reports**(A) Initial report**

Not later than 180 days after August 8, 2005, the Secretary of State shall submit to the appropriate authorizing and appropriating committees of Congress an initial report, based on the most recent information available to the Secretary from reliable public sources, that identifies the 25 developing countries that are the largest greenhouse gas emitters, including for each country—

- (i) an estimate of the quantity and types of energy used;
- (ii) an estimate of the greenhouse gas intensity of the energy, manufacturing, agricultural, and transportation sectors;
- (iii) a description¹ the progress of any significant projects undertaken to reduce greenhouse gas intensity;
- (iv) a description of the potential for undertaking projects to reduce greenhouse gas intensity;
- (v) a description of any obstacles to the reduction of greenhouse gas intensity; and
- (vi) a description of the best practices learned by the Agency for International Development from conducting previous pilot and demonstration projects to reduce greenhouse gas intensity.

(B) Update

Not later than 18 months after the date on which the initial report is submitted under subparagraph (A), the Secretary shall submit to the appropriate authorizing and appropriating committees of Congress, based on the best information available to the Secretary, an update of the information provided in the initial report.

(C) Use**(i) Initial report**

The Secretary of State shall use the initial report submitted under subparagraph (A) to establish baselines for the developing countries identified in the report with respect to the information provided under clauses (i) and (ii) of that subparagraph.

(ii) Annual reports

The Secretary of State shall use the annual reports prepared under subparagraph (B) and any other information available to the Secretary to track the progress of the

developing countries with respect to reducing greenhouse gas intensity.

(b) Projects

The Secretary of State, in coordination with Administrator of the United States Agency for International Development, shall (directly or through agreements with the World Bank, the International Monetary Fund, the Overseas Private Investment Corporation, and other development institutions) provide assistance to developing countries specifically for projects to reduce greenhouse gas intensity, including projects to—

- (1) leverage, through bilateral agreements, funds for reduction of greenhouse gas intensity;
- (2) increase private investment in projects and activities to reduce greenhouse gas intensity; and
- (3) expedite the deployment of technology to reduce greenhouse gas intensity.

(c) Focus

In providing assistance under subsection (b), the Secretary of State shall focus on—

- (1) promoting the rule of law, property rights, contract protection, and economic freedom; and
- (2) increasing capacity, infrastructure, and training.

(d) Priority

In providing assistance under subsection (b), the Secretary of State shall give priority to projects in the 25 developing countries identified in the report submitted under subsection (a)(2)(A).

(Pub. L. 101-240, title VII, §732, as added Pub. L. 109-58, title XVI, §1611, Aug. 8, 2005, 119 Stat. 1113.)

§ 7903. Technology inventory for developing countries**(a) In general**

The Secretary of Energy, in coordination with the Secretary of State and the Secretary of Commerce, shall conduct an inventory of greenhouse gas intensity reducing technologies that are developed, or under development in the United States, to identify technologies that are suitable for transfer to, deployment in, and commercialization in the developing countries identified in the report submitted under section 7902(a)(2)(A) of this title.

(b) Report

Not later than 180 days after the completion of the inventory under subsection (a), the Secretary of State and the Secretary of Energy shall jointly submit to Congress a report that—

- (1) includes the results of the completed inventory;
- (2) identifies obstacles to the transfer, deployment, and commercialization of the inventoried technologies;
- (3) includes results from previous Federal reports related to the inventoried technologies; and
- (4) includes an analysis of market forces related to the inventoried technologies.

¹ So in original. Probably should be “description of”.

(Pub. L. 101-240, title VII, § 733, as added Pub. L. 109-58, title XVI, § 1611, Aug. 8, 2005, 119 Stat. 1114.)

§ 7904. Trade-related barriers to export of greenhouse gas intensity reducing technologies

(a) In general

Not later than 1 year after August 8, 2005, the United States Trade Representative shall (as appropriate and consistent with applicable bilateral, regional, and mutual trade agreements)—

(1) identify trade-relations barriers maintained by foreign countries to the export of greenhouse gas intensity reducing technologies and practices from the United States to the developing countries identified in the report submitted under section 7902(a)(2)(A) of this title; and

(2) negotiate with foreign countries for the removal of those barriers.

(b) Annual report

Not later than 1 year after the date on which a report is submitted under subsection (a)(1) and annually thereafter, the United States Trade Representative shall submit to Congress a report that describes any progress made with respect to removing the barriers identified by the United States Trade Representative under subsection (a)(1).

(Pub. L. 101-240, title VII, § 734, as added Pub. L. 109-58, title XVI, § 1611, Aug. 8, 2005, 119 Stat. 1115.)

§ 7905. Greenhouse Gas Intensity Reducing Technology Export Initiative

(a) In general

There is established an interagency working group to carry out a Greenhouse Gas Intensity Reducing Technology Export Initiative to—

(1) promote the export of greenhouse gas intensity reducing technologies and practices from the United States;

(2) identify developing countries that should be designated as priority countries for the purpose of exporting greenhouse gas intensity reducing technologies and practices, based on the report submitted under section 7902(a)(2)(A) of this title;

(3) identify potential barriers to adoption of exported greenhouse gas intensity reducing technologies and practices based on the reports submitted under section 7904 of this title; and

(4) identify previous efforts to export energy technologies to learn best practices.

(b) Composition

The working group shall be composed of—

(1) the Secretary of State, who shall act as the head of the working group;

(2) the Administrator of the United States Agency for International Development;

(3) the United States Trade Representative;

(4) a designee of the Secretary of Energy;

(5) a designee of the Secretary of Commerce; and

(6) a designee of the Administrator of the Environmental Protection Agency.

(c) Performance reviews and reports

Not later than 180 days after August 8, 2005, and each year thereafter, the interagency working group shall—

(1) conduct a performance review of actions taken and results achieved by the Federal Government (including each of the agencies represented on the interagency working group) to promote the export of greenhouse gas intensity reducing technologies and practices from the United States; and

(2) submit to the appropriate authorizing and appropriating committees of Congress a report that describes the results of the performance reviews and evaluates progress in promoting the export of greenhouse gas intensity reducing technologies and practices from the United States, including any recommendations for increasing the export of the technologies and practices.

(Pub. L. 101-240, title VII, § 735, as added Pub. L. 109-58, title XVI, § 1611, Aug. 8, 2005, 119 Stat. 1115.)

§ 7906. Technology demonstration projects

(a) In general

The Secretary of State, in coordination with the Secretary of Energy and the Administrator of the United States Agency for International Development, shall promote the adoption of technologies and practices that reduce greenhouse gas intensity in developing countries in accordance with this section.

(b) Demonstration projects

(1) In general

The Secretaries and the Administrator shall plan, coordinate, and carry out, or provide assistance for the planning, coordination, or carrying out of, demonstration projects under this section in at least 10 eligible countries, as 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 classi-

fied 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.)

CODIFICATION

Section was enacted as part of the Department of State, Foreign Operations, and Related Programs Ap-

propriations 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.

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

Sec.	
8001.	Sense of Congress.
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8003.	Waiver authority and congressional approval.
8004.	United States compliance with its nuclear nonproliferation treaty obligations.
8005.	Inoperability of determination and waivers.
8006.	MTCR adherent status.
8007.	United States-India scientific cooperative nuclear nonproliferation program.
8008.	Definitions.

§ 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 nu-

clear 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.)

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’.”