

TITLE 22 - FOREIGN RELATIONS AND INTERCOURSE
CHAPTER 7 - INTERNATIONAL BUREAUS, CONGRESSES, ETC.**§ 262m–7. Assessment of environmental impact of proposed multilateral development bank actions****(a) Assessment required before favorable vote on proposal**

The Secretary of the Treasury shall instruct the United States Executive Director of each multilateral development bank not to vote in favor of any proposal (including but not limited to any loan, credit, grant, guarantee) which would result or be likely to result in significant impact on the environment, unless the Secretary, after consultation with the Secretary of State and the Administrators of the United States Agency for International Development and the Environmental Protection Agency, determines that for at least 120 days before the date of the vote—

- (1) an assessment analyzing the environmental impacts of the proposed action, including associated and cumulative impacts, and of alternatives to the proposed action, has been completed by the borrower or the bank and has been made available to the board of directors of the bank; and
- (2) such assessment or a comprehensive summary of the assessment (with proprietary information redacted) has been made available to affected groups, and local nongovernmental organizations and notice of its availability in the country and at the bank has been posted on the bank's website.

(b) Access to assessments in all member countries

The Secretary of the Treasury shall seek the adoption of policies and procedures, through discussions and negotiations with the other member countries of the multilateral development banks and with the management of such banks, which result in access by governmental agencies and interested members of the public of such member countries, to environmental assessments or documentary information containing comprehensive summaries of such assessments which discuss the environmental impact of prospective projects and programs being considered by such banks. Such assessments or summaries should be made available to such governmental agencies and interested members of the public at least 120 days before scheduled board action, and public participation in review of the relevant environmental information should be encouraged.

(c) Consideration of assessment

The Secretary of the Treasury shall—

- (1) ensure that an environmental impact assessment or comprehensive summary of such assessment described in subsection (a) of this section accompanies loan proposals through the agency review process; and
- (2) take into consideration recommendations from all other interested Federal agencies and interested members of the public.

(d) Development of procedures for systematic environmental assessment

The Secretary of the Treasury, in consultation with other Federal agencies, including the Environmental Protection Agency, the Department of State, and the Council on Environmental Quality, shall—

- (1) instruct the United States Executive Director of each multilateral development bank to initiate discussions with the other executive directors of the respective bank and to propose that the respective bank develop and make available to member governments of, and borrowers from, the respective bank, within 18 months after December 19, 1989, a procedure for the systematic environmental assessment of development projects for which the respective bank provides financial assistance, taking into consideration the Guidelines and Principles for Environmental Impact Assessment promulgated by the United Nations Environmental Programme and other bilateral or multilateral assessment procedures; and

NB: This unofficial compilation of the U.S. Code is current as of Jan. 8, 2008 (see <http://www.law.cornell.edu/uscode/uscprint.html>).

(2) in determining the position of the United States on any action proposed to be taken by a multilateral development bank, develop and prescribe procedures for the consideration of, among other things—

- (A) the environmental impact assessment of the action described in subsection (a) of this section;
- (B) interagency and public review of such assessment; and
- (C) other environmental review and consultation of such action that is required by other law.

(e) Use of United States personnel

The Secretary of the Treasury, in consultation with the Secretary of State, the Secretary of the Interior, the Administrator of the Environmental Protection Agency, the Chairman of the Council on Environmental Quality, the Administrator of the Agency for International Development, and the Administrator of the National Oceanic and Atmospheric Administration, shall—

- (1) make available to the multilateral development banks, without charge, appropriate United States Government personnel to assist in—
 - (A) training bank staff in environmental impact assessment procedures;
 - (B) providing advice on environmental issues;
 - (C) preparing environmental studies for projects with potentially significant environmental impacts; and
 - (D) preparing documents for public release, and developing procedures to provide for the inclusion of interested nongovernmental organizations in the environmental review process; and
- (2) encourage other member countries of such banks to provide similar assistance.

(f) Reports

(1) In general

The Secretary of the Treasury shall submit to the Committees on Foreign Relations and Environment and Public Works of the Senate and the Committee on Banking, Finance and Urban Affairs of the House of Representatives—

- (A) not later than the end of the 1-year period beginning on December 19, 1989, a progress report on the efficacy of efforts by the United States to encourage consistent and timely environmental impact assessment of actions proposed to be taken by the multilateral development banks and on the progress made by the multilateral development banks in developing and instituting environmental assessment policies and procedures; and
- (B) not later than January 1, 1993, a detailed report on the matters described in subparagraph (A).

(2) Availability of reports

The reports required by paragraph (1) shall be made available to the member governments of, and the borrowers from, the multilateral development banks, and to the public.

(g) Multilateral development bank defined

In this title,¹ the term “multilateral development bank” means the International Bank for Reconstruction and Development, the European Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Multilateral Investment Guarantee Agency, the African Development Bank, the African Development Fund, the Asian Development Bank, the Inter-American Development Bank, the Inter-American Investment Corporation, any other institution (other than the International Monetary Fund) specified in section 262r (c)(2) of this title, and any subsidiary of any such institution.

Footnotes

¹ See References in Text note below.

(Pub. L. 95–118, title XIII, § 1307, formerly § 1308, as added and renumbered § 1307, Pub. L. 101–240, title V, §§ 521, 541 (f)(4), Dec. 19, 1989, 103 Stat. 2511, 2519; amended Pub. L. 105–118, title V, § 560(b), Nov. 26, 1997, 111 Stat. 2426; Pub. L. 108–447, div. D, title V, § 593(a), Dec. 8, 2004, 118 Stat. 3037.)

References in Text

This title, referred to in subsec. (g), is title XIII of Pub. L. 95–118, which is classified to sections 262m to 262m–7 of this title. For complete classification of title XIII to the Code, see Tables.

Amendments

2004—Subsec. (a). Pub. L. 108–447, § 593(a)(1), added subsec. (a) and struck out former subsec. (a) which related to assessments required before favorable vote on action proposed to be taken by banks that would have a significant effect on the human environment.

Subsec. (g). Pub. L. 108–447, § 593(a)(2), amended heading and text of subsec. (g) generally. Prior to amendment, text read as follows: “For purposes of this section, the term ‘multilateral development bank’ means any of the institutions named in section 262m–2 (b) of this title, and the International Finance Corporation.”

1997—Subsec. (a)(1)(A). Pub. L. 105–118, § 560(b)(1), substituted “borrower” for “borrowing country”.

Subsec. (a)(2)(A). Pub. L. 105–118, § 560(b)(2), struck out “country” after “borrower”.

Subsec. (g). Pub. L. 105–118, § 560(b)(3), 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.