

## DELEGATION OF FUNCTIONS

For delegation of functions of President under this section, see Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, as amended, set out as a note under section 2381 of this title.

**§ 2359. Repealed. Pub. L. 105-277, div. A, § 101(d) [title V, § 533(a)(5)], Oct. 21, 1998, 112 Stat. 2681-150, 2681-180**

Section, Pub. L. 87-195, pt. III, § 609, Sept. 4, 1961, 75 Stat. 442, related to special accounts for proceeds from sales of commodities furnished on a grant basis.

**§ 2360. Transfer of funds between accounts**

**(a) Necessity of transfer; limitations**

Whenever the President determines it to be necessary for the purposes of this chapter, not to exceed 10 per centum of the funds made available for any provision of this chapter (except funds made available pursuant to subpart IV of part II of subchapter I of this chapter or for section 2763 of this title) may be transferred to, and consolidated with, the funds made available for any provision of this chapter (except funds made available under part II of subchapter II of this chapter), and may be used for any of the purposes for which such funds may be used, except that the total in the provision for the benefit of which the transfer is made shall not be increased by more than 20 per centum of the amount of funds made available for such provision.

**(b) Augmentation of other appropriations**

The authority contained in this section and in sections 2261, 2318 and 2364 of this title, shall not be used to augment appropriations made available pursuant to sections 2396(g)(1) and 2397 of this title or used otherwise to finance activities which normally would be financed from appropriations for administrative expenses.

**(c) Military and development assistance purposes**

Any funds which the President has notified Congress pursuant to section 2413 of this title that he intends to provide in military assistance to any country may be transferred to, and consolidated with, any other funds he has notified Congress pursuant to such section that he intends to provide to that country for development assistance purposes.

(Pub. L. 87-195, pt. III, § 610, Sept. 4, 1961, 75 Stat. 442; Pub. L. 87-565, pt. III, § 301(a), Aug. 1, 1962, 76 Stat. 260; Pub. L. 89-371, § 3, Mar. 18, 1966, 80 Stat. 74; Pub. L. 89-583, pt. III, § 301(d), Sept. 19, 1966, 80 Stat. 804; Pub. L. 90-137, pt. III, § 301(c), Nov. 14, 1967, 81 Stat. 458; Pub. L. 91-175, pt. III, § 301, Dec. 30, 1969, 83 Stat. 820; Pub. L. 93-559, § 19(a), Dec. 30, 1974, 88 Stat. 1800; Pub. L. 95-384, § 10(b)(2), Sept. 26, 1978, 92 Stat. 735; Pub. L. 101-623, § 10(a), Nov. 21, 1990, 104 Stat. 3356.)

## REFERENCES IN TEXT

This chapter, referred to in subsec. (a), was in the original "this Act", meaning Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, as amended, known as the Foreign Assistance Act of 1961. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables.

## AMENDMENTS

1990—Subsec. (a). Pub. L. 101-623 inserted "or for section 2763 of this title" after "subchapter I of this chap-

ter" and struck out "other" after second reference to "funds made available for any".

1978—Subsec. (b). Pub. L. 95-384 struck out provisions authorizing transfer and consolidation of not to exceed \$9,000,000 of the funds appropriated under section 2242 of this title with the funds appropriated under section 2397(a) of this title to be available solely for additional administrative expenses incurred in connection with programs in Vietnam.

1974—Subsec. (a). Pub. L. 93-559, § 19(a)(1), inserted provisions excepting funds made available under part II of subchapter II of this chapter from the designation of funds subject to consolidation.

Subsec. (c). Pub. L. 93-559, § 19(a)(2), added subsec. (c).

1969—Subsec. (a). Pub. L. 91-175 inserted provision excepting funds made available pursuant to subpart IV of part II of subchapter I of this chapter from the designation of funds subject to consolidation.

1967—Subsec. (b). Pub. L. 90-137 increased limitation on funds available for transfer from \$5,000,000 to \$9,000,000.

1966—Subsec. (b). Pub. L. 89-583 substituted provisions authorizing transfer of \$5,000,000 for administrative expenses for any fiscal year incurred in connection with programs in Vietnam for provisions authorizing transfer of \$1,400,000 for administrative expenses for fiscal year 1966 incurred in connection with programs in the Republic of Vietnam.

Pub. L. 89-371 authorized transfer of \$1,400,000 for administrative expenses for fiscal year 1966 incurred in connection with programs in the Republic of Vietnam.

1962—Pub. L. 87-565 designated existing provisions as subsec. (a) and added subsec. (b).

## EFFECTIVE DATE OF 1990 AMENDMENT

Pub. L. 101-623, § 10(b), Nov. 21, 1990, 104 Stat. 3356, provided that: "The amendments made by subsection (a) [amending this section] apply with respect to funds made available for fiscal year 1991 or any fiscal year thereafter."

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**§ 2361. Completion of plans and cost estimates**

**(a) Restriction on agreements or grants**

No agreement or grant which constitutes an obligation of the United States Government in excess of \$500,000 under section 1501 of title 31 shall be made for any assistance authorized under part I of subchapter I of this chapter, subpart II of part II of subchapter I of this chapter, or part IV of subchapter II of this chapter—

(1) if such agreement or grant requires substantive technical or financial planning, until engineering, financial, and other plans necessary to carry out such assistance, and a reasonably firm estimate of the cost to the United States Government of providing such assistance, have been completed; and

(2) if such agreement or grant requires legislative action within the recipient country, unless such legislative action may reasonably be anticipated to be completed in time to permit the orderly accomplishment of the purposes of such agreement or grant.

**(b) Plans for water or related land resource construction projects; computation of benefits and costs**

Plans required under subsection (a) of this section for any water or related land resource con-