allocated to each department and agency full cost of its presence outside of the United States, was from the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1997, and was not repeated in subsequent appropriation acts. Similar provisions were contained in the following prior appropriation act:

Pub. L. 104–134, title I, §101[(a)] [title IV], Apr. 26, 1996, 110 Stat. 1321, 1321–36; renumbered title I, Pub. L. 104–140, §1(a), May 2, 1996, 110 Stat. 1327.

§ 2696. Nondiscretionary personnel costs, currency fluctuations, and other contingencies

(a) Additional appropriations

There are authorized to be appropriated for the Department of State, in addition to amounts otherwise authorized to be appropriated for the Department, such sums as may be necessary for any fiscal year for increases in salary, pay, retirement, and other employee benefits authorized by law.

(b) Appropriations authorization based on currency fluctuations

(1) In order to maintain the levels of program activity for the Department of State provided for each fiscal year by the annual authorizing legislation, there are authorized to be appropriated for the Department of State such sums as may be necessary to offset adverse fluctuations in foreign currency exchange rates, or overseas wage and price changes, which occur after November 30 of the earlier of—

(A) the calendar year which ended during the fiscal year preceding such fiscal year, or

(B) the calendar year which preceded the calendar year during which the authorization of appropriations for such fiscal year was enacted.

(2) In carrying out this subsection, there may be established a Buying Power Maintenance account.

(3) In order to eliminate substantial gains to the approved levels of overseas operations for the Department of State, the Secretary of State shall transfer to the Buying Power Maintenance account such amounts in any appropriation account under the heading ''Administration of Foreign Affairs'' as the Secretary determines are excessive to the needs of the approved level of operations under that appropriation account because of fluctuations in foreign currency exchange rates or changes in overseas wages and prices.

(4) In order to offset adverse fluctuations in foreign currency exchange rates or overseas wage and price changes, the Secretary of State may transfer from the Buying Power Maintenance account to any appropriation account under the heading ''Administration of Foreign Affairs'' such amounts as the Secretary determines are necessary to maintain the approved level of operations under that appropriation account.

(5) Funds transferred by the Secretary of State from the Buying Power Maintenance account to another account shall be merged with and be available for the same purpose, and for the same time period, as the funds in that other account. Funds transferred by the Secretary from another account to the Buying Power Maintenance account shall be merged with the funds in the Buying Power Maintenance account and shall be available for the purposes of that account until expended.

(6) Any restriction contained in an appropriation Act or other provision of law limiting the amounts available for the Department of State that may be obligated or expended shall be deemed to be adjusted to the extent necessary to offset the net effect of fluctuations in foreign currency exchange rates or overseas wage and price changes in order to maintain approved levels.

(7)(A) Subject to the limitations contained in this paragraph, not later than the end of the fifth fiscal year after the fiscal year for which funds are appropriated or otherwise made available for an account under ''Administration of Foreign Affairs'', the Secretary of State may transfer any unobligated balance of such funds to the Buying Power Maintenance account.

(B) The balance of the Buying Power Maintenance account may not exceed $100,000,000 as a result of any transfer under this paragraph.

(C) Any transfer pursuant to this paragraph shall be treated as a reprogramming of funds under section 2706 of this title and shall be available for obligation or expenditure only in accordance with the procedures under such section.

(D) The authorities contained in this paragraph may be exercised only with respect to funds appropriated or otherwise made available after fiscal year 2008.

(c) Availability of appropriations until expended

Amounts authorized to be appropriated for a fiscal year for the Department of State or to the Secretary of State are authorized to be made available until expended.

(d) Accounts subject to percentage limitation

(1) Subject to paragraphs (2) and (3), funds authorized to be appropriated for any account of the Department of State in the Department of State Appropriations Act, for either fiscal year of any two-year authorization cycle may be appropriated for such fiscal year for any other account of the Department of State.

(2) Amounts appropriated for the ''Diplomatic and Consular Programs'' account may not exceed by more than 5 percent the amount specifically authorized to be appropriated for such account for a fiscal year. No other appropriations account may exceed by more than 10 percent the amount specifically authorized to be appropriated for such account for a fiscal year.

(3) The requirements and limitations of section 2680 of this title shall not apply to the appropriation of funds pursuant to this subsection.

(e) Availability of funds for twelve-month contracts to be performed in two fiscal years

Amounts authorized to be appropriated for a fiscal year for the Department of State or to the Secretary of State are authorized to be obligated for twelve-month contracts which are to be performed in two fiscal years, if the total amount for such contracts is obligated in the earlier fiscal year.

(Aug. 1, 1956, ch. 841, title I, §24, as added Pub. L. 96–60, title I, §105(a), Aug. 15, 1979, 93 Stat. 396;

renumbered title I and amended Pub. L. 97–241, title I, § 112(a), title II, § 202(a), Aug. 24, 1982, 96 Stat. 277, 282; Pub. L. 101–246, title I, § 107, Feb. 16, 1990, 104 Stat. 21; Pub. L. 102–138, title I, § 117(a), (c), Oct. 28, 1991, 105 Stat. 656, 657; Pub. L. 103–236, title I, § 122(a), Apr. 30, 1994, 108 Stat. 392; Pub. L. 110–252, title I, § 1408(b), June 30, 2008, 122 Stat. 2342.)

AMENDMENTS

2008—Subsec. (b)(7)(D). Pub. L. 110–252 amended subpar. (D) generally. Prior to amendment, subpar. (D) read as follows: ''The authorities contained in this section may only be exercised to such an extent and in such amounts as specifically provided for in advance in appropriations Acts.''

1994—Subsec. (b)(7)(E). Pub. L. 103–236, § 122(a)(1), struck out subpar. (E) which read as follows: ''This paragraph shall cease to have effect after September 30, 1993.''

Subsec. (d)(1). Pub. L. 103–236, § 122(a)(2), substituted ''either fiscal year'' for ''the second fiscal year'' and ''such fiscal year'' for ''such second fiscal year''.

Subsec. (d)(2). Pub. L. 103–236, § 122(a)(3), amended first sentence generally. Prior to amendment, first sentence read as follows: ''Amounts appropriated for the 'Salaries and Expenses' and 'Acquisition and Maintenance of Buildings Abroad' accounts may not exceed by more than 5 percent the amounts specifically authorized to be appropriated for each such account for a fiscal year.''

Subsec. (d)(4). Pub. L. 103–236, § 122(a)(4), struck out par. (4) which read as follows: ''This subsection shall cease to have effect after September 30, 1993.''

1991—Subsec. (b)(7). Pub. L. 102–138, § 117(a), added par. (7).

Subsec. (d). Pub. L. 102–138, § 117(c), amended subsec. (d) generally. Prior to amendment, subsec. (d) read as follows: ''Amounts authorized to be appropriated for the Department of State for a fiscal year for the 'Administration of Foreign Affairs' account, the 'International Organizations and Conferences' account, the 'International Commissions' account, or the 'Migration and Refugee Assistance' account may be appropriated for that fiscal year for any other such account, except that the total amount appropriated for a fiscal year for any such account may not exceed by more than 10 percent the amount specifically authorized to be appropriated for that account for that fiscal year.''

1990—Subsec. (e). Pub. L. 101–246 added subsec. (e).

1982—Subsec. (b). Pub. L. 97–241, § 112(a), designated existing provision as par. (1), substituted provision authorizing appropriations to offset adverse fluctuations in foreign currency exchange rates and overseas wage and price changes which occur after Nov. 30 of the earlier of the calendar year which ended during the fiscal year preceding such fiscal year or the calendar year which preceded the calendar year during which the authorization of appropriations for such fiscal year was enacted, for provision authorizing appropriations to offset adverse fluctuations in foreign currency exchange rates occurring after Nov. 30 of the preceding fiscal year, and added pars. (2) to (6).

EFFECTIVE DATE

Pub. L. 96–60, title I, § 105(b), Aug. 15, 1979, 93 Stat. 396, provided that: ''The amendment made by subsection (a) [enacting this section] shall take effect on October 1, 1979.''

§ 2697. Acceptance of gifts on behalf of United States

(a) Unconditional and conditional gifts

The Secretary of State may accept on behalf of the United States gifts made unconditionally by will or otherwise for the benefit of the Department of State (including the Foreign Service) or for the carrying out of any of its functions. Conditional gifts may be so accepted at the discretion of the Secretary, and the principal of and income from any such conditional gift shall be held, invested, reinvested, and used in accordance with its conditions, except that no gift shall be accepted which is conditioned upon any expenditure which will not be met by the gift or the income from the gift unless such expenditure has been approved by Act of Congress.

(b) Disposition

Any unconditional gift of money accepted under subsection (a), the income from any gift property held under subsection (c) or (d) (except income made available for expenditure under subsection (d)(2)), the net proceeds from the liquidation of gift property under subsection (c) or (d), and the proceeds of insurance on any gift property which are not used for its restoration, shall be deposited in the Treasury of the United States. Such funds are hereby appropriated and shall be held in trust by the Secretary of the Treasury for the benefit of the Department of State (including the Foreign Service). The Secretary of the Treasury may invest and reinvest such funds in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States. Such funds and the income from such investments shall be available for expenditure in the operation of the Department of State (including the Foreign Service) and the performance of its functions, subject to the same examination and audit as is provided for appropriations made for the Foreign Service by the Congress, but shall not be expended for representational purposes at United States missions except in accordance with the conditions that apply to appropriated funds.

(c) Evidences of unconditional gift of intangible personal property

The evidences of any unconditional gift of intangible personal property (other than money) accepted under subsection (a), shall be deposited with the Secretary of the Treasury who may hold or liquidate them, except that they shall be liquidated upon the request of the Secretary of State whenever necessary to meet payments required in the operation of the Department of State (including the Foreign Service) or the performance of its functions.

(d) Use of real property or tangible personal property received unconditionally

(1) The Secretary of State shall hold any real property or any tangible personal property accepted unconditionally pursuant to subsection (a) and shall either use such property for the operation of the Department of State (including the Foreign Service) and the performance of its functions or lease or hire such property, except that any such property not required for the operation of the Department of State (including the Foreign Service) or the performance of its functions may be liquidated by the Secretary of State whenever in the judgment of the Secretary of State the purposes of the gift will be served thereby. The Secretary of State may insure any property held under this subsection.