

“(2) USES OF LOCAL CURRENCIES.—As may be agreed upon with the foreign government, local currencies deposited in a separate account pursuant to subsection (a), or an equivalent amount of local currencies, shall be used only—

“(A) to carry out chapter 1 or 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961 (as the case may be), for such purposes as—

“(i) project and sector assistance activities; or
“(ii) debt and deficit financing; or

“(B) for the administrative requirements of the United States Government.

“(3) PROGRAMMING ACCOUNTABILITY.—USAID shall take all necessary steps to ensure that the equivalent of the local currencies disbursed pursuant to subsection (a)(2)(A) from the separate account established pursuant to subsection (a)(1) are used for the purposes agreed upon pursuant to subsection (a)(2).

“(4) TERMINATION OF ASSISTANCE PROGRAMS.—Upon termination of assistance to a country under chapter 1 or 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961 (as the case may be), any unencumbered balances of funds which remain in a separate account established pursuant to subsection (a) shall be disposed of for such purposes as may be agreed to by the government of that country and the United States Government.

“(5) REPORTING REQUIREMENT.—The USAID Administrator shall report as part of the congressional budget justification submitted to the Committees on Appropriations on the use of local currencies for the administrative requirements of the United States Government as authorized in subsection (a)(2)(B), and such report shall include the amount of local currency (and United States dollar equivalent) used or to be used for such purpose in each applicable country.

“(b) SEPARATE ACCOUNTS FOR CASH TRANSFERS.—

“(1) IN GENERAL.—If assistance is made available to the government of a foreign country, under chapter 1 or 10 of part I [22 U.S.C. 2151 et seq., 2293 et seq.] or chapter 4 of part II [22 U.S.C. 2346 et seq.] of the Foreign Assistance Act of 1961, as cash transfer assistance or as nonproject sector assistance, that country shall be required to maintain such funds in a separate account and not commingle with any other funds.

“(2) APPLICABILITY OF OTHER PROVISIONS OF LAW.—Such funds may be obligated and expended notwithstanding provisions of law which are inconsistent with the nature of this assistance including provisions which are referenced in the Joint Explanatory Statement of the Committee of Conference accompanying House Joint Resolution 648 (House Report No. 98-1159).

“(3) NOTIFICATION.—At least 15 days prior to obligating any such cash transfer or nonproject sector assistance, the President shall submit a notification through the regular notification procedures of the Committees on Appropriations, which shall include a detailed description of how the funds proposed to be made available will be used, with a discussion of the United States interests that will be served by such assistance (including, as appropriate, a description of the economic policy reforms that will be promoted by such assistance).

“(4) EXEMPTION.—Nonproject sector assistance funds may be exempt from the requirements of paragraph (1) only through the regular notification procedures of the Committees on Appropriations.”

Similar provisions were contained in the following prior appropriation acts:

Pub. L. 114-113, div. K, title VII, § 7026, Dec. 18, 2015, 129 Stat. 2748.

Pub. L. 113-235, div. J, title VII, § 7026, Dec. 16, 2014, 128 Stat. 2614.

Pub. L. 113-76, div. K, title VII, § 7026, Jan. 17, 2014, 128 Stat. 505.

Pub. L. 112-74, div. I, title VII, § 7026, Dec. 23, 2011, 125 Stat. 1206.

Pub. L. 111-117, div. F, title VII, § 7027, Dec. 16, 2009, 123 Stat. 3355.

Pub. L. 111-8, div. H, title VII, § 7027, Mar. 11, 2009, 123 Stat. 871.

Pub. L. 110-161, div. J, title VI, § 628, Dec. 26, 2007, 121 Stat. 2325.

Pub. L. 109-102, title V, § 529, Nov. 14, 2005, 119 Stat. 2206.

Pub. L. 108-447, div. D, title V, § 529, Dec. 8, 2004, 118 Stat. 3003.

Pub. L. 108-199, div. D, title V, § 529, Jan. 23, 2004, 118 Stat. 178.

Pub. L. 108-7, div. E, title V, § 529, Feb. 20, 2003, 117 Stat. 190.

Pub. L. 107-115, title V, § 529, Jan. 10, 2002, 115 Stat. 2148.

Pub. L. 106-429, § 101(a) [title V, § 532], Nov. 6, 2000, 114 Stat. 1900, 1900A-32.

Pub. L. 106-113, div. B, § 1000(a)(2) [title V, § 532], Nov. 29, 1999, 113 Stat. 1535, 1501A-91.

Pub. L. 105-277, div. A, § 101(d) [title V, § 533], Oct. 21, 1998, 112 Stat. 2681-150, 2681-179.

Pub. L. 105-118, title V, § 532, Nov. 26, 1997, 111 Stat. 2414.

Pub. L. 104-208, div. A, title I, § 101(c) [title V, § 531], Sept. 30, 1996, 110 Stat. 3009-121, 3009-150.

Pub. L. 104-107, title V, § 532, Feb. 12, 1996, 108 Stat. 732.

Pub. L. 103-306, title V, § 536, Aug. 23, 1994, 108 Stat. 1637.

Pub. L. 103-87, title V, § 537, Sept. 30, 1993, 107 Stat. 955.

Pub. L. 102-391, title V, § 571, Oct. 6, 1992, 106 Stat. 1681.

Pub. L. 101-513, title V, § 575, Nov. 5, 1990, 104 Stat. 2042.

Pub. L. 101-167, title II, title V, § 592, Nov. 21, 1989, 103 Stat. 1207, 1253.

Pub. L. 100-461, title II, Oct. 1, 1988, 102 Stat. 2268-12.

Pub. L. 100-202, § 101(e) [title II], Dec. 22, 1987, 101 Stat. 1329-131, 1329-143.

Pub. L. 99-500, § 101(f) [title II], Oct. 18, 1986, 100 Stat. 1783-213, 1783-221, and Pub. L. 99-591, § 101(f) [title II], Oct. 30, 1986, 100 Stat. 3341-214, 3341-221.

§ 2363. Accounting, valuation, reporting, and administration of foreign currencies

(a) Responsibility of Secretary of the Treasury; regulations

Under the direction of the President, the Secretary of the Treasury shall have responsibility for valuation and central accounting with respect to foreign credits (including currencies) owed to or owned by the United States. In order to carry out such responsibility the Secretary shall issue regulations binding upon all agencies of the Government.

(b) Establishment of exchange rates

The Secretary of the Treasury shall have sole authority to establish for all foreign currencies or credits the exchange rates at which such currencies are to be reported by all agencies of the Government.

(c) Repealed. Pub. L. 97-113, title VII, § 734(a)(1), Dec. 29, 1981, 95 Stat. 1560

(d) Interest income on foreign currency proceeds; regulations; waiver; report to Congress

In cases where assistance is to be furnished to any recipient country in furtherance of the purposes of this chapter or any other Act on a basis which will result in the accrual of foreign currency proceeds to the United States, the Secretary of the Treasury shall issue regulations requiring that agreements, in respect of such as-

sistance, include provisions for the receipt of interest income on the foreign currency proceeds deposited in authorized depositories: *Provided*, That whenever the Secretary of State determines it not to be in the national interest to conclude arrangements for the receipt of interest income he may waive the requirement thereof: *Provided further*, That the Secretary of State, or his delegate, shall promptly make a complete report to the Congress on each such determination and the reasons therefor.

(Pub. L. 87-195, pt. III, § 613, Sept. 4, 1961, 75 Stat. 443; Pub. L. 89-171, pt. III, § 301(c), Sept. 6, 1965, 79 Stat. 659; Pub. L. 94-273, § 46, Apr. 21, 1976, 90 Stat. 382; Pub. L. 97-113, title VII, § 734(a)(1), Dec. 29, 1981, 95 Stat. 1560.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (d), 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

1981—Subsec. (c). Pub. L. 97-113 struck out subsec. (c) which provided for semi-annual reports on foreign currencies acquired without payment of dollars by the United States. See section 2394(a)(8) of this title.

1976—Subsec. (c). Pub. L. 94-273 inserted provision relating to reports after Dec. 31, 1975.

1965—Subsec. (d). Pub. L. 89-171 added subsec. (d).

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.

§ 2364. Special authorities

(a) **Furnishing of assistance and arms export sales, credits, and guaranties upon determination and notification of Congress of importance and vitality of such action to security interests and national security interests of United States; policy justification; fiscal year limitations; transfers between accounts**

(1) The President may authorize the furnishing of assistance under this chapter without regard to any provision of this chapter, the Arms Export Control Act [22 U.S.C. 2751 et seq.], any law relating to receipts and credits accruing to the United States, and any Act authorizing or appropriating funds for use under this chapter, in furtherance of any of the purposes of this chapter, when the President determines, and so notifies in writing the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate, that to do so is important to the security interests of the United States.

(2) The President may make sales, extend credit, and issue guaranties under the Arms Export Control Act [22 U.S.C. 2751 et seq.], without regard to any provision of this chapter, the Arms Export Control Act, any law relating to receipts and credits accruing to the United States, and any Act authorizing or appropriating funds for use under the Arms Export Control Act, in furtherance of any of the purposes of such Act, when the President determines, and so

notifies in writing the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate, that to do so is vital to the national security interests of the United States.

(3) Before exercising the authority granted in this subsection, the President shall consult with, and shall provide a written policy justification to, the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

(4)(A) The authority of this subsection may not be used in any fiscal year to authorize—

(i) more than \$750,000,000 in sales to be made under the Arms Export Control Act [22 U.S.C. 2751 et seq.];

(ii) the use of more than \$250,000,000 of funds made available for use under this chapter or the Arms Export Control Act; and

(iii) the use of more than \$100,000,000 of foreign currencies accruing under this chapter or any other law.

(B) If the authority of this subsection is used both to authorize a sale under the Arms Export Control Act and to authorize funds to be used under the Arms Export Control Act or under this chapter with respect to the financing of that sale, then the use of the funds shall be counted against the limitation in subparagraph (A)(i) and the portion, if any, of the sale which is not so financed shall be counted against the limitation in subparagraph (A)(i).

(C) Not more than \$50,000,000 of the \$250,000,000 limitation provided in subparagraph (A)(ii) may be allocated to any one country in any fiscal year unless that country is a victim of active aggression, and not more than \$500,000,000 of the aggregate limitation of \$1,000,000,000 provided in subparagraphs (A)(i) and (A)(ii) may be allocated to any one country in any fiscal year.

(5) The authority of this section may not be used to waive the limitations on transfers contained in section 2360(a) of this title.

(b) **United States obligations in West Germany**

Whenever the President determines it to be important to the national interest, he may use funds available for the purposes of part IV of subchapter I of this chapter in order to meet the responsibilities or objectives of the United States in Germany, including West Berlin, and without regard to such provisions of law as he determines should be disregarded to achieve this purpose.

(c) **Certification by President of inadvisability to specify nature of use of funds; reports to Congress**

The President is authorized to use amounts not to exceed \$50,000,000 of the funds made available under this chapter pursuant to his certification that it is inadvisable to specify the nature of the use of such funds, which certification shall be deemed to be a sufficient voucher for such amounts. The President shall fully inform the chairman and ranking minority member of the Committee on Foreign Affairs of the House of Representatives and the chairman and ranking minority member of the Committee on For-