

or agency, and the proceeds shall be<sup>1</sup> credited to current applicable appropriations.

(Pub. L. 87-195, pt. III, § 635, Sept. 4, 1961, 75 Stat. 456; Pub. L. 87-565, pt. III, § 302(g), Aug. 1, 1962, 76 Stat. 262; Pub. L. 88-205, pt. III, § 302(e), Dec. 16, 1963, 77 Stat. 389; Pub. L. 89-171, pt. III, § 302(g), Sept. 6, 1965, 79 Stat. 660; Pub. L. 89-583, pt. III, § 302(d), Sept. 19, 1966, 80 Stat. 807; Pub. L. 90-137, pt. III, § 302(i), Nov. 14, 1967, 81 Stat. 461; Pub. L. 95-424, title I, § 102(g)(2)(G), Oct. 6, 1978, 92 Stat. 943; Pub. L. 96-53, title I, § 121, Aug. 14, 1979, 93 Stat. 366; Pub. L. 106-264, title III, § 301, Aug. 19, 2000, 114 Stat. 760; Pub. L. 106-309, title IV, § 404, Oct. 17, 2000, 114 Stat. 1098; Pub. L. 108-271, § 8(b), July 7, 2004, 118 Stat. 814.)

#### REFERENCES IN TEXT

This chapter, referred to in subsecs. (a) to (d), (g), and (j), 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.

#### REFERENCES TO SUBCHAPTER I DEEMED TO INCLUDE CERTAIN PARTS OF SUBCHAPTER II, AND REFERENCES TO SUBCHAPTER II DEEMED TO EXCLUDE SUCH PARTS

References to subchapter I of this chapter are deemed to include parts IV (§ 2346 et seq.), VI (§ 2348 et seq.), and VIII (§ 2349aa et seq.) of subchapter II of this chapter, and references to subchapter II are deemed to exclude such parts. See section 202(b) of Pub. L. 92-226, set out as a note under section 2346 of this title, and sections 2348c and 2349aa-5 of this title.

#### REFERENCES TO PART I DEEMED TO INCLUDE SECTION 2293

References to part I of subchapter I of this chapter are deemed to include a reference to section 2293 of this title. See section 2293(d)(1) of this title.

#### CODIFICATION

In subsec. (g)(5), “chapter 91 of title 31” substituted for “the Government Corporation Control Act, as amended (31 U.S.C. 841 et seq.)” on authority of Pub. L. 97-258, § 4(b), Sept. 13, 1982, 96 Stat. 1067, the first section of which enacted Title 31, Money and Finance.

#### AMENDMENTS

2004—Subsec. (g)(5). Pub. L. 108-271 substituted “Government Accountability Office” for “General Accounting Office”.

2000—Subsec. (l). Pub. L. 106-264 added subsec. (l).

Subsec. (m). Pub. L. 106-309 added subsec. (m).

1979—Subsec. (c). Pub. L. 96-53 substituted “Agency for International Development” for “Advisory Committee on Voluntary Foreign Aid”.

1978—Subsec. (h). Pub. L. 95-424 substituted “part I (except development loans) and subpart II of part II of subchapter I” for “subparts II, V, and VI of part II of subchapter I (except development loans)”.

1967—Subsec. (e). Pub. L. 90-137, § 302(i)(1), designated existing provisions as par. (1) and added par. (2).

Subsec. (g). Pub. L. 90-137, § 302(i)(2), struck out “and sales” after “loans” in introductory clause.

1966—Subsec. (h). Pub. L. 89-583 excluded development loans under the Alliance for Progress from the provision that contracts or agreements which entail commitments for the expenditure of funds may not extend for more than five years.

1965—Subsec. (g). Pub. L. 89-171 inserted “and sales” in introductory clause.

1963—Subsec. (k). Pub. L. 88-205 added subsec. (k).

1962—Subsec. (h). Pub. L. 87-565 included sections 2211 to 2213 of this title within the limitation on the duration of contracts and agreements.

#### EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96-53 effective Oct. 1, 1979, see section 512(a) of Pub. L. 96-53, set out as a note under section 2151 of this title.

#### EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-424 effective Oct. 1, 1978, see section 605 of Pub. L. 95-424, set out as a note under section 2151 of this title.

#### EFFECTIVE DATE OF 1967 AMENDMENT

Pub. L. 90-137, pt. III, § 302(i)(2), Nov. 14, 1967, 81 Stat. 461, provided in part that amendment of subsec. (g) by such section 302(i)(2) shall take effect on June 30, 1968.

#### 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.

#### INTERNATIONAL AGREEMENTS

The negotiation, conclusion, and termination of international agreements pursuant to this chapter shall be subject to requirements of section 112b of Title 1, General Provisions, and to applicable regulations and procedures, see section 1-604 of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56677, eff. Oct. 1, 1979, set out as a note under section 2381 of this title.

#### INFORMATION TO CONGRESSIONAL COMMITTEES ON NEGOTIATIONS REGARDING DEBTS OWED UNITED STATES BY FOREIGN GOVERNMENTS; TRANSMITTAL TO CONGRESS OF DEBT MODIFICATION PROPOSALS

Pub. L. 93-333, § 4, July 8, 1974, 88 Stat. 290, relating to cancellation, renegotiation, etc., of any debt owed by a foreign government, was repealed by Pub. L. 95-424, title VI, § 603(b), Oct. 6, 1978, 92 Stat. 961.

#### TERMINATION OF ADVISORY COMMITTEES

Advisory committees in existence on Jan. 5, 1973, to terminate not later than the expiration of the 2-year period following Jan. 5, 1973, unless, in the case of a committee established by the President or an officer of the Federal Government, such committee is renewed by appropriate action prior to the expiration of such 2-year period, or in the case of a committee established by the Congress, its duration is otherwise provided by law. See section 14 of Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 776, set out in the Appendix to Title 5, Government Organization and Employees.

#### § 2395a. International agreements concerning debt relief; transmittal to congressional committees

(1) Repealed. Pub. L. 97-113, title VII, § 734(a)(5), Dec. 29, 1981, 95 Stat. 1560.

(2) The Secretary of State shall transmit to such committees a copy of the text of any agreement with any foreign government which would result in any such debt relief no less than thirty days prior to its entry into force, together with a detailed justification of the interest of the United States in the proposed debt relief. The requirements of this paragraph shall not apply with respect to an agreement if a statutory requirement exists that the amount of the debt relief provided by the agreement may not exceed the amount approved for such purposes in advance in an appropriation Act.

(Pub. L. 95-424, title VI, § 603(a), Oct. 6, 1978, 92 Stat. 960; H. Res. 89, Feb. 5, 1979; Pub. L. 97-113, title VII, § 734(a)(5), Dec. 29, 1981, 95 Stat. 1560.)

#### REFERENCES IN TEXT

“Such committees” and “such debt relief”, referred to in par. (2), mean the Committee on Foreign Rela-

<sup>1</sup> So in original. Probably should be “be”.

tions of the Senate, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Appropriations of each House of Congress named as the ongoing recipients of any information respecting debt relief negotiations with foreign governments regarding any debts owing to the United States in par. (1) provisions prior to repeal thereof by section 734(a)(1) of Pub. L. 97-113.

#### CODIFICATION

Section enacted as part of the International Development and Food Assistance Act of 1978, and not as part of the Foreign Assistance Act of 1961 which comprises this chapter.

#### AMENDMENTS

1981—Par. (1). Pub. L. 97-113 struck out par. (1) which required Secretary of State keep the Committee on Foreign Relations of the Senate, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Appropriations of each House of Congress informed respecting any debt relief negotiations with foreign governments regarding any debts owing to the United States.

#### EFFECTIVE DATE

Section effective Oct. 1, 1978, see section 605 of Pub. L. 95-424, set out as an Effective Date of 1978 Amendment note under section 2151 of this title.

#### ACTIONS TO PROVIDE BILATERAL DEBT RELIEF

Pub. L. 106-113, div. B, §1000(a)(5) [title V, §501], Nov. 29, 1999, 113 Stat. 1536, 1501A-311, as amended by Pub. L. 108-447, div. D, title V, §591(b), Dec. 8, 2004, 118 Stat. 3037; Pub. L. 109-102, title V, §578, Nov. 14, 2005, 119 Stat. 2232; Pub. L. 110-161, div. J, title VI, §699H(b)(1), Dec. 26, 2007, 121 Stat. 2372, provided that:

“(a) CANCELLATION OF DEBT.—Subject to the availability of amounts provided in advance in appropriations Acts, the President shall cancel all amounts owed to the United States (or any agency of the United States) by any country eligible for debt reduction under this section, as a result of loans made or credits extended prior to June 20, 1999, under any of the provisions of law specified in subsection (b).

“(b) PROVISIONS OF LAW.—The provisions of law referred to in subsection (a) are the following:

“(1) Sections 221 and 222 of the Foreign Assistance Act [of 1961] [22 U.S.C. 2181, 2182].

“(2) The Arms Export Control Act (22 U.S.C. 2751 et seq.).

“(3) Section 5(f) of the Commodity Credit Corporation Charter Act [15 U.S.C. 714c(f)], section 201 of the Agricultural Trade Act of 1978 (7 U.S.C. 5621), or section 202 of such Act (7 U.S.C. 5622), or predecessor provisions under the Food for Peace Act of 1966.

“(4) Title I of the Agricultural Trade Development and Assistance Act of 1954 [now Food for Peace Act] (7 U.S.C. 1701 et seq.).

“(5) The Act of March 11, 1941 (chapter 11; 55 Stat. 31; 22 U.S.C. 411 et seq.; commonly known as the ‘Lend-Lease Act’).

“(c) OTHER DEBT REDUCTION AUTHORITIES.—The authority provided in this section is in addition to any other debt relief authority and does not in any way limit such authority.

“(d) ELIGIBLE COUNTRIES.—A country that is performing satisfactorily under an economic reform program shall be eligible for cancellation of debt under this section if—

“(1) the country, as of December 31, 2000, is eligible to borrow from the International Development Association;

“(2) the country, as of December 31, 2000, is not eligible to borrow from the International Bank for Reconstruction and Development; and

“(3)(A) the country has outstanding public and publicly guaranteed debt, the net present value of which on December 31, 1996, was at least 150 percent of the

average annual value of the exports of the country for the period 1994 through 1996; or

“(B)(i) the country has outstanding public and publicly guaranteed debt, the net present value of which, as of the date the President determines that the country is eligible for debt relief under this section, is at least 150 percent of the annual value of the exports of the country; or

“(ii) the country has outstanding public and publicly guaranteed debt, the net present value of which, as of the date the President determines that the country is eligible for debt relief under this section, is at least 250 percent of the annual fiscal revenues of the country, and has minimum ratios of exports to Gross Domestic Product of 30 percent, and of fiscal revenues to Gross Domestic Product of 15 percent.

“(e) PRIORITY.—In carrying out subsection (a), the President should seek to leverage scarce foreign assistance and give priority to heavily indebted poor countries with demonstrated need and the capacity to use such relief effectively.

“(f) EXCEPTIONS.—A country shall not be eligible for cancellation of debt under this section if the government of the country—

“(1) has an excessive level of military expenditures;

“(2) has repeatedly provided support for acts of international terrorism, as determined by the Secretary of State under section 6(j)(1) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)(1)) [now 50 U.S.C. 4605(j)(1)] or section 620A(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2371(a));

“(3) is failing to cooperate on international narcotics control matters; or

“(4) (including its military or other security forces), engages in a consistent pattern of gross violations of internationally recognized human rights.

“(g) ADDITIONAL REQUIREMENT.—A country which is otherwise eligible to receive cancellation of debt under this section may receive such cancellation only if the country has committed, in connection with a social and economic reform program—

“(1) to enable, facilitate, or encourage the implementation of policy changes and institutional reforms under economic reform programs, in a manner that ensures that such policy changes and institutional reforms are designed and adopted through transparent and participatory processes;

“(2) to adopt an integrated development strategy of the type described in section 1624(a) of the International Financial Institutions Act [22 U.S.C. 262p-7], to support poverty reduction through economic growth, that includes monitorable poverty reduction goals;

“(3) to take steps so that the financial benefits of debt relief are applied to programs to combat poverty (in particular through concrete measures to improve economic infrastructure, basic services in education, nutrition, and health, particularly treatment and prevention of the leading causes of mortality) and to redress environmental degradation;

“(4) to take steps to strengthen and expand the private sector, encourage increased trade and investment, support the development of free markets, and promote broad-scale economic growth;

“(5) to implement transparent policy making and budget procedures, good governance, and effective anticorruption measures;

“(6) to broaden public participation and popular understanding of the principles and goals of poverty reduction, particularly through economic growth, and good governance; and

“(7) to promote the participation of citizens and nongovernmental organizations in the economic policy choices of the government.

“(h) CERTAIN PROHIBITIONS INAPPLICABLE.—Except as the President may otherwise determine for reasons of national security, a cancellation of debt under this section shall not be considered to be assistance for purposes of any provision of law limiting assistance to a country. The authority to provide for cancellation of

debt under this section may be exercised notwithstanding section 620(r) of the Foreign Assistance Act of 1961 [22 U.S.C. 2370(r)], or any similar provision of law.

“(i) AUTHORIZATION OF APPROPRIATIONS.—For the cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990 [2 U.S.C. 661a(5)]) of the cancellation of any debt under this section, there are authorized to be appropriated to the President such sums as may be necessary for each of the fiscal years 2000–2010, which shall remain available until expended.

“(j) ANNUAL REPORTS TO THE CONGRESS.—Not later than December 31 of each year, the President shall prepare and transmit to the Committees on Banking and Financial Services [now Committee on Financial Services], Appropriations, and International Relations [now Committee on Foreign Affairs] of the House of Representatives, and the Committees on Banking, Housing, and Urban Affairs, Foreign Relations, and Appropriations of the Senate a report, which shall be made available to the public, concerning the cancellation of debt under subsection (a), and a detailed description of debt relief provided by the United States as a member of the Paris Club of Official Creditors for the prior fiscal year.”

[Pub. L. 108–447, § 591(b), which directed amendment of section 501(i) of Public Law 106–113 by substituting “2000–2006” for “2003–2004”, was executed in section 1000(a)(5) [title V, § 501] of div. B of Pub. L. 106–113, set out above, by making substitution for “2000 through 2004”, to reflect the probable intent of Congress.]

#### NOTIFICATION TO CONGRESS ON DEBT RELIEF AGREEMENTS

Pub. L. 102–391, title V, § 548, Oct. 6, 1992, 106 Stat. 1673, provided that: “The Secretary of State shall transmit to the Appropriations Committees of the Congress and to such other Committees as appropriate, a copy of the text of any agreement with any foreign government which would result in any debt relief no less than thirty days prior to its entry into force, other than one entered into pursuant to this Act, together with a detailed justification of the interest of the United States in the proposed debt relief: *Provided*, That the term ‘debt relief’ shall include any and all debt prepayment, debt rescheduling, and debt restructuring proposals and agreements: *Provided further*, That the Secretary of State and the Secretary of the Treasury should in every feasible instance notify the Appropriations Committees of the Congress and such other Committees as appropriate not less than 15 days prior to any formal multilateral or bilateral negotiation for official debt restructuring, rescheduling, or relief: *Provided further*, That the Secretary of State or the Secretary of the Treasury, as appropriate, shall report not later than February 1 of each year a consolidated statement of the budgetary implications of all debt-related agreements entered into force during the preceding fiscal year.”

Similar provisions were contained in the following prior appropriation acts:

Pub. L. 101–513, title V, § 550, Nov. 5, 1990, 104 Stat. 2020.

Pub. L. 101–167, title V, § 555, Nov. 21, 1989, 103 Stat. 1237.

Pub. L. 100–461, title V, § 557, Oct. 1, 1988, 102 Stat. 2268–38.

Pub. L. 100–202, § 101(e) [title V, § 563], Dec. 22, 1987, 101 Stat. 1329–131, 1329–172.

### § 2396. Availability of funds

#### (a) General expenditures

Appropriations for the purposes of or pursuant to this chapter (except for subchapter II of this chapter), allocations to any agency of the United States Government, from other appropriations, for functions directly related to the purposes of this chapter, and funds made available for other purposes to the agency primarily

responsible for administrating subchapter I of this chapter, shall be available for:

(1) rent of buildings and space in buildings in the United States, and for repair, alteration, and improvement of such leased properties;

(2) expenses of attendance at meetings concerned with the purposes of such appropriations or of this chapter, including (notwithstanding the provisions of section 1346(a) and (c) of title 31) expenses in connection with meetings of persons whose employment is authorized by section 2386 of this title;

(3) contracting with individuals for personal services abroad: *Provided*, That such individuals shall not be regarded as employees of the United States Government for the purpose of any law administered by the Civil Service Commission;

(4) purchase, maintenance, operation, and hire of aircraft: *Provided*, That aircraft for administrative purposes may be purchased only as specifically provided for in an appropriation or other Act;

(5) purchase and hire of passenger motor vehicles: *Provided*, That, except as may otherwise be provided in an appropriation or other Act, passenger motor vehicles for administrative purposes outside the United States may be purchased for replacement only, and such vehicles may be exchanged or sold and replaced by an equal number of such vehicles, and the cost, including exchange allowance, of each such replacement shall not exceed the current market price in the United States of a mid-sized sedan or station wagon meeting the requirements established by the General Services Administration for a Class III vehicle of United States manufacture (or, if the replacement vehicle is a right-hand drive vehicle, 120 percent of that price) in the case of an automobile for the chief of any special mission or staff outside the United States established under section 2391 of this title: *Provided further*, That passenger motor vehicles, other than one for the official use of the head of the agency primarily responsible for administrating subchapter I of this chapter, may be purchased for use in the United States only as may be specifically provided in an appropriation or other Act;

(6) entertainment (not to exceed \$25,000 in any fiscal year except as may otherwise be provided in an appropriation or other Act);

(7) exchange of funds without regard to section 3651<sup>1</sup> of the Revised Statutes (31 U.S.C. 543) and loss by exchange;

(8) expenditures (not to exceed \$50,000 in any fiscal year except as may otherwise be provided in an appropriation or other Act) of a confidential character other than entertainment: *Provided*, That a certificate of the amount of each such expenditure, the nature of which it is considered inadvisable to specify, shall be made by the head of the agency primarily responsible for administrating subchapter I of this chapter or such person as he may designate, and every such certificate shall be deemed a sufficient voucher for the amount therein specified;

<sup>1</sup> See References in Text note below.