

§ 2366. Availability of funds

Except as otherwise provided in this chapter, funds shall be available to carry out the provisions of this chapter as authorized and appropriated to the President each fiscal year.

(Pub. L. 87-195, pt. III, §616, Sept. 4, 1961, 75 Stat. 444.)

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this Act”, meaning Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, 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.

Statutory Notes and Related Subsidiaries

ADMINISTRATION OF FUNDS

Pub. L. 87-329, title I, §112, Sept. 30, 1961, 75 Stat. 719, provided that funds appropriated under Pub. L. 87-329, popularly known as the Foreign Assistance and Related Agencies Appropriation Act, 1962, should be administered with a favorable view toward those recipient nations which share the view of the United States on the world crisis.

Executive Documents

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.

§ 2367. Termination expenses**(a) In general**

Funds made available under this chapter and the Arms Export Control Act [22 U.S.C. 2751 et seq.], may remain available for obligation for a period not to exceed 8 months from the date of any termination of assistance under such chapter or Act for the necessary expenses of winding up programs related to such termination and may remain available until expended. Funds obligated under the authority of such chapter or Act prior to the effective date of the termination of assistance may remain available for expenditure for the necessary expenses of winding up programs related to such termination notwithstanding any provision of law restricting the expenditure of funds. In order to ensure the effectiveness of such assistance, such expenses for orderly termination of programs may include the obligation and expenditure of funds to complete the training or studies outside their countries of origin of students whose course of study or training program began before assistance was terminated.

(b) Liability to contractors

For the purpose of making an equitable settlement of termination claims under extraordinary contractual relief standards, the President is authorized to adopt as a contract or other obligation of the United States Government, and assume (in whole or in part) any liabilities arising thereunder, any contract with a United States or third-country contractor that had been funded with assistance under such chapter or Act prior to the termination of assistance.

(c) Termination expenses

Amounts certified as having been obligated for assistance subsequently terminated by the President, or pursuant to any provision of law, shall continue to remain available and may be reobligated to meet any necessary expenses arising from the termination of such assistance.

(d) Guaranty programs

Provisions of this chapter or any other Act requiring the termination of assistance under this chapter or any other Act shall not be construed to require the termination of guaranty commitments that were entered into prior to the effective date of the termination of assistance.

(e) Relation to other provisions

Unless specifically made inapplicable by another provision of law, the provisions of this section shall be applicable to the termination of assistance pursuant to any provision of law.

(Pub. L. 87-195, pt. III, §617, Sept. 4, 1961, 75 Stat. 444; Pub. L. 93-189, §14, Dec. 17, 1973, 87 Stat. 722; Pub. L. 96-533, title III, §310, Dec. 16, 1980, 94 Stat. 3148; Pub. L. 106-113, div. B, §1000(a)(7) [div. B, title XII, §1221], Nov. 29, 1999, 113 Stat. 1536, 1501A-498; Pub. L. 106-264, title III, §302, Aug. 19, 2000, 114 Stat. 760.)

Editorial Notes

REFERENCES IN TEXT

This chapter and such chapter, referred to in subsecs. (a), (b), and (d), were in the original references to this Act and such Act, respectively, meaning Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, 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.

The Arms Export Control Act and such Act, referred to in subsecs. (a) and (b), is Pub. L. 90-629, Oct. 22, 1968, 82 Stat. 1320, which is classified principally to chapter 39 (§2751 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2751 of this title and Tables.

AMENDMENTS

2000—Pub. L. 106-264 amended section generally. Prior to amendment, section read as follows: “Assistance under any provision of this chapter may, unless sooner terminated by the President, be terminated by concurrent resolution. Funds made available under this chapter shall remain available for a period not to exceed eight months from the date of termination of assistance under this chapter for the necessary expenses of winding up programs related thereto. In order to ensure the effectiveness of assistance under this chapter, such expenses for orderly termination of programs may include the obligation and expenditure of funds to complete the training or studies outside their countries of origin of students whose course of study or training program began before assistance was terminated. Such expenses for orderly termination of programs under the Arms Export Control Act may include the obligation and expenditure of funds to complete the training or studies outside the countries of origin of students whose course of study or training program began before assistance was terminated, as long as the origin country’s termination was not a result of activities beyond default of financial responsibilities.”

1999—Pub. L. 106-113 inserted at end “Such expenses for orderly termination of programs under the Arms Export Control Act may include the obligation and expenditure of funds to complete the training or studies outside the countries of origin of students whose course

of study or training program began before assistance was terminated, as long as the origin country's termination was not a result of activities beyond default of financial responsibilities."

1980—Pub. L. 96-533 authorized expenses for termination of programs to include completion of training or studies for students commenced outside their countries of origin prior to such termination.

1973—Pub. L. 93-189 substituted "eight months" for "twelve months".

Executive Documents

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.

§ 2368. Assistance for a reconstruction and stabilization crisis

(a) Assistance

(1) In general

If the President determines that it is in the national security interests of the United States for United States civilian agencies or non-Federal employees to assist in reconstructing and stabilizing a country or region that is at risk of, in, or is in transition from, conflict or civil strife, the President may, in accordance with the provisions set forth in section 2364(a)(3) of this title, but notwithstanding any other provision of law, and on such terms and conditions as the President may determine, furnish assistance to such country or region for reconstruction or stabilization using funds described in paragraph (2).

(2) Funds described

The funds referred to in paragraph (1) are funds made available under any other provision of this chapter, and transferred or reprogrammed for purposes of this section, and such transfer or reprogramming shall be subject to the procedures applicable to a notification under section 2394-1 of this title.

(3) Rule of construction

Nothing in this section shall be construed to provide authority to transfer funds between accounts or between Federal departments or agencies.

(b) Limitation

The authority contained in this section may be exercised only during fiscal years 2009, 2010, and 2011.

(Pub. L. 87-195, pt. III, § 618, as added Pub. L. 110-417, [div. A], title XVI, § 1604, Oct. 14, 2008, 122 Stat. 4654.)

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in subsec. (a)(2), was in the original "this Act", meaning Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, 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.

PRIOR PROVISIONS

A prior section 2368, Pub. L. 87-195, pt. III, § 618, as added Pub. L. 87-565, pt. III, § 301(c), Aug. 1, 1962, 76

Stat. 260, related to payment to the United States regarding the Settlement of Postwar Economic Assistance to Japan, prior to repeal by Pub. L. 95-424, title VI, §§ 604, 605, Oct. 6, 1978, 92 Stat. 961, effective Oct. 1, 1978.

Another prior section 2368, Pub. L. 87-195, pt. III, § 618, Sept. 4, 1961, 75 Stat. 444, related to economic assistance to Latin America, prior to repeal by Pub. L. 87-565, pt. III, § 301(c), Aug. 1, 1962, 76 Stat. 260.

Statutory Notes and Related Subsidiaries

FINDINGS

Pub. L. 110-417, [div. A], title XVI, § 1602, Oct. 14, 2008, 122 Stat. 4653, as amended by Pub. L. 111-383, div. A, title X, § 1075(e)(18), Jan. 7, 2011, 124 Stat. 4375, provided that: "Congress finds the following:

"(1) In June 2004, the Office of the Coordinator for Reconstruction and Stabilization (referred to as the 'Coordinator') was established in the Department of State with the mandate to lead, coordinate, and institutionalize United States Government civilian capacity to prevent or prepare for post-conflict situations and help reconstruct and stabilize a country or region that is at risk of, in, or is in transition from, conflict or civil strife.

"(2) In December 2005, the Coordinator's mandate was reaffirmed by the National Security Presidential Directive 44, which instructed the Secretary of State, and at the Secretary's direction, the Coordinator, to coordinate and lead integrated United States Government efforts, involving all United States departments and agencies with relevant capabilities, to prepare, plan for, and conduct reconstruction and stabilization operations.

"(3) National Security Presidential Directive 44 assigns to the Secretary, with the Coordinator's assistance, the lead role to develop reconstruction and stabilization strategies, ensure civilian interagency program and policy coordination, coordinate interagency processes to identify countries at risk of instability, provide decision-makers with detailed options for an integrated United States Government response in connection with reconstruction and stabilization operations, and carry out a wide range of other actions, including the development of a civilian surge capacity to meet reconstruction and stabilization emergencies. The Secretary and the Coordinator are also charged with coordinating with the Department of Defense on reconstruction and stabilization responses, and integrating planning and implementing procedures.

"(4) The Department of Defense issued Directive 3000.05, which establishes that stability operations are a core United States military mission that the Department of Defense must be prepared to conduct and support, provides guidance on stability operations that will evolve over time, and assigns responsibilities within the Department of Defense for planning, training, and preparing to conduct and support stability operations.

"(5) The President's Fiscal Year 2009 Budget Request to Congress includes \$248.6 million for a Civilian Stabilization Initiative that would vastly improve civilian partnership with United States Armed Forces in post-conflict stabilization situations, including by establishing an Active Response Corps of 250 persons, a Standby Response Corps of 2,000 persons, and a Civilian Response Corps of 2,000 persons."

RECONSTRUCTION AND STABILIZATION STRATEGY

Pub. L. 110-417, [div. A], title XVI, § 1607, Oct. 14, 2008, 122 Stat. 4657, provided that:

"(a) IN GENERAL.—The Secretary of State, in consultation with the Administrator of the United States Agency for International Development, shall develop an interagency strategy to respond to reconstruction and stabilization operations.

"(b) CONTENTS.—The strategy required under subsection (a) shall include the following: