

(2) The term “capital project” has the meaning given that term in section 2421e of this title.

(3) The term “overseas contingency operation” means a military operation outside the United States and its territories and possessions that is a contingency operation (as that term is defined in section 101(a)(13) of title 10).

(Pub. L. 112-239, div. A, title XII, §1273, Jan. 2, 2013, 126 Stat. 2023.)

#### Editorial Notes

##### CODIFICATION

Section was enacted as part of the National Defense Authorization Act for Fiscal Year 2013, and not as part of the Foreign Assistance Act of 1961 which comprises this chapter.

#### Statutory Notes and Related Subsidiaries

##### CHANGE OF NAME

Committee on Oversight and Government Reform of House of Representatives changed to Committee on Oversight and Reform of House of Representatives by House Resolution No. 6, One Hundred Sixteenth Congress, Jan. 9, 2019. Committee on Oversight and Reform of House of Representatives changed to Committee on Oversight and Accountability of House of Representatives by House Resolution No. 5, One Hundred Eighteenth Congress, Jan. 9, 2023.

#### § 2422. Repealed. Pub. L. 102-88, title VI, § 601, Aug. 14, 1991, 105 Stat. 441

Section, Pub. L. 87-195, pt. III, §662, as added Pub. L. 93-559, §32, Dec. 30, 1974, 88 Stat. 1804, and amended Pub. L. 96-450, title IV, §407(a), Oct. 14, 1980, 94 Stat. 1981, prohibited funding of activities of the Central Intelligence Agency, other than intelligence gathering, without Presidential finding of importance to national security of United States and defined such activities as significant anticipated intelligence activities for purpose of section 413 of Title 50, War and National Defense. See section 3094 of Title 50.

#### § 2423. Exchanges of certain materials

##### (a) Agreement for necessary or strategic raw material; definition

Notwithstanding any other provision of law, whenever the President determines it is in the United States national interest, he shall furnish assistance under this chapter or shall furnish defense articles or services under the Foreign Military Sales Act [22 U.S.C. 2751 et. seq.], pursuant to an agreement with the recipient of such assistance, articles, or services which provides that such recipient may only obtain such assistance, articles, or services in exchange for any necessary or strategic raw material controlled by such recipient. For the purposes of this section, the term “necessary or strategic raw material” includes petroleum, other fossil fuels, metals, minerals, or any other natural substance which the President determines is in short supply in the United States.

##### (b) Allocation of raw materials to Federal agencies

The President shall allocate any necessary or strategic raw material transferred to the United States under this section to any appropriate agency of the United States Government for

stockpiling, sale, transfer, disposal, or any other purpose authorized by law.

#### (c) Deposits in United States Treasury of funds from disposal of materials

Funds received from any disposal of materials under subsection (b) shall be deposited as miscellaneous receipts in the United States Treasury.

(Pub. L. 87-195, pt. III, §663, as added Pub. L. 93-559, §32, Dec. 30, 1974, 88 Stat. 1805.)

#### Editorial Notes

##### 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, 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 Foreign Military Sales Act, referred to in subsec. (a), is Pub. L. 90-629, ch. 1, Oct. 22, 1968, 82 Stat. 1320, known as the Arms Export Control Act, on authority of section 201(b) of Pub. L. 94-329, title II, June 30, 1976, 90 Stat. 734, and 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.

#### 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.

#### § 2424. Repealed. Pub. L. 95-88, title I, § 123(c), Aug. 3, 1977, 91 Stat. 541

Section, Pub. L. 87-195, pt. III, §664, as added Pub. L. 93-559, §33, Dec. 30, 1974, 88 Stat. 1805, authorized the President to waive provisions which prohibited assistance to countries trading with designated countries.

#### § 2425. Repealed. Pub. L. 95-424, title VI, § 604, Oct. 6, 1978, 92 Stat. 961

Section, Pub. L. 87-195, pt. III, §665, as added Pub. L. 94-161, title III, §317, Dec. 20, 1975, 89 Stat. 867, authorized appropriations for the interim period July 1, 1976 through Sept. 30, 1976 of such amounts as were necessary to conduct programs for which funding was authorized for fiscal year 1976 by the International Development and Food Assistance Act of 1975 provided the total amount authorized not exceed one-fourth of the total authorized for fiscal year 1976 for such programs and activities.

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE OF REPEAL

Repeal 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.

#### § 2426. Discrimination against United States personnel

##### (a) Assignment of personnel on basis of ability and experience

The President shall not take into account, in assigning officers and employees of the United States to carry out any economic development assistance programs funded under this chapter

in any foreign country, the race, religion, national origin, or sex of any such officer or employee. Such assignments shall be made solely on the basis of ability and relevant experience.

**(b) Prohibition on use of funds in country practicing discrimination**

Effective six months after December 20, 1975, or on such earlier date as the President may determine, none of the funds made available under this chapter may be used to provide economic development assistance to any country which objects to the presence of any officer or employee of the United States who is present in such country for the purpose of carrying out any program of economic development assistance authorized by the provisions of this chapter on the basis of the race, religion, national origin, or sex of such officer or employee.

**(c) Rules and regulations**

The Secretary of State shall promulgate such rules and regulations as he may deem necessary to carry out the provisions of this section.

(Pub. L. 87-195, pt. III, §666, as added Pub. L. 94-161, title III, §318, Dec. 20, 1975, 89 Stat. 868.)

**Editorial Notes**

REFERENCES IN TEXT

This chapter, referred to in subssecs. (a) and (b), 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.

**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.

**§ 2427. Operating expenses**

**(a) Authorization of appropriations**

There are authorized to be appropriated to the President, in addition to funds otherwise available for such purposes—

(1) \$387,000,000 for fiscal year 1986 and \$387,000,000 for fiscal year 1987 for necessary operating expenses of the agency primarily responsible for administering subchapter I of this chapter, of which \$21,750,000 for the fiscal year 1987 is authorized for the necessary operating expenses of the Office of the Inspector General of the Agency for International Development and the remaining amount for the fiscal year is authorized for other necessary operating expenses of that agency; and

(2) such amounts as may be necessary for increases in salary, pay, retirement, and other employee benefits authorized by law, and for other nondiscretionary costs of such agency.

**(b) Continuing availability of funds**

Amounts appropriated under this section are authorized to remain available until expended.

(Pub. L. 87-195, pt. III, §667, as added Pub. L. 94-161, title III, §319, Dec. 20, 1975, 89 Stat. 868; amended Pub. L. 95-88, title I, §129(a), Aug. 3,

1977, 91 Stat. 543; Pub. L. 95-424, title V, §506, Oct. 6, 1978, 92 Stat. 960; Pub. L. 96-53, title I, §120, Aug. 14, 1979, 93 Stat. 365; Pub. L. 96-533, title VII, §709, Dec. 16, 1980, 94 Stat. 3159; Pub. L. 97-113, title VII, §706, Dec. 29, 1981, 95 Stat. 1545; Pub. L. 99-83, title IV, §406, Aug. 8, 1985, 99 Stat. 219; Pub. L. 99-529, title IV, §402, Oct. 24, 1986, 100 Stat. 3019.)

**Editorial Notes**

AMENDMENTS

1986—Subsec. (a)(1). Pub. L. 99-529 inserted “, of which \$21,750,000 for the fiscal year 1987 is authorized for the necessary operating expenses of the Office of the Inspector General of the Agency for International Development and the remaining amount for the fiscal year is authorized for other necessary operating expenses of that agency”.

1985—Subsec. (a)(1). Pub. L. 99-83 amended par. (1) generally, substituting provisions authorizing appropriations of \$387,000,000 for fiscal years 1986 and 1987, for provisions authorizing appropriations of \$335,600,000 for fiscal years 1982 and 1983.

1981—Subsec. (a). Pub. L. 97-113 struck out from provision preceding par. (1) “, for the fiscal year 1981” after “for such purposes” and substituted in par. (1) “\$335,600,000 for the fiscal year 1982 and \$335,600,000 for the fiscal year 1983” for “\$293,800,000”.

1980—Subsec. (a). Pub. L. 96-533 substituted in provisions preceding par. (1) “1981” for “1980” and in par. (1) “\$293,800,000” for “\$263,000,000”.

1979—Subsec. (a). Pub. L. 96-53 substituted in provisions preceding par. (1) “1980” for “1979” and in par. (1) “\$263,000,000” for “\$261,000,000”.

1978—Subsec. (a). Pub. L. 95-424 substituted in provisions preceding par. (1) “1979” for “1978” and in par. (1) “\$261,000,000” for “\$220,200,000”.

1977—Pub. L. 95-88 substituted provisions authorizing appropriations for fiscal year 1978 for provisions stating that nothing in this chapter was intended to preclude the Committees on Appropriations from setting a ceiling on operating expenses of the agency primarily responsible for administering subchapter I of this chapter or limiting the availability of other sums therefor.

**Statutory Notes and Related Subsidiaries**

REFERENCES TO SUBCHAPTER I DEEMED TO INCLUDE CERTAIN PARTS OF SUBCHAPTER II

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.

EFFECTIVE DATE OF 1985 AMENDMENT

Amendment by Pub. L. 99-83 effective Oct. 1, 1985, see section 1301 of Pub. L. 99-83, set out as a note under section 2151-1 of this title.

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.

**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.