

Public Law 95-147
95th Congress

An Act

To authorize the Secretary of the Treasury to invest public moneys, and for other purposes.

Oct. 28, 1977
[H.R. 5675]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized, for cash management purposes, to invest any portion of the Treasury's operating cash for periods of up to ninety days in (1) obligations of depositaries maintaining Treasury tax and loan accounts secured by a pledge of collateral acceptable to the Secretary of the Treasury as security for tax and loan accounts, and (2) obligations of the United States and of agencies of the United States: *Provided*, That the authority granted under this section shall not be construed as requiring the Secretary of the Treasury to invest any or all of the cash balance held in any particular account: *Provided further*, That the authority granted under this section shall not be construed as permitting the Secretary of the Treasury to require the sale of such obligations by any particular person, dealer, or financial institution. Investments in obligations of depositaries maintaining such accounts shall be made at rates of interest prescribed by the Secretary of the Treasury, after taking into consideration prevailing market rates of interest.

Secretary of the Treasury.
Public moneys, investment authority.
31 USC 1038.

Interest rates.

SEC. 2. (a) Section 5(k) of the Home Owners' Loan Act of 1933 (12 U.S.C. 1464(k)) is amended by adding after "Bank" in the first sentence thereof the following: "shall be a depositary of public money and" and by striking the period at the end thereof and inserting the following: ", including services in connection with the collection of taxes and other obligations owed the United States, and the Secretary of the Treasury is hereby authorized to deposit public money in any such Federal savings and loan association or member of a Federal home loan bank, and shall prescribe such regulations as may be necessary to carry out the purposes of this subsection."

Federal Home Loan Banks, public money depositaries.

(b) Section 402(d) of the National Housing Act (12 U.S.C. 1725(d)) is amended by adding the following at the end thereof: "Insured institutions shall be depositaries of public money and may be employed as fiscal agents of the United States. The Secretary of the Treasury is authorized to deposit public money in such insured institutions, and shall prescribe such regulations as may be necessary to enable such institutions to become depositaries of public money and fiscal agents of the United States. Each insured institution shall perform all such reasonable duties as depositary of public money and fiscal agent of the United States as may be required of it including services in connection with the collection of taxes and other obligations owed the United States."

Insured institutions, public money depositaries.

(c) The Federal Credit Union Act (12 U.S.C. 1751-1790) is amended—

Credit unions, public money depositaries.
12 USC 1789a.

(1) by inserting after section 209 the following new section: "SEC. 210. Any credit union the accounts of which are insured under this title shall be a depositary of public money and may be employed as fiscal agent of the United States. The Secretary of the Treasury is authorized to deposit public money in any such insured

credit union, and shall prescribe such regulations as may be necessary to enable such credit unions to become depositaries of public money and fiscal agents of the United States. Each credit union shall perform all such reasonable duties as depositaries of public money and fiscal agent of the United States as may be required of it including services in connection with the collection of taxes and other obligations owed the United States.”; and

(2) by redesignating section 210 of the Federal Credit Union Act (12 U.S.C. 1790) as section 211.

State-chartered
banks and other
institutions,
public money
depositaries.
12 USC 266.

(d) Banks, savings banks, and savings and loan, building and loan, homestead associations (including cooperative banks), and credit unions created under the laws of any State and the deposits or accounts of which are insured by a State or agency thereof or corporation chartered pursuant to the laws of any State may be depositaries of public money and may be employed as fiscal agents of the United States. The Secretary of the Treasury is authorized to deposit public money in any such institution, and shall prescribe such regulations as may be necessary to enable such institutions to become depositaries of public money and fiscal agents of the United States. Each such institution shall perform all such reasonable duties as depositary of public money and fiscal agent of the United States as may be required of it including services in connection with the collection of taxes and other obligations owed the United States.

26 USC 6302.

SEC. 3. (a) Subsection (c) of section 6302 of the Internal Revenue Code of 1954 (relating to use of Government depositaries) is amended—

(1) by striking out “or trust companies” and inserting in lieu thereof “, trust companies, domestic building and loan associations, or credit unions”; and

(2) by striking out “and trust companies” and inserting in lieu thereof “, trust companies, domestic building and loan associations, and credit unions”.

26 USC 7502.

(b) Subsection (e) of section 7502 of the Internal Revenue Code of 1954 (relating to mailing of deposits) is amended by striking out “or trust company” each time it appears and inserting in lieu thereof “, trust company, domestic building and loan association, or credit union”.

(c) The amendments made by this section shall apply to amounts deposited after the date of the enactment of this Act.

Effective date.
26 USC 6302
note.

SEC. 4. (a) The Bretton Woods Agreements Act (22 U.S.C. 286—286k-2) is amended—

Certain
International
Monetary Fund
deposits,
limitation.
Additional trust
funds,
establishment
limitation.
22 USC 286c.

(1) by striking out clause (g) of the first sentence of section 5, and by inserting immediately after clause (f) the following: “or (g) approve either the disposition of more than 25 million ounces of Fund gold for the benefit of the Trust Fund established by the Fund on May 6, 1976, or the establishment of any additional trust fund whereby resources of the International Monetary Fund would be used for the special benefit of a single member, or of a particular segment of the membership, of the fund.”;

(2) (A) by inserting “(a)” immediately after “SEC. 14.”; and (B) by inserting at the end of section 14 the following new subsection:

Information,
transmittal to
congressional
committees.
22 USC 286k.

“(b) The President shall, upon the request of any committee of the Congress with legislative or oversight jurisdiction over monetary policy or the International Monetary Fund, provide to such committee any appropriate information relevant to that committee’s jurisdiction which is furnished to any department or agency of the United

States by the International Monetary Fund. The President shall comply with this provision consistent with United States membership obligations in the International Monetary Fund and subject to such limitations as are appropriate to the sensitive nature of the information.”

(b) (1) Section 10(a) of the Gold Reserve Act of 1934 (31 U.S.C. 822a(a)) is amended—

(A) by striking out “to and” immediately following “necessary” and inserting in lieu thereof a comma; and

(B) by inserting immediately after “International Monetary Fund” the following: “regarding orderly exchange arrangements and a stable system of exchange rates: *Provided, however,* That no loan or credit to a foreign government or entity shall be extended by or through such Fund for more than six months in any twelve-month period unless the President provides a written determination to the Congress that unique or exigent circumstances make such loan or credit necessary for a term greater than six months”.

(2) Section 10(b) of the Gold Reserve Act of 1934 (31 U.S.C. 822a(b)) is amended by striking out the phrase “stabilizing the exchange value of the dollar” in the fourth sentence thereof and inserting in lieu thereof the phrase “the purposes prescribed by this section”.

(c) The joint resolution entitled “Joint resolution to assure uniform value to the coins and currencies of the United States”, approved June 5, 1933 (31 U.S.C. 463), shall not apply to obligations issued on or after the date of enactment of this section.

Loans to foreign governments, extension limitation. Presidential determination, submittal to Congress.

31 USC 463 note.

Approved October 28, 1977.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 95-159, Pt. 1 (Comm. on Banking, Finance and Urban Affairs) and No. 95-159, Pt. 2 (Comm. on Ways and Means).

SENATE REPORT No. 95-450 (Comm. on Banking, Housing, and Urban Affairs).

CONGRESSIONAL RECORD, Vol. 123 (1977):

Apr. 25, considered and passed House.

Oct. 11, considered and passed Senate, amended.

Oct. 14, House concurred in Senate amendment.