

119TH CONGRESS
2D SESSION

S. _____

To strengthen transparency over efforts by the Department of the Treasury to use the Exchange Stabilization Fund to aid foreign countries without prior notification to Congress.

IN THE SENATE OF THE UNITED STATES

Mrs. SHAHEEN (for herself and Mr. GRASSLEY) introduced the following bill;
which was read twice and referred to the Committee on

A BILL

To strengthen transparency over efforts by the Department of the Treasury to use the Exchange Stabilization Fund to aid foreign countries without prior notification to Congress.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Exchange Stabilization
5 Fund Transparency Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

1 (1) APPROPRIATE COMMITTEES OF CON-
2 GRESS.—The term “appropriate committees of Con-
3 gress” means—

4 (A) the Committee on Foreign Relations
5 and the Committee on Banking, Housing, and
6 Urban Affairs of the Senate; and

7 (B) the Committee on Foreign Affairs and
8 the Committee on Financial Services of the
9 House of Representatives.

10 (2) EXCHANGE STABILIZATION FUND.—The
11 term “Exchange Stabilization Fund” means the sta-
12 bilization fund established under section 5302(a) of
13 title 31, United States Code.

14 (3) FOREIGN ENTITY.—The term “foreign enti-
15 ty” means an entity that is not organized under the
16 laws of the United States or any jurisdiction within
17 the United States.

18 (4) GOVERNMENT OF A FOREIGN COUNTRY.—
19 The term “government of a foreign country”—

20 (A) means—

21 (i) any subdivision, agency, or instru-
22 mentality of that government; and

23 (ii) any entity owned or controlled by
24 that government; and

1 (B) includes a central bank of the foreign
2 country.

3 **SEC. 3. LIMITATION ON USE OF EXCHANGE STABILIZATION**
4 **FUND TO AID FOREIGN COUNTRIES.**

5 (a) NOTIFICATION REQUIRED.—Not less than 24
6 hours before the Secretary of the Treasury commits to
7 providing assistance to a foreign entity or the government
8 of a foreign country using the Exchange Stabilization
9 Fund, including through the establishment of currency
10 swap lines, the purchase of local currency or sovereign
11 debt of a foreign country, or the extension of any credit
12 instrument, the Secretary, in consultation with the Sec-
13 retary of State as appropriate, shall submit to the appro-
14 priate committees of Congress a notification of the inten-
15 tion to provide that assistance.

16 (b) ELEMENTS.—A notification submitted to the ap-
17 propriate committees of Congress under subsection (a)
18 with respect to assistance to be provided to a foreign enti-
19 ty or the government of a foreign country shall, to the
20 extent such information is available, include—

21 (1) a detailed description of the nature,
22 amount, duration, and specific terms of the assist-
23 ance;

1 (2) a detailed description of why providing the
2 assistance advances the national interests of the
3 United States, including—

4 (A) an explanation of whether the economy
5 of the foreign country is important to the
6 United States or global economy or financial
7 system and, if so, why; and

8 (B) an assessment of the impact of not
9 providing the assistance;

10 (3) a detailed description of engagement the
11 United States Government has undertaken as of the
12 date of the notification, or is planning to undertake,
13 with the International Monetary Fund and other
14 international financial institutions, the private sec-
15 tor, and the governments of countries that are part-
16 ners of the United States to provide financial assist-
17 ance to the foreign country;

18 (4) any risk assessment for the foreign country
19 prepared by agencies of the United States Govern-
20 ment relating to the provision of the assistance and
21 the associated interest premium and an explanation
22 of how the risk assessment affected the decision to
23 use the Exchange Stabilization Fund;

24 (5) an assessment of the impact that providing
25 the assistance will have on reserves within the Ex-

1 change Stabilization Fund, including on reserves of
2 United States dollars, foreign currencies, and Spe-
3 cial Drawing Rights;

4 (6) a statement of any conditions that the
5 United States Government is imposing on use of the
6 assistance with respect to—

7 (A) increasing the likelihood of repayment;

8 and

9 (B) the fiscal or economic policies of the
10 foreign country;

11 (7) an explanation for why the conditions de-
12 scribed in paragraph (6) were imposed or, if no such
13 conditions were imposed, an explanation for why not;

14 (8) an assessment of the expected repayment to
15 the United States of the assistance and the likeli-
16 hood that the government of the foreign country will
17 default on its international obligations following the
18 provision of the assistance;

19 (9) a timeline agreed to for repayment of the
20 assistance, if applicable;

21 (10) a description of any other safeguards put
22 in place to protect United States taxpayer resources;
23 and

24 (11) if any information required by paragraphs
25 (1) through (10) to be included in the notification

1 is unavailable at the time of the submission of the
2 notification, an estimate, not to exceed 14 days, of
3 when that information will be provided to the appro-
4 priate committees of Congress.

5 (c) NOTIFICATION UPDATE.—The Secretary of the
6 Treasury shall provide to the appropriate committees of
7 Congress in writing any information relating to providing
8 assistance described in subsection (a) that was not avail-
9 able at the time the Secretary submitted the notification
10 required by that subsection on the earlier of—

11 (1) the date that is 14 days after the Secretary
12 commits to using the Exchange Stabilization Fund
13 to provide the assistance; or

14 (2) the first date on which the Secretary has
15 used at least \$500,000,000 from the Exchange Sta-
16 bilization Fund to provide the assistance.

17 (d) FORM OF NOTIFICATION.—The information re-
18 quired by subsections (b) and (c) shall be submitted in
19 unclassified form, but may include a classified annex as
20 necessary to protect sensitive information if an expla-
21 nation is provided for why the information is required to
22 be classified.

23 (e) BRIEFING REQUIRED.—Not later than 7 days
24 after the Secretary of the Treasury commits to using the
25 Exchange Stabilization Fund to provide assistance de-

1 scribed in subsection (a) or otherwise significantly inter-
2 venes in international financial markets, including through
3 the substantial purchase of foreign currency, the Sec-
4 retary, in consultation with the Secretary of State as ap-
5 propriate, shall provide a briefing to the appropriate com-
6 mittees of Congress.

7 (f) RETROACTIVE TRANSPARENCY.—Not later than
8 30 days after the date of the enactment of this Act, the
9 Secretary of the Treasury, in consultation with the Sec-
10 retary of State as appropriate, shall submit to the appro-
11 priate committees of Congress a report that includes, for
12 each instance in which assistance described in subsection
13 (a) was provided to a foreign entity or the government
14 of a foreign country during the 4-year period preceding
15 such date of enactment—

16 (1) all of the information required, by para-
17 graphs (1) through (10) of subsection (b), to be in-
18 cluded in a notification submitted under subsection
19 (a);

20 (2) a copy of any and all written agreements
21 between the United States and the foreign entity or
22 the government of the foreign country, as the case
23 may be, related to the assistance;

1 (3) a description of the status of the assistance,
2 including whether the assistance is ongoing or has
3 terminated; and

4 (4) a determination of whether additional as-
5 sistance using the Exchange Stabilization Fund is
6 likely to be required by the foreign entity or the gov-
7 ernment of the foreign country, as the case may be,
8 in the 2-year period following such date of enact-
9 ment.

10 **SEC. 4. MODIFICATION OF EXISTING EXCHANGE STABILIZA-**
11 **TION FUND DISCLOSURE.**

12 Any information provided to a committee of Congress
13 under section 5302(c)(1) of title 31, United States Code,
14 relating to an agreement or transaction with a foreign en-
15 tity or the government of a foreign country shall also be
16 provided to the Committee on Foreign Relations of the
17 Senate and the Committee on Foreign Affairs of the
18 House.