

Subsec. (c). Pub. L. 94-329 struck out subsec. (c) which defined “value” as that meaning found in section 2403m of this title, except the term shall not include a value for any excess defense article which was less than 33½ percent of the amount the United States paid for such article when it was acquired.

Subsec. (e). Pub. L. 94-329 struck out subsec. (e) which provided that except for excess defense articles granted under this subchapter, the provisions of this section did not apply to grants of such articles to South Vietnam prior to July 1, 1972.

1974—Subsec. (b). Pub. L. 93-559, §13(a)(1), substituted “\$100,000,000” for “\$150,000,000”.

Subsec. (c). Pub. L. 93-559, §13(a)(2), inserted exception provision respecting definitions of value for excess defense articles.

1973—Subsec. (a). Pub. L. 93-189, §26(1), inserted provision preceding cl. (1) relating to the subtraction of amounts to be transferred under section 2392(d) of this title.

Subsec. (b). Pub. L. 93-189, §26(2), substituted “In the case of excess defense articles which are generated abroad, the provisions”, for “The provisions” and “\$150,000,000” for “\$185,000,000”.

Subsec. (c). Pub. L. 93-189, §26(3), substituted provisions defining “value” as that meaning given it in section 2403(m) of this title, for provisions defining such term as not less than 33½ per centum of the amount the United States paid at the time the excess defense articles were acquired by the United States.

1972—Subsec. (a). Pub. L. 92-226, §402(1), substituted in first sentence “by any department, agency, or independent establishment of the United States Government (other than the Agency for International Development)” for “subchapter II of this chapter” and “the Foreign Assistance Act of 1961” for “that Act”, codified in the text as “this chapter” and in second sentence “Unless such department, agency, or establishment certifies to the Comptroller General of the United States that the excess defense article it is ordering is not to be transferred by any means to a foreign country or international organization, when an order is placed for a defense article” for “When an order is placed under the military assistance program with the military departments for a defense article”.

Subsec. (b). Pub. L. 92-226, §402(2), substituted “\$185,000,000” for “\$100,000,000”.

Subsec. (e). Pub. L. 92-226, §402(3), added subsec. (e).

EFFECTIVE DATE OF 1976 AMENDMENT

Section 210(c)(2) of Pub. L. 94-329 provided in part that the amendment of subsecs. (a) to (c) and (e) by Pub. L. 94-329 is effective July 1, 1976.

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.

TRANSFER OF SUSPENSE ACCOUNT FUNDS TO GENERAL FUND OF TREASURY

Section 210(c)(2) of Pub. L. 94-329 provided in part that all funds in the suspense account referred to in former subsec. (a) of this section on July 1, 1976, shall be transferred to the general fund of the Treasury.

§ 2321c. Definitions

For purposes of sections 2321b and 2314a¹ of this title—

(1) “defense article” and “excess defense articles” have the same meanings as given them in subsections (d) and (g), respectively, of section 2403 of this title; and

(2) “foreign country” includes any department, agency, or independent establishment of the foreign country.

¹ See References in Text note below.

(Pub. L. 91-672, §11, Jan. 12, 1971, 84 Stat. 2055.)

REFERENCES IN TEXT

Section 2314a, referred to in text, was repealed by Pub. L. 93-189, §26(4), Dec. 17, 1973, 87 Stat. 731.

CODIFICATION

Section was not enacted as part of the Foreign Assistance Act of 1961 which comprises this chapter.

§ 2321d. Considerations in furnishing military assistance

Decisions to furnish military assistance made under subchapter II of this chapter shall take into account whether such assistance will—

- (1) contribute to an arms race;
- (2) increase the possibility of outbreak or escalation of conflict; or
- (3) prejudice the development of bilateral or multilateral arms control arrangements.

(Pub. L. 87-195, pt. II, §511, as added Pub. L. 92-226, pt. II, §201(f), Feb. 7, 1972, 86 Stat. 25; amended Pub. L. 94-141, title I, §150(c), Nov. 29, 1975, 89 Stat. 760; Pub. L. 105-277, div. G, subdiv. A, title XII, §1225(b), Oct. 21, 1998, 112 Stat. 2681-773.)

REFERENCES TO SUBCHAPTER II DEEMED TO EXCLUDE CERTAIN PARTS OF SUBCHAPTER II

References to subchapter II of this chapter are deemed to exclude parts IV (§2346 et seq.), VI (§2348 et seq.), and VIII (§2349aa et seq.) of subchapter II, and references to subchapter I of this chapter are deemed to include 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.

AMENDMENTS

1998—Pub. L. 105-277 substituted “take into account” for “be made in coordination with the Director of the United States Arms Control and Disarmament Agency and shall take into account his opinion as to” in introductory provisions.

1975—Pub. L. 94-141 substituted “be made in coordination with the Director of the United States Arms Control and Disarmament Agency and shall take into account his opinion as to” for “take into account”.

EFFECTIVE DATE OF 1998 AMENDMENT

Amendment by Pub. L. 105-277 effective Apr. 1, 1999, see section 1201 of Pub. L. 105-277, set out as an Effective Date note under section 6511 of this title.

§ 2321e. Repealed. Pub. L. 93-189, §12(b)(5), Dec. 17, 1973, 87 Stat. 722

Section, Pub. L. 87-195, pt. II, §512, as added Pub. L. 92-226, pt. II, §201(f), Feb. 7, 1972, 86 Stat. 25, provided for the diminution and consolidation of military assistance advisory groups and missions in foreign countries.

§ 2321f. Repealed. Pub. L. 97-113, title VII, § 734(a)(1), Dec. 29, 1981, 95 Stat. 1560

Section, Pub. L. 87-195, pt. II, §513, as added Pub. L. 92-226, pt. II, §201(f), Feb. 7, 1972, 86 Stat. 25; amended Pub. L. 93-189, §12(b)(6), Dec. 17, 1973, 87 Stat. 722; Pub. L. 93-559, §12, Dec. 30, 1974, 88 Stat. 1798, prohibited military assistance to Thailand, Laos, and South Vietnam after June 30, 1972, 1974, and 1976, respectively, without prior authorization.

§ 2321g. Repealed. Pub. L. 93-189, §12(b)(5), Dec. 17, 1973, 87 Stat. 722

Section, Pub. L. 87-195, pt. II, §514, as added Pub. L. 92-226, pt. II, §201(f), Feb. 7, 1972, 86 Stat. 26, covered