

Determination No. 98-9, Jan. 6, 1998, 63 F.R. 3635.—Argentina.

Determination No. 2002-10, Mar. 14, 2002, 67 F.R. 13247.—Bahrain.

Determination No. 2004-02, Oct. 6, 2003, 68 F.R. 59855.—Philippines.

Determination No. 2004-16, Dec. 30, 2003, 69 F.R. 2053.—Thailand.

Determination No. 2004-21, Jan. 15, 2004, 69 F.R. 4843.—Kuwait.

Determination No. 2004-35, June 3, 2004, 69 F.R. 34049.—Morocco.

Determination No. 2004-37, June 16, 2004, 69 F.R. 38797.—Pakistan.

§§ 2321I to 2321n. Repealed. Pub. L. 104-164, title I, § 104(b)(2)(B), July 21, 1996, 110 Stat. 1427

Section 2321I, Pub. L. 87-195, pt. II, §518, as added Pub. L. 101-513, title V, §533(f), Nov. 5, 1990, 104 Stat. 2015, authorized President to transfer nonlethal excess defense articles and small arms to friendly countries and to international organizations and private and voluntary organizations for preservation of endangered animal and plant species.

Section 2321m, Pub. L. 87-195, pt. II, §519, as added Pub. L. 101-513, title V, §596(b), Nov. 5, 1990, 104 Stat. 2061; amended Pub. L. 103-236, title VII, §731(c), Apr. 30, 1994, 108 Stat. 502, authorized President to transfer to countries for whom foreign military financing program was justified such nonlethal excess defense articles as President determined necessary to help modernize defense capabilities of such countries.

Section 2321n, Pub. L. 87-195, pt. II, §520, as added Pub. L. 103-236, title IV, §408, Apr. 30, 1994, 108 Stat. 452, authorized President to transfer to international and regional organizations of which United States is a member such excess defense articles as President determined necessary to support and maintain international peacekeeping operations and security.

§ 2322. Transferred

CODIFICATION

Section, Pub. L. 87-195, pt. II, §521, formerly §514, as added Pub. L. 89-583, pt. II, §201(f), Sept. 19, 1966, 80 Stat. 803; renumbered §521, Pub. L. 90-137, pt. II, §201(o)(1), Nov. 14, 1967, 81 Stat. 457, which related to administration of sales programs, was transferred to section 2341 of this title and subsequently repealed by Pub. L. 90-629, §45(a), Oct. 22, 1968, 82 Stat. 1327.

PART III—FOREIGN MILITARY SALES

§§ 2341 to 2343. Repealed. Pub. L. 90-629, ch. 4, § 45(a), Oct. 22, 1968, 82 Stat. 1327

Section 2341, Pub. L. 87-195, pt. II, §521, formerly §514, as added Pub. L. 89-583, pt. II, §201(f), Sept. 19, 1966, 80 Stat. 803; renumbered §521 and amended Pub. L. 90-137, pt. II, §201(o)(1), (3)-(7), Nov. 14, 1967, 81 Stat. 457, provided for administration of sales programs involving defense articles and services. Subsec. (a) related to encouragement of regional arms control and disarmament agreements and discouragement of arms races; reimbursable basis of acquisitions; domestic procurement; and considerations. Subsec. (b) related to limitation on military assistance and sales for American Republics; and inclusion of assistance to inter-American military force under control of Organization of American States. Subsec. (c) related to furnishing of defense articles and services; conditions; and report to Congress. For subject matter of subssecs. (a) to (c), see sections 2751 and 2791, 2773, and 2753 of this title, respectively.

Section 2342, Pub. L. 87-195, pt. II, §522, formerly §507 (a), Sept. 4, 1961, 75 Stat. 437; amended Pub. L. 87-565, pt. II, §201(b), Aug. 1, 1962, 76 Stat. 259; Pub. L. 89-171, pt. II, §201(d)(1), Sept. 6, 1965, 79 Stat. 657; renumbered §522 and amended Pub. L. 90-137, pt. II, §201(f), Nov. 14,

1967, 81 Stat. 456, provided for sales of defense articles from stock and services, manner of payment, price of non-excess defense articles, and value of excess defense articles. See section 2761 of this title.

Section 2343, Pub. L. 87-195, pt. II, §523, formerly §507(b), Sept. 4, 1961, 75 Stat. 437; amended Pub. L. 87-565, pt. II, §201(c), Aug. 1, 1962, 76 Stat. 259; Pub. L. 88-633, pt. II, §201(c), Oct. 7, 1964, 78 Stat. 1011; Pub. L. 89-171, pt. II, §201(d)(2), Sept. 6, 1965, 79 Stat. 657; renumbered §523 and amended Pub. L. 90-137, pt. II, §201(g), Nov. 14, 1967, 81 Stat. 456, related to contracts for procurement for sales; undertakings; reimbursements; fixed-price sales agreements; prohibition against sales of articles available from commercial sources; and waiver of restrictions. See section 2762 of this title.

EFFECTIVE DATE OF REPEAL

Repeal effective July 1, 1968, see section 41 of Pub. L. 90-629, set out as an Effective Date note under section 2751 of this title.

SAVINGS PROVISION

Section 46 of Pub. L. 90-629 provided that: "Except as may be expressly provided to the contrary in this Act [see Short Title note set out under section 2751 of this title], all determinations, authorizations, regulations, orders, contracts, agreements, and other actions issued, undertaken, or entered into under authority of any provision of law repealed by section 45(a) [repealing sections 2341 to 2343, 2344(b)(3), 2345, 2394(g), and 2399a of this title] shall continue in full force and effect until modified by appropriate authority."

§ 2344. Reimbursements

(a) Separate fund account; transfers to such account

Whenever funds made available for use under subchapter II of this chapter have been or are used to furnish military assistance on cash or credit terms, United States dollar repayments, including dollar proceeds derived from the sale of foreign currency repayments to any agency or program of the United States Government, receipts received from the disposition of evidences of indebtedness and charges (including fees and premiums) or interest collected shall be credited to a separate fund account, and shall be available until expended solely for the purpose of financing sales and guaranties, including the overhead costs thereof, and, notwithstanding any provision of law relating to receipts and credits accruing to the United States Government, repayments in foreign currency may be used to carry out subchapter II of this chapter. Such amounts of the appropriations made available under subchapter II of this chapter (including unliquidated balances of funds heretofore obligated for financing sales and guaranties) as may be determined by the President shall be transferred to, and merged with, the separate fund account.

(b) Termination of account; special account for discharge of Federal liabilities and obligations; general fund for excess moneys

(1) The special fund account established under subsection (a) of this section shall terminate as of the end of June 30, 1968, or on such earlier date as may be selected by the President.

(2) Upon the termination of such fund account pursuant to paragraph (1), all of the assets of such fund account (including loans and other payments receivable) shall be transferred to a

special account in the Treasury, which special account shall be available solely for the purpose of discharging outstanding liabilities and obligations of the United States arising out of credit sales agreements entered into, and guaranties issued, under subchapter II of this chapter prior to June 30, 1968. Any moneys in such special account in excess of the aggregate United States dollar amount of such liabilities and obligations shall be transferred from time to time to the general fund of the Treasury.

(Pub. L. 87-195, pt. II, § 524, formerly § 508, Sept. 4, 1961, 75 Stat. 437; Pub. L. 89-171, pt. II, § 201(e), Sept. 6, 1965, 79 Stat. 657; Pub. L. 89-583, pt. II, § 201(c), Sept. 19, 1966, 80 Stat. 803; renumbered § 524 and amended Pub. L. 90-137, pt. II, § 201(h), Nov. 14, 1967, 81 Stat. 456; Pub. L. 90-629, ch. 4, § 45(a), Oct. 22, 1968, 82 Stat. 1327.)

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.

CODIFICATION

Section was formerly classified to section 2316 of this title.

AMENDMENTS

1968—Subsec. (b)(3). Pub. L. 90-629 repealed provisions of par. (3) which related to appropriations for financing sales, dollar value payments, general fund for payments, and exempt transactions, and is now covered by section 2763 of this title.

1967—Pub. L. 90-137 designated existing provisions as subsec. (a) and added subsec. (b).

1966—Pub. L. 89-583 provided for transfer to and merger with the separate fund account of such amounts of available appropriations (including unliquidated balances of funds heretofore obligated for financing sales and guaranties) as is determined by the President.

1965—Pub. L. 89-171 inserted "receipts received from the disposition of evidences of indebtedness and charges (including fees and premiums) or interest collected" and substituted "have been or are used" for "are used" and "financing sales and guaranties, including the overhead costs thereof" for "furnishing further military assistance on cash or credit terms."

EFFECTIVE DATE OF 1968 AMENDMENT

Amendment by Pub. L. 90-629 effective July 1, 1968, see section 41 of Pub. L. 90-629, set out as an Effective Date note under section 2751 of this title.

SAVINGS PROVISION

Determinations, authorizations, regulations, orders, contracts, agreements, and other actions issued, undertaken, or entered into under authority of any provision of former subsec. (b)(3) of this section as continuing in full force and effect until modified by appropriate authority, see section 46 of Pub. L. 90-629, set out as a note under former section 2341 of this title.

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.

INCREASES IN MILITARY ASSISTANCE PROGRAMS; REPORTS TO CONGRESS ON PRESIDENTIAL DETERMINATIONS

Pub. L. 91-194, title I, § 100, Feb. 9, 1970, 84 Stat. 7, in part, limited increases in the military assistance program for any country to twenty per cent of the amount justified to Congress unless the President determined that such an increase was essential to the national interest of the United States and reported such determination to the Congress within thirty days after each such determination.

Similar provisions were contained in Pub. L. 90-249, title I, § 100, Jan. 2, 1968, 81 Stat. 937; Pub. L. 90-581, title I, § 100, Oct. 17, 1968, 82 Stat. 1138.

EXPENDITURES BY UNDERDEVELOPED COUNTRIES FOR WEAPONS SYSTEMS; PRESIDENTIAL DETERMINATION; REPORT TO CONGRESS

Pub. L. 91-194, title I, § 119, Feb. 9, 1970, 84 Stat. 10, directed the President to withhold economic assistance in an amount equivalent to the amount spent by any underdeveloped country for the purchase of sophisticated weapons systems from any country other than certain enumerated countries, unless the President determined that such a purchase was important to the national security of the United States and reported such determination to Congress within thirty days after each such determination.

Similar provisions were contained in Pub. L. 90-249, title I, § 119, Jan. 2, 1968, 81 Stat. 940; Pub. L. 90-581, title I, § 119, Oct. 17, 1968, 82 Stat. 1141.

ARMS RACES AND WEAPONS SYSTEMS RESTRAINTS; PROHIBITIONS AGAINST DIVERSION OF RESOURCES FOR ECONOMIC AND AGRICULTURAL DEVELOPMENT TO MILITARY PURPOSES

Pub. L. 91-194, title I, § 120, Feb. 9, 1970, 84 Stat. 10, as amended by Pub. L. 110-246, title III, § 3001(c), June 18, 2008, 122 Stat. 1821, provided that:

"(a) In order to restrain arms races and proliferation of sophisticated weapons, and to ensure that resources intended for economic development are not diverted to military purposes, the President shall take into account before furnishing development loans, Alliance loans, or supporting assistance to any country under this Act [Pub. L. 91-194], and before making sales under the Food for Peace Act, as amended [7 U.S.C. 1691 et seq.]:

"(1) the percentage of the recipient or purchasing country's budget which is devoted to military purposes,

"(2) the degree to which the recipient or purchasing country is using its foreign exchange resources to acquire military equipment; and

"(3) the amount spent by the recipient or purchasing country for the purchase of sophisticated weapons systems, such as missile systems and jet aircraft for military purposes, from any country.

"(b) The President shall report annually to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate his actions in carrying out this provision."

§ 2345. Repealed. Pub. L. 90-629, ch. 4, § 45(a), Oct. 22, 1968, 82 Stat. 1327

Section, Pub. L. 87-195, pt. II, § 525, formerly §§ 503(e), 509(b), as added Pub. L. 88-633, pt. II, § 201(a), (d), Oct. 7, 1964, 78 Stat. 1011; amended Pub. L. 89-171, pt. II, § 201(f), Sept. 6, 1965, 79 Stat. 657; renumbered § 525 and amended Pub. L. 90-137, pt. II, § 201(b)(3), (i)(2), Nov. 14, 1967, 81 Stat. 455, 457, provided for guaranties until June 30, 1968. See section 2764 of this title.

EFFECTIVE DATE OF REPEAL

Repeal effective July 1, 1968, see section 41 of Pub. L. 90-629, set out as an Effective Date note under section 2751 of this title.