

for sections 1754, 1783, 1796, 1853, 1928, and 1937 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1754 of this title and Tables.

The Mutual Educational and Cultural Exchange Act of 1961, referred to in subsec. (f), is Pub. L. 87-256, Sept. 21, 1961, 5 Stat. 527, as amended, which is classified principally to chapter 33 (§2451 et. seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2451 of this title and Tables.

Section 601 of the International Security Assistance and Arms Export Control Act of 1976, referred to in subsec. (g)(4)(C)(ii), is section 601 of Pub. L. 94-329, which was not classified to the Code.

AMENDMENTS

1994—Subsec. (g)(4)(A). Pub. L. 103-437 substituted “Foreign Affairs” for “International Relations” in introductory provisions.

Pub. L. 103-236 substituted “Democracy, Human Rights, and Labor” for “Human Rights and Humanitarian Affairs” in introductory provisions.

1990—Subsec. (f). Pub. L. 101-513 substituted “1985” for “1975” in second sentence.

1986—Subsec. (g)(1), (3). Pub. L. 99-514 substituted “Internal Revenue Code of 1986” for “Internal Revenue Code of 1954”, which for purposes of codification was translated as “title 26” thus requiring no change in text.

1985—Subsec. (f). Pub. L. 99-83 inserted provisions relating to waiver for items delivered prior to 1975.

1977—Subsec. (g)(4)(A). Pub. L. 95-105 substituted “Assistant Secretary of State” for “Coordinator” in provisions preceding cl. (i).

1976—Subsec. (a). Pub. L. 94-329, §203(b), inserted “or related training or other defense service” after “articles” wherever appearing.

Subsec. (d). Pub. L. 94-329, §304(a), provided that either the President, by so stating in a writing to Congress, or Congress, by joint resolution, terminate assistance upon determining a violation, specified conditions for reinstatement of assistance, and denied the President the power, where a violation has been determined, of granting assistance on the basis of national security.

Subsec. (e). Pub. L. 94-329, §204(b)(2), struck out provisions relating to the President’s notification of his consent to transfer war implements to another country, in writing, to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate indicating his justification for the transfer and the particular war implement transferred.

Subsec. (g). Pub. L. 94-329 added subsec. (g).

1973—Subsecs. (e), (f). Pub. L. 93-189 added subsecs. (e) and (f).

1972—Subsec. (b)(2). Pub. L. 92-226, §201(b), substituted “or” for “and”.

Subsec. (e). Pub. L. 92-226, §201(c), repealed provisions respecting conditions of eligibility requiring agreements for use of foreign currencies from sale of surplus commodities for common defense including internal security.

1966—Subsec. (e). Pub. L. 89-583 added subsec. (e).

1962—Subsecs. (c), (d). Pub. L. 87-565 added subsecs. (c) and (d).

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103-236 applicable with respect to officials, offices, and bureaus of Department of State when executive orders, regulations, or departmental directives implementing the amendments by sections 161 and 162 of Pub. L. 103-236 become effective, or 90 days after Apr. 30, 1994, whichever comes earlier, see section 161(b) of Pub. L. 103-236, as amended, set out as a note under section 2651a 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 1976 AMENDMENT

Pub. L. 94-329, title II, §203(b), June 30, 1976, 90 Stat. 735, provided that the amendment made by that section 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.

§ 2314a. Repealed. Pub. L. 93-189, § 26(4), Dec. 17, 1973, 87 Stat. 731

Section, Pub. L. 91-672, §9, Jan. 12, 1971, 84 Stat. 2055, related to transfer of defense articles to other countries under sections 2314(a)(1), (4) and 2753(a)(2) of this title and prerequisites for consent of President to transfer.

§§ 2315 to 2317. Transferred

CODIFICATION

Section 2315, Pub. L. 87-195, pt. II, §507, Sept. 4, 1961, 75 Stat. 437, as amended, which related to sale of defense articles and services, manner of payment, price of non-excess defense articles, value of excess defense articles, contracts for procurement, undertakings, and fixed-price sales agreements, was renumbered §§522, 523 of Pub. L. 87-195 by Pub. L. 90-137, pt. II, §201(f), (g), Nov. 14, 1967, 81 Stat. 456, and transferred to sections 2342 and 2343 of this title, respectively, which sections were subsequently repealed.

Section 2316, Pub. L. 87-195, pt. II, §508, Sept. 4, 1961, 75 Stat. 437, as amended, which related to reimbursements and transfers to separate fund account, was renumbered §524 of Pub. L. 87-195 by Pub. L. 90-137, pt. II, §201(h), Nov. 14, 1967, 81 Stat. 456, and transferred to section 2344 of this title.

Section 2317(a), Pub. L. 87-195, pt. II, §509(a), Sept. 4, 1961, 75 Stat. 437; Pub. L. 88-633, pt. II, §201(d), Oct. 7, 1964, 78 Stat. 1011, related to exchanges, and was repealed by Pub. L. 90-137, pt. II, §201(i)(1), Nov. 14, 1967, 81 Stat. 457.

Section 2317(b), Pub. L. 87-195, pt. II, §509(b), as added Pub. L. 88-633, pt. II, §201(d), Oct. 7, 1964, 78 Stat. 1011, which related to guaranties, was renumbered §525(b) of Pub. L. 87-195 by Pub. L. 90-137, pt. II, §201(i)(2), Nov. 14, 1967, 81 Stat. 457, transferred to section 2345(b) of this title, and subsequently repealed.

§ 2318. Special authority

(a) Unforeseen emergency; national interest; determinations and reports to Congress; limitation of defense articles, defense services, and military education and training furnished

(1) If the President determines and reports to the Congress in accordance with section 2411 of this title that—

(A) an unforeseen emergency exists which requires immediate military assistance to a foreign country or international organization; and

(B) the emergency requirement cannot be met under the authority of the Arms Export Control Act [22 U.S.C. 2751 et seq.] or any other law except this section;

he may direct, for the purposes of subchapter II of this chapter, the drawdown of defense articles from the stocks of the Department of Defense, defense services of the Department of Defense, and military education and training, of an aggregate value of not to exceed \$100,000,000 in any fiscal year.

(2)(A) If the President determines and reports to the Congress in accordance with section 2411