

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 L. 90-629 repealed provisions of par.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.

SAVINGS PROVISION

Determinations, authorizations, regulations, orders, contracts, agreements, and other actions issued undertaken, or entered into under authority of any provision of former section 2345 of this title 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.

PART IV—ECONOMIC SUPPORT FUND

§ 2346. Authority

(a) Policy requirements for assistance

The Congress recognizes that, under special economic, political, or security conditions, the national interests of the United States may require economic support for countries or in amounts which could not be justified solely under part I of subchapter I of this chapter or, in the case of countries in sub-Saharan Africa, part X of subchapter I of this chapter. In such cases, the President is authorized to furnish assistance to countries and organizations, on such terms and conditions as he may determine, in order to promote economic or political stability. To the maximum extent feasible, the President

shall provide assistance under this part consistent with the policy directions, purposes, and programs of subchapter I of this chapter.

(b) Responsibility for policy decisions and justifications

The Secretary of State shall be responsible for policy decisions and justifications for economic support programs under this part, including determinations of whether there will be an economic support program for a country and the amount of the program for each country. The Secretary shall exercise this responsibility in cooperation with the Administrator of the agency primarily responsible for administering subchapter I of this chapter.

(c) Detailed justification for uses and purposes of funds

As part of the annual presentation materials for foreign assistance submitted to the Congress, the agency primarily responsible for administering subchapter II of this chapter shall provide a detailed justification for the uses and the purposes of the funds provided under this part. Such material shall include, but not be limited to, information concerning the amounts and kinds of cash grant transfers, the amounts and kinds of budgetary and balance-of-payments support provided, and the amounts and kinds of project assistance provided with funds made available under this part.

(d) Repealed. Pub. L. 105-277, div. A, § 101(d) [title V, § 533(a)(5)], Oct. 21, 1998, 112 Stat. 2681-150, 2681-180

(e) Availability of funds

Amounts appropriated to carry out this part shall be available for economic programs only and may not be used for military or paramilitary purposes.

(Pub. L. 87-195, pt. II, § 531, as added Pub. L. 99-83, title II, § 201(a), Aug. 8, 1985, 99 Stat. 210; amended Pub. L. 101-513, title V, § 562(d)(8), Nov. 5, 1990, 104 Stat. 2031; Pub. L. 105-277, div. A, § 101(d) [title V, § 533(a)(5)], Oct. 21, 1998, 112 Stat. 2681-150, 2681-180.)

REFERENCES TO SUBCHAPTER I DEEMED TO INCLUDE THIS AND CERTAIN OTHER PARTS OF SUBCHAPTER II, AND REFERENCES TO SUBCHAPTER II DEEMED TO EXCLUDE SUCH PARTS

Pub. L. 92-226, pt. II, § 202(b), Feb. 7, 1972, 86 Stat. 27, provided that: "Chapter 4 of part I of the Foreign Assistance Act of 1961 [part IV of subchapter I of this chapter (sections 2241 to 2243 of this title)] is hereby repealed. References to such chapter [4 of part I of the Foreign Assistance Act of 1961 (former sections 2241 to 2243 of this title)] or any sections thereof shall hereafter [on and after Feb. 7, 1972] be deemed to be references to chapter 4 of part II of the Foreign Assistance Act of 1961, as added by subsection (a) of this section [this part], or to appropriate sections thereof. All references to part I of the Foreign Assistance Act of 1961 [subchapter I of this chapter] shall hereafter be deemed to be references also to chapter 4 of part II [this part], and all references to part II of such Act [subchapter II of this chapter] shall be deemed not to include chapter 4 of such part II [this part]".

References to subchapter I of this chapter are deemed to include parts VI (§ 2348 et seq.) and VIII (§ 2349aa et seq.) of subchapter II of this chapter, and references to subchapter II are deemed to exclude such parts. See sections 2348c and 2349aa-5 of this title.

REFERENCE TO PART I DEEMED TO INCLUDE SECTION 2293

Reference to part I of subchapter I of this chapter deemed to include a reference to section 2293 of this title. See section 2293(d)(1) of this title.

PRIOR PROVISIONS

A prior section 2346, Pub. L. 87-195, pt. II, § 531, as added Pub. L. 92-226, pt. II, § 202(a), Feb. 7, 1972, 86 Stat. 26; amended Pub. L. 95-92, § 8(a), Aug. 4, 1977, 91 Stat. 617; Pub. L. 95-384, § 10(a), Sept. 26, 1978, 92 Stat. 733; 1979 Reorg. Plan No. 2, § 6(b)(1), eff. Oct. 1, 1979, 44 F.R. 41166, 93 Stat. 1379; Pub. L. 96-92, § 8(a), Oct. 29, 1979, 93 Stat. 703; Pub. L. 96-533, title II, § 201, Dec. 16, 1980, 94 Stat. 3142; Pub. L. 97-113, title II, § 201, Dec. 29, 1981, 95 Stat. 1528, authorized President to furnish assistance to countries and organizations to promote economic or political stability, prior to repeal by Pub. L. 99-83, title II, § 201(a), Aug. 8, 1985, 99 Stat. 210.

AMENDMENTS

1998—Subsec. (d). Pub. L. 105-277 struck out subsec. (d) which read as follows: "To the maximum extent feasible, funds made available pursuant to this part for commodity import programs or other program assistance shall be used to generate local currencies, not less than 50 percent of which shall be available to support activities consistent with the objectives of sections 2151a through 2151d of this title, and administered by the agency primarily responsible for administering subchapter I of this chapter."

1990—Subsec. (a). Pub. L. 101-513 inserted "or, in the case of countries in sub-Saharan Africa, part X of subchapter I of this chapter" after "part I of subchapter I of this chapter".

EFFECTIVE DATE

Section effective Oct. 1, 1985, see section 1301 of Pub. L. 99-83, set out as an Effective Date of 1985 Amendment note under section 2151-1 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.

ASSISTANCE TO LEBANON

Pub. L. 107-228, div. B, title XII, § 1224, Sept. 30, 2002, 116 Stat. 1432, provided that:

"(a) PROHIBITION.—Notwithstanding any other provision of law, \$10,000,000 of the amounts made available for fiscal year 2003 or any subsequent fiscal year that are allocated for assistance to Lebanon under chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346 et seq.; relating to the economic support fund) may not be obligated unless and until the President certifies to the appropriate congressional committees that—

"(1) the armed forces of Lebanon have been deployed to the internationally recognized border between Lebanon and Israel; and

"(2) the Government of Lebanon is effectively asserting its authority in the area in which such armed forces have been deployed.

"(b) REQUIREMENT RELATING TO FUNDS WITHHELD.—Notwithstanding any other provision of law, any funds withheld pursuant to subsection (a) may not be programmed in order to be used for a purpose other than for assistance to Lebanon until the last month of the fiscal year in which the authority to obligate such funds lapses."

[For definition of "appropriate congressional committees" as used in section 1224 of Pub. L. 107-228, set out above, see section 3 of Pub. L. 107-228, set out as a note under section 2651 of this title.]

ASSISTANCE TO AFGHANISTAN

Pub. L. 99-83, title IX, § 904, Aug. 8, 1985, 99 Stat. 268, provided that:

“(a) AUTHORIZATION.—The President may make available funds authorized to be appropriated to carry out chapter 4 of part II of the Foreign Assistance Act of 1961 [22 U.S.C. 2346 et seq.] (relating to the economic support fund) for the provision of food, medicine, or other humanitarian assistance to the Afghan people, notwithstanding any other provision of law.

“(b) EARMARKING OF FUNDS.—Each fiscal year, not less than \$15,000,000 of the aggregate amount of funds available to carry out chapter 4 of part II of the Foreign Assistance Act of 1961 shall be available only for humanitarian assistance to the Afghan people pursuant to subsection (a) of this section.

“(c) EFFECTIVE DATES.—This section shall take effect on the date of enactment of this Act [Aug. 8, 1985], except that subsection (b) shall not apply to fiscal year 1985.”

REPORTS ON ECONOMIC CONDITIONS PREVAILING IN EGYPT, ISRAEL, TURKEY, AND PORTUGAL

Pub. L. 99-83, title XII, §1205, Aug. 8, 1985, 99 Stat. 277, provided that:

“(a) EXTERNAL DEBT BURDEN OF CERTAIN COUNTRIES RECEIVING UNITED STATES ASSISTANCE.—The Congress finds that the Governments of Egypt, Israel, Turkey, and Portugal each have an enormous external debt burden which may be made more difficult by virtue of financing provided for those governments under various United States assistance programs.

“(b) ANNUAL REPORTS ON ECONOMIC CONDITIONS.—In order to assist the Congress in examining United States assistance for these countries, the President shall report to Speaker of the House of Representatives and to the chairman of the Committee on Foreign Relations of the Senate, not later than January 15 of each year, regarding economic conditions prevailing in Egypt, Israel, Turkey, and Portugal which may affect their respective ability to meet their international debt obligations and to stabilize their economies.”

[For delegation of functions of President under section 1205(b) of Pub. L. 99-83, set out above, 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.]

REFERENCES TO SECURITY SUPPORTING ASSISTANCE AS REFERENCES TO ASSISTANCE UNDER PART IV OF SUBCHAPTER II OF THIS CHAPTER

Pub. L. 95-384, §10(b)(6), Sept. 26, 1978, 92 Stat. 735, provided that: “After September 30, 1978, any reference in any law to security supporting assistance shall be deemed to be a reference to assistance under chapter 4 of part II of the Foreign Assistance Act of 1961 [this part].”

SECURITY SUPPORTING ASSISTANCE PROGRAM FOR EGYPT

Pub. L. 95-92, §9, Aug. 4, 1977, 91 Stat. 619, as amended by Pub. L. 95-384, §29(c)(2)(A), Sept. 26, 1978, 92 Stat. 747, provided that: “It is the sense of the Congress that the security supporting assistance program for Egypt plays an important role in the Middle East peace effort and that the Executive branch should concentrate its efforts in order to make the program a success.”

§ 2346a. Authorizations of appropriations

(a) Recipients and purposes of funds

There are authorized to be appropriated to the President to carry out the purposes of this part—

(1) \$2,015,000,000 for the fiscal year 1986 and \$2,015,000,000 for the fiscal year 1987 for the following countries signing the Camp David agreement: Israel and Egypt; and

(2) \$1,785,000,000 for the fiscal year 1986 and \$1,785,000,000 for the fiscal year 1987 for assistance under this part for recipients or purposes other than the countries referred to in paragraph (1).

(b) Availability of amounts

Amounts appropriated to carry out this part are authorized to remain available until expended.

(Pub. L. 87-195, pt. II, §532, as added Pub. L. 99-83, title II, §201(a), Aug. 8, 1985, 99 Stat. 211.)

PRIOR PROVISIONS

A prior section 2346a, Pub. L. 87-195, pt. II, 532, as added Pub. L. 97-113, title II, §202, Dec. 29, 1981, 95 Stat. 1529; amended Pub. L. 98-151, §101(b)(2), Nov. 14, 1983, 97 Stat. 970, earmarked specific funds for Israel and Egypt, prior to repeal by Pub. L. 99-83, title II, §201(a), Aug. 8, 1985, 99 Stat. 210.

Another prior section 2346a, Pub. L. 87-195, pt. II, §532, as added Pub. L. 96-533, title II, §202, Dec. 16, 1980, 94 Stat. 3142, related to Middle East programs and use of fiscal year funds, prior to repeal by Pub. L. 97-113, title II, §202, Dec. 29, 1981, 95 Stat. 1529.

Another prior section 2346a, Pub. L. 87-195, pt. II, §532, as added Pub. L. 92-226, pt. II, §202(a), Feb. 7, 1972, 86 Stat. 26; amended Pub. L. 93-189, §13(1), Dec. 17, 1973, 87 Stat. 722; Pub. L. 93-559, §18, Dec. 30, 1974, 88 Stat. 1800; Pub. L. 94-329, title V, §501(a), June 30, 1976, 90 Stat. 762; Pub. L. 95-92, §8(b), Aug. 4, 1977, 91 Stat. 617; Pub. L. 95-384, §10(a), Sept. 26, 1978, 92 Stat. 733; Pub. L. 96-92, §8(b), Oct. 29, 1979, 93 Stat. 703, related to Middle East program, providing policy requirements, availability of funds, amount of grants, and cash transfers, regional programs, comprehensive peace settlement and process of peace, and assistance to Syria, prior to repeal by Pub. L. 96-533, title II, §202, Dec. 16, 1980, 94 Stat. 3142.

EFFECTIVE DATE

Section effective Oct. 1, 1985, see section 1301 of Pub. L. 99-83, set out as an Effective Date of 1985 Amendment note under section 2151-1 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.

TERMINATION OF ASSISTANCE PROGRAMS TO SYRIA

Pub. L. 98-164, title X, §1004, Nov. 22, 1983, 97 Stat. 1057, provided that:

“(a) After the enactment of this section [Nov. 22, 1983], funds available to the Agency for International Development may not be used for any payment or reimbursement of any kind to the Government of Syria or for the delivery of any goods or services of any kind to the Government of Syria.

“(b) The Administrator of the Agency for International Development shall deobligate all funds which have been obligated for Syria under the Foreign Assistance Act of 1961 [this chapter] prior to the enactment of this section [Nov. 22, 1983], except that—

“(1) such funds may continue to be used to finance the training or studies outside of Syria of students whose course of study began before the enactment of this section;

“(2) the Administrator may adopt as a contract of the United States Government any contract with a United States or third-country contractor which would otherwise be terminated pursuant to this subsection, and may assume in whole or in part any liabilities arising under such contract, except that the authority provided by this paragraph may be exercised only to the extent that budget authority is available to meet the obligations of the United States under such contracts; and

“(3) amounts certified pursuant to section 1311 of the Supplemental Appropriation Act, 1955 [31 U.S.C. 1108(c), 1501, 1502(a)], as having been obligated for Syria under chapter 4 of part II of the Foreign Assist-