

1987—Subsec. (a). Pub. L. 100-202 substituted “1988” for “1987” in par. (B).

1986—Subsec. (a). Pub. L. 99-500 and Pub. L. 99-591 inserted provision authorizing the President to waive the requirements of par. (3) with respect to a lease which is made in exchange with the lessee for a lease on substantially reciprocal terms of defense articles for the Department of Defense and providing exceptions to such waiver authority.

#### EFFECTIVE DATE OF 1996 AMENDMENT

Pub. L. 104-164, title I, §153(b), July 21, 1996, 110 Stat. 1440, provided that: “The third sentence of section 61(a) of the Arms Export Control Act, as added by subsection (a)(2) [22 U.S.C. 2796(a)], shall apply only with respect to a defense article leased on or after the date of the enactment of this Act [July 21, 1996].”

#### DELEGATION OF FUNCTIONS

Functions of President under this section delegated to Secretary of Defense by section 1(r) of Ex. Ord. No. 11958, Jan. 18, 1977, 42 F.R. 4311, as amended, set out as a note under section 2751 of this title.

### § 2796a. Reports to Congress

#### (a) Written certification to Speaker of the House and chairmen of Congressional committees

Before entering into or renewing any agreement with a foreign country or international organization to lease any defense article under this subchapter, or to loan any defense article under chapter 2 of part II of the Foreign Assistance Act of 1961 [22 U.S.C. 2311 et seq.], for a period of one year or longer, the President shall transmit to the Speaker of the House of Representatives, and to the chairman of the Committee on Foreign Relations of the Senate and the chairman of the Committee on Armed Services of the Senate, a written certification which specifies—

- (1) the country or international organization to which the defense article is to be leased or loaned;
- (2) the type, quantity, and value (in terms of replacement cost) of the defense article to be leased or loaned;
- (3) the terms and duration of the lease or loan; and
- (4) a justification for the lease or loan, including an explanation of why the defense article is being leased or loaned rather than sold under this chapter.

#### (b) Waiver; determination of emergency

The President may waive the requirements of this section (and in the case of an agreement described in section 2796b of this title, may waive the provisions of that section) if he states in his certification, that an emergency exists which requires that the lease or loan be entered into immediately in the national security interests of the United States. If the President states in his certification that such an emergency exists, he shall set forth in the certification a detailed justification for his determination, including a description of the emergency circumstances which necessitate that the lease be entered into immediately and a discussion of the national security interests involved.

#### (c) Transmission of certification

The certification required by subsection (a) of this section shall be transmitted—

(1) not less than 15 calendar days before the agreement is entered into or renewed in the case of an agreement with the North Atlantic Treaty Organization, any member country of that Organization or Australia, Japan, the Republic of Korea, Israel, or New Zealand; and

(2) not less than 30 calendar days before the agreement is entered into or renewed in the case of an agreement with any other organization or country.

(Pub. L. 90-629, ch. 6, §62, as added Pub. L. 97-113, title I, §109(a), Dec. 29, 1981, 95 Stat. 1525; amended Pub. L. 104-164, title I, §141(e)(1), July 21, 1996, 110 Stat. 1432; Pub. L. 110-429, title II, §203(b)(1), Oct. 15, 2008, 122 Stat. 4845; Pub. L. 111-266, title III, §301(1), Oct. 8, 2010, 124 Stat. 2804.)

#### REFERENCES IN TEXT

The Foreign Assistance Act of 1961, referred to in subsec. (a), is Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, as amended. Chapter 2 of part II of that Act is classified generally to part II (§2311 et seq.) of subchapter II of this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables.

This chapter, referred to in subsec. (a)(4), was in the original “this Act”, meaning Pub. L. 90-629, Oct. 22, 1968, 82 Stat. 1321, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 2751 of this title and Tables.

#### AMENDMENTS

2010—Subsec. (c)(1). Pub. L. 111-266 inserted “Israel,” before “or New Zealand”.

2008—Subsec. (c)(1). Pub. L. 110-429 inserted “the Republic of Korea,” before “or New Zealand”.

1996—Subsec. (a). Pub. L. 104-164, §141(e)(1)(A), substituted “Before” for “Not less than 30 days before”.

Subsec. (b). Pub. L. 104-164, §141(e)(1)(B), substituted “states in his certification” for “determines, and immediately reports to the Congress” and inserted at end “If the President states in his certification that such an emergency exists, he shall set forth in the certification a detailed justification for his determination, including a description of the emergency circumstances which necessitate that the lease be entered into immediately and a discussion of the national security interests involved.”

Subsec. (c). Pub. L. 104-164, §141(e)(1)(C), added subsec. (c).

#### EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104-164 applicable with respect to certifications required to be submitted on or after July 21, 1996, see section 141(f) of Pub. L. 104-164, set out as a note under section 2753 of this title.

#### DELEGATION OF FUNCTIONS

Functions of President under subsec. (a) of this section delegated to Secretary of Defense by section 1(r) of Ex. Ord. No. 11958, Jan. 18, 1977, 42 F.R. 4311, as amended, set out as a note under section 2751 of this title.

### § 2796b. Legislative review procedures

#### (a) Applicability

(1) Subject to paragraph (2), in the case of any agreement involving the lease under this subchapter, or the loan under chapter 2 of part II of the Foreign Assistance Act of 1961 [22 U.S.C. 2311 et seq.], to any foreign country or international organization for a period of one year or longer of any defense articles which are either (i) major defense equipment valued (in terms of its re-