

**§ 2321b. Excess defense article****(a) to (c) Repealed. Pub. L. 94-329, title II, § 210(c)(2), June 30, 1976, 90 Stat. 740****(d) Reports to Congress**

The President shall promptly and fully inform the Speaker of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate of each decision to furnish on a grant basis to any country excess defense articles which are major weapons systems to the extent such major weapons system was not included in the presentation material previously submitted to the Congress. The annual presentation materials for security assistance programs shall include a table listing by country the total value of all deliveries of excess defense articles, disclosing both the aggregate original acquisition cost and the aggregate value at the time of delivery.

(Pub. L. 91-672, § 8, Jan. 12, 1971, 84 Stat. 2054; Pub. L. 92-226, pt. IV, § 402, Feb. 7, 1972, 86 Stat. 33; Pub. L. 93-189, § 26(1)-(3), Dec. 17, 1973, 87 Stat. 731; Pub. L. 93-559, § 13, Dec. 30, 1974, 88 Stat. 1799; Pub. L. 94-329, title II, § 210(c)(2), June 30, 1976, 90 Stat. 740; Pub. L. 95-384, § 29(a), Sept. 26, 1978, 92 Stat. 747.)

## CODIFICATION

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

## AMENDMENTS

1978—Subsec. (d). Pub. L. 95-384 substituted “The annual presentation materials for security assistance programs shall include a table” for “Additionally, the President shall also submit a quarterly report to the Congress”.

1976—Subsec. (a). Pub. L. 94-329 struck out subsec. (a) which provided that the value of excess defense article granted to a foreign country or international organization shall be considered to be an expenditure from the funds of this chapter for military assistance, and established accounting procedure when an order for excess defense article was placed.

Subsec. (b). Pub. L. 94-329 struck out subsec. (b) which provided that in the case of excess defense articles that were generated abroad, provisions of former subsec. (a) shall apply during any fiscal year only to the extent that the aggregate value of excess defense articles ordered during that year exceeded \$100,000,000.

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

Pub. L. 94-329, title II, § 210(c)(2), June 30, 1976, 90 Stat. 740, provided in part that the amendment of subs. (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

Pub. L. 94-329, title II, § 210(c)(2), June 30, 1976, 90 Stat. 740, 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 2314a<sup>1</sup> 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.

(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

<sup>1</sup> See References in Text note below.