

mittee on Homeland Security and Governmental Affairs, and the Committee on Appropriations of the Senate; and

(B) the Committee on Armed Services, the Committee on Foreign Affairs, the Committee on Oversight and Government Reform, and the Committee on Appropriations of the House of Representatives.

(2) The term “capital project” has the meaning given that term in section 2421e of this title.

(3) The term “overseas contingency operation” means a military operation outside the United States and its territories and possessions that is a contingency operation (as that term is defined in section 101(a)(13) of title 10).

(Pub. L. 112-239, div. A, title XII, §1273, Jan. 2, 2013, 126 Stat. 2023.)

#### CODIFICATION

Section was enacted as part of the National Defense Authorization Act for Fiscal Year 2013, and not as part of the Foreign Assistance Act of 1961 which comprises this chapter.

#### **§ 2422. Repealed. Pub. L. 102-88, title VI, § 601, Aug. 14, 1991, 105 Stat. 441**

Section, Pub. L. 87-195, pt. III, §662, as added Pub. L. 93-559, §32, Dec. 30, 1974, 88 Stat. 1804, and amended Pub. L. 96-450, title IV, §407(a), Oct. 14, 1980, 94 Stat. 1981, prohibited funding of activities of the Central Intelligence Agency, other than intelligence gathering, without Presidential finding of importance to national security of United States and defined such activities as significant anticipated intelligence activities for purpose of section 413 of Title 50, War and National Defense. See section 3094 of Title 50.

#### **§ 2423. Exchanges of certain materials**

##### **(a) Agreement for necessary or strategic raw material; definition**

Notwithstanding any other provision of law, whenever the President determines it is in the United States national interest, he shall furnish assistance under this chapter or shall furnish defense articles or services under the Foreign Military Sales Act [22 U.S.C. 2751 et. seq.], pursuant to an agreement with the recipient of such assistance, articles, or services which provides that such recipient may only obtain such assistance, articles, or services in exchange for any necessary or strategic raw material controlled by such recipient. For the purposes of this section, the term “necessary or strategic raw material” includes petroleum, other fossil fuels, metals, minerals, or any other natural substance which the President determines is in short supply in the United States.

##### **(b) Allocation of raw materials to Federal agencies**

The President shall allocate any necessary or strategic raw material transferred to the United States under this section to any appropriate agency of the United States Government for stockpiling, sale, transfer, disposal, or any other purpose authorized by law.

##### **(c) Deposits in United States Treasury of funds from disposal of materials**

Funds received from any disposal of materials under subsection (b) shall be deposited as mis-

cellaneous receipts in the United States Treasury.

(Pub. L. 87-195, pt. III, §663, as added Pub. L. 93-559, §32, Dec. 30, 1974, 88 Stat. 1805.)

#### REFERENCES IN TEXT

This chapter, referred to in subsec. (a), was in the original “this Act”, meaning Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, as amended, known as the Foreign Assistance Act of 1961. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables.

The Foreign Military Sales Act, referred to in subsec. (a), is Pub. L. 90-629, ch. 1, Oct. 22, 1968, 82 Stat. 1320, as amended, known as the Arms Export Control Act, on authority of section 201(b) of Pub. L. 94-329, title II, June 30, 1976, 90 Stat. 734, and is classified principally to chapter 39 (§2751 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2751 of this title and Tables.

#### 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.

#### **§ 2424. Repealed. Pub. L. 95-88, title I, § 123(c), Aug. 3, 1977, 91 Stat. 541**

Section, Pub. L. 87-195, pt. III, §664, as added Pub. L. 93-559, §33, Dec. 30, 1974, 88 Stat. 1805, authorized the President to waive provisions which prohibited assistance to countries trading with designated countries.

#### **§ 2425. Repealed. Pub. L. 95-424, title VI, § 604, Oct. 6, 1978, 92 Stat. 961**

Section, Pub. L. 87-195, pt. III, §665, as added Pub. L. 94-161, title III, §317, Dec. 20, 1975, 89 Stat. 867, authorized appropriations for the interim period July 1, 1976 through Sept. 30, 1976 of such amounts as were necessary to conduct programs for which funding was authorized for fiscal year 1976 by the International Development and Food Assistance Act of 1975 provided the total amount authorized not exceed one-fourth of the total authorized for fiscal year 1976 for such programs and activities.

#### EFFECTIVE DATE OF REPEAL

Repeal effective Oct. 1, 1978, see section 605 of Pub. L. 95-424, set out as an Effective Date of 1978 Amendment note under section 2151 of this title.

#### **§ 2426. Discrimination against United States personnel**

##### **(a) Assignment of personnel on basis of ability and experience**

The President shall not take into account, in assigning officers and employees of the United States to carry out any economic development assistance programs funded under this chapter in any foreign country, the race, religion, national origin, or sex of any such officer or employee. Such assignments shall be made solely on the basis of ability and relevant experience.

##### **(b) Prohibition on use of funds in country practicing discrimination**

Effective six months after December 20, 1975, or on such earlier date as the President may determine, none of the funds made available under this chapter may be used to provide economic development assistance to any country which objects to the presence of any officer or em-