

Subsec. (c). Pub. L. 96-92 incorporated reimbursement provision of former subsec. (b) and expanded section to include military education and training.

1976—Subsec. (a). Pub. L. 94-329 redesignated existing provisions as pars. (1) to (3), limited the President's authority to act by inserting requirements that he act only in cases of unforeseen emergencies requiring immediate military assistance to a foreign country or international organization where vital United States security interests are concerned when such emergency requirement cannot be met under authority of the Arms Export Control Act or any other law, reduced the President's authority from \$150 million to \$67.5 million in any fiscal year, and required current reporting to Congress on the use of such authority.

1974—Subsec. (a). Pub. L. 93-559 substituted "fiscal year 1975" for "fiscal year 1974" wherever appearing and "\$150,000,000" for "\$250,000,000".

1973—Subsec. (a). Pub. L. 93-189 substituted "the fiscal year 1974", "in the security interests", and "\$250,000,000" for "the fiscal year 1972", "vital to the security", and "\$300,000,000", respectively.

1972—Subsec. (a). Pub. L. 92-226 substituted "1972" for "1970 and the fiscal year 1971" and "the fiscal year 1972" for "each of the fiscal years 1970 and 1971", and repealed last sentence providing for prompt notice of action taken to Committees on Foreign Relations, Appropriations, and Armed Services of the Senate and Speaker of the House.

1969—Subsec. (a). Pub. L. 91-175 substituted "1970 and the fiscal year 1971" for "1969" in first sentence, and substituted "in each of the fiscal years 1970 and 1971" for "in the fiscal year 1969" in second sentence.

1968—Subsec. (a). Pub. L. 90-554 substituted "1969" for "1968" wherever appearing.

1967—Subsec. (a). Pub. L. 90-137 substituted "1968" for "1967" wherever appearing.

1966—Subsec. (a). Pub. L. 89-583 substituted "1967" for "1966" wherever appearing.

1965—Subsec. (a). Pub. L. 89-171 substituted "1966" for "1965" wherever appearing.

1964—Subsec. (a). Pub. L. 88-633 substituted "1965" for "1964" wherever appearing.

1963—Subsec. (a). Pub. L. 88-205 substituted "1964" for "1963" wherever appearing.

1962—Subsec. (a). Pub. L. 87-565 substituted "1963" for "1962" wherever appearing.

#### Statutory Notes and Related Subsidiaries

##### REFERENCES TO SUBCHAPTER II DEEMED TO EXCLUDE CERTAIN PARTS OF SUBCHAPTER II

References to subchapter II of this chapter are deemed to exclude parts IV (§2346 et seq.), VI (§2348 et 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.

#### Executive Documents

##### 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.

#### §§ 2319 to 2321. Repealed. Pub. L. 93-189, § 12(b)(5), Dec. 17, 1973, 87 Stat. 722

Section 2319, Pub. L. 87-195, pt. II, §507, formerly §§ 505(b), 511, Sept. 4, 1961, 75 Stat. 436, 438; amended Pub. L. 88-205, pt. II, §202(d), Dec. 16, 1963, 77 Stat. 384; Pub. L. 89-171, pt. II, §201(c), (h), Sept. 6, 1965, 79 Stat. 656, 658; renumbered §507 and amended Pub. L. 90-137, pt. II §201(k), (l), Nov. 14, 1967, 81 Stat. 457; Pub. L. 90-554, pt. II, §201(c), Oct. 8, 1968, 82 Stat. 963; Pub. L. 92-226, pt. II, §201(e), Feb. 7, 1972, 86 Stat. 25, placed certain restrictions on military aid to Latin America.

Section 2320, Pub. L. 87-195, pt. II, §508, formerly §512, as added Pub. L. 88-205, pt. II, §202(e), Dec. 16, 1963, 77 Stat. 384; amended Pub. L. 86-633, pt. II, §201(f), Oct. 7, 1964, 78 Stat. 1012; Pub. L. 89-171, pt. II, §201(i), Sept. 6, 1965, 79 Stat. 658; Pub. L. 89-583, pt. II, §201(e), Sept. 19, 1966, 80 Stat. 803; renumbered §508 and amended Pub. L. 90-137, pt. II, §201(m), Nov. 14, 1967, 81 Stat. 457; Pub. L. 90-554, pt. II, §201(d), Oct. 8, 1968, 82 Stat. 963, placed certain restrictions on military aid to African countries.

Section 2321, Pub. L. 87-195, pt. II, §509, formerly §513, as added Pub. L. 88-633, pt. II, §201(g), Oct. 7, 1964, 78 Stat. 1012; renumbered §509 and amended Pub. L. 90-137, pt. II, §201(n), Nov. 14, 1967, 81 Stat. 457, provided for the giving of certification of recipients' capabilities to utilize defense articles effectively and for the making of a report to the Speaker of the House and the Senate's Foreign Relations and Appropriations Committees whenever articles are furnished without such certification.

#### § 2321a. Repealed. Pub. L. 94-329, title I, § 106(b)(1), June 30, 1976, 90 Stat. 733

Section, Pub. L. 87-195, pt. II, §510, as added Pub. L. 91-175, pt. II, §203, Dec. 30, 1969, 83 Stat. 820, limited the number of foreign military students to be trained in the United States out of funds appropriated under this subchapter, to not more than the number of foreign civilians brought to the United States under the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2451 et seq.) in the immediately preceding year.

#### Statutory Notes and Related Subsidiaries

##### SAVINGS PROVISION

Pub. L. 94-329, title I, §106(c), June 30, 1976, 90 Stat. 734, provided that: "Except as may be expressly provided to the contrary in this Act [see Short Title of 1976 Amendment note under section 2151 of this title], all determinations, authorizations, regulations, orders, contracts, agreements, and other actions issued, undertaken, or entered into under authority of any provision of law amended or repealed by this section [repealing this section and amending sections 2382, 2383, 2392, 2396, and 2403 of this title] shall continue in full force and effect until modified, revoked, or superseded by appropriate authority."

#### § 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.)

**Editorial Notes**

## 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).

**Statutory Notes and Related Subsidiaries**

## 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 sub-

secs. (a) to (c) and (e) by Pub. L. 94-329 is effective July 1, 1976.

## 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.

**Executive Documents**

## 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.

**§ 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.)

**Editorial Notes**

## 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

(3) prejudice the development of bilateral or multilateral arms control arrangements.

(Pub. L. 87-195, pt. II, §511, as added Pub. L. 92-226, pt. II, §201(f), Feb. 7, 1972, 86 Stat. 25; amended Pub. L. 94-141, title I, §150(c), Nov. 29, 1975, 89 Stat. 760; Pub. L. 105-277, div. G, subdiv. A, title XII, §1225(b), Oct. 21, 1998, 112 Stat. 2681-773.)

**Editorial Notes**

## AMENDMENTS

1998—Pub. L. 105-277 substituted “take into account” for “be made in coordination with the Director of the United States Arms Control and Disarmament Agency and shall take into account his opinion as to” in introductory provisions.

1975—Pub. L. 94-141 substituted “be made in coordination with the Director of the United States Arms Control and Disarmament Agency and shall take into account his opinion as to” for “take into account”.

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