

amended Pub. L. 108-375, div. A, title X, § 1084(d)(21), Oct. 28, 2004, 118 Stat. 2062; renumbered § 4971 and amended Pub. L. 116-283, div. A, title XVIII, §§ 1873(b), (c)(1), 1883(b)(2), Jan. 1, 2021, 134 Stat. 4290, 4294.)

Editorial Notes

AMENDMENTS

2021—Pub. L. 116-283, § 1873(b), (c)(1), renumbered section 2540 of this title as this section.

Subsec. (a). Pub. L. 116-283, § 1883(b)(2), substituted “section 4811(a)” for “section 2501(a)”.

2004—Subsec. (b)(2). Pub. L. 108-375 inserted “, as in effect on that date” before period at end.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2021 AMENDMENT

Amendment by Pub. L. 116-283 effective Jan. 1, 2022, with additional provisions for delayed implementation and applicability of existing law, see section 1801(d) of Pub. L. 116-283, set out as a note preceding section 3001 of this title.

AUTHORITY TO ISSUE LOAN GUARANTEES

Pub. L. 108-287, title VIII, § 8065, Aug. 5, 2004, 118 Stat. 985, as amended by Pub. L. 116-283, div. A, title XVIII, § 1873(d), Jan. 1, 2021, 134 Stat. 4290; Pub. L. 117-81, div. A, title XVII, § 1702(b)(3), Dec. 27, 2021, 135 Stat. 2155, provided that: “To the extent authorized by subchapter I of chapter 389 of title 10, United States Code, for the current fiscal year and hereafter the Secretary of Defense may issue loan guarantees in support of United States defense exports not otherwise provided for: *Provided*, That the total contingent liability of the United States for guarantees issued under the authority of this section may not exceed \$15,000,000,000: *Provided further*, That the exposure fees charged and collected by the Secretary for each guarantee shall be paid by the country involved and shall not be financed as part of a loan guaranteed by the United States: *Provided further*, That the Secretary shall provide quarterly reports to the Committees on Appropriations, Armed Services, and Foreign Relations of the Senate and the Committees on Appropriations, Armed Services, and International Relations [now Committee on Foreign Affairs] in the House of Representatives on the implementation of this program: *Provided further*, That amounts charged for administrative fees and deposited to the special account provided for under section 4974(d) of title 10, shall be available for paying the costs of administrative expenses of the Department of Defense that are attributable to the loan guarantee program under subchapter I of chapter 389 of title 10, United States Code.”

[Pub. L. 116-283, § 1873(d), and Pub. L. 117-81, § 1702(b)(3), made identical amendments to section 8065 of Pub. L. 108-287, set out above, substituting “subchapter I of chapter 389” for “subchapter VI of chapter 148” in two places and “section 4974(d)” for “section 2540c(d)”. The amendment by Pub. L. 117-81 was effective as if included in title XVIII of Pub. L. 116-283, thus making the amendments effective simultaneously.]

Similar provisions were contained in the following prior appropriation acts:

Pub. L. 108-87, title VIII, § 8066, Sept. 30, 2003, 117 Stat. 1087.

Pub. L. 107-248, title VIII, § 8067, Oct. 23, 2002, 116 Stat. 1551.

Pub. L. 107-117, div. A, title VIII, § 8073, Jan. 10, 2002, 115 Stat. 2264.

Pub. L. 106-259, title VIII, § 8071, Aug. 9, 2000, 114 Stat. 690.

Pub. L. 106-79, title VIII, § 8075, Oct. 25, 1999, 113 Stat. 1246.

Pub. L. 105-262, title VIII, § 8075, Oct. 17, 1998, 112 Stat. 2314.

Pub. L. 105-56, title VIII, § 8081, Oct. 8, 1997, 111 Stat. 1237.

Pub. L. 104-208, div. A, title I, § 101(b) [title VIII, § 8093], Sept. 30, 1996, 110 Stat. 3009-71, 3009-107.

Pub. L. 104-61, title VIII, § 8075, Dec. 1, 1995, 109 Stat. 665.

§ 4972. Transferability

A guarantee issued under this subchapter shall be fully and freely transferable.

(Added Pub. L. 104-106, div. A, title XIII, § 1321(a)(1), Feb. 10, 1996, 110 Stat. 476, § 2540a; renumbered § 4972, Pub. L. 116-283, div. A, title XVIII, § 1873(b), (c)(1), Jan. 1, 2021, 134 Stat. 4290.)

Editorial Notes

AMENDMENTS

2021—Pub. L. 116-283 renumbered section 2540a of this title as this section.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2021 AMENDMENT

Amendment by Pub. L. 116-283 effective Jan. 1, 2022, with additional provisions for delayed implementation and applicability of existing law, see section 1801(d) of Pub. L. 116-283, set out as a note preceding section 3001 of this title.

§ 4973. Limitations

(a) TERMS AND CONDITIONS OF LOAN GUARANTEES.—In issuing a guarantee under this subchapter for a medium-term or long-term loan, the Secretary may not offer terms and conditions more beneficial than those that would be provided to the recipient by the Export-Import Bank of the United States under similar circumstances in conjunction with the provision of guarantees for nondefense articles and services.

(b) LOSSES ARISING FROM FRAUD OR MISREPRESENTATION.—No payment may be made under a guarantee issued under this subchapter for a loss arising out of fraud or misrepresentation for which the party seeking payment is responsible.

(c) NO RIGHT OF ACCELERATION.—The Secretary of Defense may not accelerate any guaranteed loan or increment, and may not pay any amount, in respect of a guarantee issued under this subchapter, other than in accordance with the original payment terms of the loan.

(Added Pub. L. 104-106, div. A, title XIII, § 1321(a)(1), Feb. 10, 1996, 110 Stat. 476, § 2540b; renumbered § 4973, Pub. L. 116-283, div. A, title XVIII, § 1873(b), (c)(1), Jan. 1, 2021, 134 Stat. 4290.)

Editorial Notes

AMENDMENTS

2021—Pub. L. 116-283 renumbered section 2540b of this title as this section.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2021 AMENDMENT

Amendment by Pub. L. 116-283 effective Jan. 1, 2022, with additional provisions for delayed implementation and applicability of existing law, see section 1801(d) of Pub. L. 116-283, set out as a note preceding section 3001 of this title.

§ 4974. Fees charged and collected

(a) EXPOSURE FEES.—The Secretary of Defense shall charge a fee (known as “exposure fee”) for each guarantee issued under this subchapter.