

and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

#### REPORTS TO CONGRESSIONAL COMMITTEES

Pub. L. 100-461, title III, Oct. 1, 1988, 102 Stat. 2268-17 provided in part: "That the Committees on Appropriations shall be furnished on March 1 of each year a complete report of the status of military assistance funds appropriated by this or any future Act committed for the payment of any sales under the Arms Export Control Act [22 U.S.C. 2751 et seq.] as regards the individual sale, item description, and estimated sales price."

#### REVIEW OF MILITARY ASSISTANCE PROGRAM; REDUCTION AND ELIMINATION PLAN; SUBMITTAL TO CONGRESS

Pub. L. 93-559, §17, Dec. 30, 1974, 88 Stat. 1800, which set forth provisions respecting review of military assistance program and submittal to Congress of plan for reduction and elimination, was repealed by Pub. L. 95-384, §29(c)(4), Sept. 26, 1978, 92 Stat. 747.

#### 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.

##### FINDINGS BY SECRETARY OF STATE

The Secretary of State, in the implementation of the functions delegated to him under section 2314(a)(1), (4), and (e) of this title, was authorized by section 1-701(e)(1) of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56678, eff. Oct. 1, 1979, set out as a note under section 2381 of this title, to find, in the case of a proposed transfer of a defense article or a related training or a related defense service by a foreign country or international organization to a foreign country or international organization not otherwise eligible under subsec. (a) of this section, whether the proposed transfer would strengthen the security of the United States and promote world peace.

### § 2312. Authorization of appropriations

#### (a) Authorization and availability of amounts

(1) There are authorized to be appropriated to the President to carry out the purposes of this part \$805,100,000 for fiscal year 1986 and \$805,100,000 for fiscal year 1987.

(2) Amounts appropriated under this subsection are authorized to remain available until expended.

#### (b) Programing and budgeting procedures

In order to make sure that a dollar spent on military assistance to foreign countries is as necessary as a dollar spent for the United States military establishment, the President shall establish procedures for programing and budgeting so that programs of military assistance come into direct competition for financial support with other activities and programs of the Department of Defense.

(Pub. L. 87-195, pt. II, §504, Sept. 4, 1961, 75 Stat. 436; Pub. L. 88-205, pt. II, §202(a), Dec. 16, 1963, 77 Stat. 384; Pub. L. 88-633, pt. II, §201(b), Oct. 7, 1964, 78 Stat. 1011; Pub. L. 89-171, pt. II, §201(b), Sept. 6, 1965, 79 Stat. 656; Pub. L. 89-583, pt. II,

§201(a), Sept. 19, 1966, 80 Stat. 802; Pub. L. 90-137, pt. II, §201(c), Nov. 14, 1967, 81 Stat. 455; Pub. L. 90-554, pt. II, §201(a), Oct. 8, 1968, 82 Stat. 962; Pub. L. 91-175, pt. II, §201, Dec. 30, 1969, 83 Stat. 819; Pub. L. 92-226, pt. II, §201(a), Feb. 7, 1972, 86 Stat. 25; Pub. L. 93-189, §12(b)(2), Dec. 17, 1973, 87 Stat. 721; Pub. L. 93-559, §10, Dec. 30, 1974, 88 Stat. 1798; Pub. L. 94-329, title I, §101, June 30, 1976, 90 Stat. 729; Pub. L. 95-23, Apr. 30, 1977, 91 Stat. 54; Pub. L. 95-92, §5(a), Aug. 4, 1977, 91 Stat. 614; Pub. L. 95-384, §7(a), Sept. 26, 1978, 92 Stat. 732; Pub. L. 96-92, §5(a), Oct. 29, 1979, 93 Stat. 702; Pub. L. 96-533, title I, §112(b), Dec. 16, 1980, 94 Stat. 3139; Pub. L. 97-113, title I, §110(a), Dec. 29, 1981, 95 Stat. 1526; Pub. L. 99-83, title I, §103, Aug. 8, 1985, 99 Stat. 195.)

#### Editorial Notes

##### AMENDMENTS

1985—Subsec. (a)(1). Pub. L. 99-83 amended par. (1) generally, substituting provisions authorizing appropriations of \$805,100,000 for fiscal years 1986 and 1987, for provisions authorizing appropriations of not to exceed \$238,500,000 for fiscal years 1982 and 1983.

1981—Subsec. (a). Pub. L. 97-113 in par. (1) substituted appropriations of \$238,500,000 for fiscal years 1982 and 1983 for appropriation of \$106,100,000 for fiscal year 1981 and struck out provision limiting assistance in listed amounts to Portugal (\$51,000,000), Spain (\$3,600,000), Philippines (\$25,000,000), and Sudan (\$1,700,000) for fiscal year 1981 and authorization of a 10-percent increase in any such amount when deemed necessary by the President, redesignated former par. (4) as (2), struck out former pars. (2), which limited assistance to those countries listed in par. (1), and par. (3), which provided that the authority contained in sections 2360(a) and 2364(a) of this title not be used to increase the amounts specified in par. (1) or the limitations in par. (2).

1980—Subsec. (a)(1). Pub. L. 96-533 substituted appropriations authorization of \$106,100,000 for fiscal year 1981 with allocations of specified amounts for certain countries for fiscal year 1981 for such authorization of \$110,200,000 for fiscal year 1980 with similar allocations for fiscal year 1980, included an allocation for The Sudan and deleted Jordan from the list.

1979—Subsec. (a)(1). Pub. L. 96-92 substituted appropriations authorization of \$110,200,000 for fiscal year 1980 for prior authorization of \$133,500,000 for fiscal year 1979, made the allocations available in specified amounts to Portugal, Spain, Jordan and the Philippines, struck out from the listing Greece, and struck out "for the fiscal year 1979" after "any such country" in provision limiting the percentage increment in an allotment to such fiscal year.

1978—Subsec. (a). Pub. L. 95-384 substituted provisions authorizing appropriations of \$133,500,000 to the President for fiscal year 1979 to carry out the purposes of this part with specified amounts allocated to Portugal, Spain, Jordan, the Philippines, and Greece for provisions authorizing appropriations of \$228,900,000 to the President for fiscal year 1978 to carry out the purposes of this part with specified amounts allocated to Greece, Portugal, Spain, Turkey, Jordan, Indonesia, the Philippines, and Thailand.

1977—Subsec. (a)(1). Pub. L. 95-92 substituted provisions authorizing appropriations for fiscal year 1978 to carry out the purposes of this part with specified amounts allocated to Greece, Portugal, Spain, Turkey, Jordan, Indonesia, Philippines, and Thailand, for provisions authorizing appropriations for fiscal years 1976 and 1977 to carry out the purposes of this part with specified amounts allocated to Greece, Indonesia, Jordan, Republic of Korea, Philippines, Thailand, Turkey, Ethiopia, and Portugal.

Pub. L. 95-23 substituted "\$179,550,000" for "\$177,300,000" and added Portugal, with a fiscal year 1977 limit of \$32,250,000, to the table of countries.

Subsec. (a)(2). Pub. L. 95-92 substituted provisions prohibiting assistance to countries other than the countries specified in par. (1) except with respect to costs incurred under section 2321j(b) of this title or as otherwise required by law, for provisions setting forth limitations on amounts available for fiscal years 1976 and 1977 to carry out the purposes of this part with respect to assistance to international organizations and countries not designated in former par. (1).

Subsec. (a)(3). Pub. L. 95-92 substituted provisions relating to the authority of sections 2360(a) and 2364(a) of this title, for provisions setting forth limitations on the number of countries eligible for assistance under this part in fiscal years 1976 and 1977.

Subsec. (a)(4). Pub. L. 95-92 substituted provisions authorizing availability until expended of amounts appropriated under this subsection, for provisions relating to the authority of sections 2360(a) and 2364(a) of this title to increase appropriated amounts and making inapplicable to emergency assistance under section 2314(a) of this title limitations on appropriated funds under this section.

Subsec. (a)(5) to (8). Pub. L. 95-92 struck out pars. (5) to (8) which provided for appropriations for administrative and related expenses for fiscal years 1976 and 1977, restricted use of funds with respect to sophisticated weapons systems, authorized appropriated amounts to remain available until expended, and required assistance to Turkey under this part to be subject to section 2370(x) of this title, respectively.

1976—Subsec. (a). Pub. L. 94-329 designated existing provisions as par. (1), substituted provisions authorizing appropriations for the purpose of this part of \$196,700,000 for fiscal 1976 and \$177,300,000 for fiscal 1977, with limitations in expenditures for the specified countries, and authorizing an increase of not more than 10% of the specified amounts if the President finds it necessary for the purpose of this part, for provisions authorizing appropriations not to exceed \$600,000,000 for fiscal 1975 with provisos limiting assistance under this part to thirty-one countries except for training in the United States, and prohibiting the furnishing of sophisticated weapons systems to underdeveloped countries unless the President determined that such systems were important to national security, and added pars. (2) to (8).

1974—Subsec. (a). Pub. L. 93-559 substituted “\$600,000,000 for the fiscal year 1975” for “\$512,500,000 for the fiscal year 1974” and designated existing provision as item (1) and added item (2).

1973—Subsec. (a). Pub. L. 93-189 substituted “\$512,500,000 for the fiscal year 1974”, for “\$500,000,000 for the fiscal year 1972” and “thirty-one countries” for “forty countries”.

1972—Subsec. (a). Pub. L. 92-226 substituted “\$500,000,000 for the fiscal year 1972” for “\$350,000,000 for the fiscal year 1970, and \$350,000,000 for the fiscal year 1971”.

1969—Subsec. (a). Pub. L. 91-175 substituted “\$350,000,000 for the fiscal year 1970, and \$350,000,000 for the fiscal year 1971” for “\$375,000,000 for the fiscal year 1969,” and inserted provisions cost-sharing expenses of United States participation in the military headquarters and related agencies program.

1968—Subsec. (a). Pub. L. 90-554 substituted “1969” and “\$375,000,000” for “1968” and “\$510,000,000”, respectively, struck out provisions which made \$24,100,000 of authorization available for fiscal year 1968, for cost-sharing expenses, and which prohibited other available funds from being used for cost-sharing expenses, and prohibited use of appropriated funds for weapons systems expenditures without Presidential determination of importance to national security and report to Congress, respectively.

1967—Subsec. (a). Pub. L. 90-137 substituted provisions authorizing appropriation of \$510,000,000 for fiscal year 1968 for provisions authorizing appropriation of \$875,000,000 for fiscal year 1967 in addition to such amounts as may be otherwise authorized to support Vietnamese forces and other free world forces in Vietnam,

made \$24,100,000 of such authorization available for fiscal year 1968 for cost-sharing expenses, and prohibited other available funds from being used for such cost-sharing expenses.

1966—Subsec. (a). Pub. L. 89-583 substituted provisions authorizing appropriation of \$875,000,000 for fiscal year 1967 in addition to such amounts as may be otherwise authorized to support Vietnamese forces and other free world forces in Vietnam and limiting assistance to forty countries in any fiscal year for provisions authorizing appropriation of \$1,170,000,000 for fiscal year 1966 and prescribing availability of minimum of \$200,000,000 for use in Vietnam for fiscal year 1965 unless otherwise determined by the President and so reported to Committees on Foreign Relations and Appropriations of the Senate and to the Speaker of the House.

1965—Pub. L. 89-171 substituted “1966” and “\$1,170,000,000” for “1965” and “\$1,055,000,000”, respectively.

1964—Subsec. (a). Pub. L. 88-633 substituted “1965” and “\$1,055,000,000” for “1964” and “\$1,000,000,000”, respectively, and required not less than \$200,000,000 to be available for fiscal year 1965 for use in Vietnam unless the President determined and reported otherwise to Congressional committees.

1963—Subsec. (a). Pub. L. 88-205 substituted “fiscal year 1964” and “\$1,000,000,000, which”, for “the fiscal years 1962 and 1963” and “\$1,700,000,000 for each such fiscal year, which sum”, respectively.

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE OF 1985 AMENDMENT

Amendment by Pub. L. 99-83 effective Oct. 1, 1985, see section 1301 of Pub. L. 99-83, set out as a note under section 2151-1 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.

#### § 2313. Transferred

#### Editorial Notes

##### CODIFICATION

Section, Pub. L. 87-195, pt. II, § 505(a), (b), Sept. 4, 1961, 75 Stat. 436, as amended, was renumbered §§ 502, 507(c) of Pub. L. 87-195 by Pub. L. 90-137, pt. II, § 201(d)(1), (l), Nov. 14, 1967, 81 Stat. 456, 457, and transferred to sections 2302 and 2319 of this title.

#### § 2314. Furnishing of defense articles or related training or other defense service on grant basis

##### (a) Conditions of eligibility

In addition to such other provisions as the President may require, no defense articles or related training or other defense service shall be furnished to any country on a grant basis unless it shall have agreed that—

(1) it will not, without the consent of the President—

(A) permit any use of such articles or related training or other defense service by anyone not an officer, employee, or agent of that country,

(B) transfer, or permit any officer, employee, or agent of that country to transfer such articles or related training or other defense service by gift, sale, or otherwise, or