

other nation or an international organization any defense articles or services (other than intelligence services) for use in the activities described in subsection (b) unless the congressional defense committees, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Foreign Relations of the Senate are notified 15 days in advance of such transfer.

(b) Activities affected

This section applies to—

(1) any international peacekeeping or peace-enforcement operation under the authority of chapter VI or chapter VII of the United Nations Charter under the authority of a United Nations Security Council resolution; and

(2) any other international peacekeeping, peace-enforcement, or humanitarian assistance operation.

(c) Contents of notice

A notice under subsection (a) shall include the following:

(1) A description of the equipment, supplies, or services to be transferred.

(2) A statement of the value of the equipment, supplies, or services to be transferred.

(3) In the case of a proposed transfer of equipment or supplies—

(A) a statement of whether the inventory requirements of all elements of the Armed Forces (including the reserve components) for the type of equipment or supplies to be transferred have been met; and

(B) a statement of whether the items proposed to be transferred will have to be replaced and, if so, how the President proposes to provide funds for such replacement.

(Pub. L. 113-235, div. C, title VIII, § 8050, Dec. 16, 2014, 128 Stat. 2264.)

Editorial Notes

CODIFICATION

Section was enacted as part of the Department of Defense Appropriations Act, 2015, and also as part of the Consolidated and Further Continuing Appropriations Act, 2015, and not as part of the Foreign Assistance Act of 1961 which comprises this chapter.

Statutory Notes and Related Subsidiaries

“CONGRESSIONAL DEFENSE COMMITTEES” DEFINED

For definition of “congressional defense committees” as the Armed Services Committees and the Subcommittees on Defense of the Committees on Appropriations of the Senate and the House of Representatives, see section 8026 of div. C of Pub. L. 113-235, formerly set out as a note under section 2731 of Title 10, Armed Forces.

PART III—FOREIGN MILITARY SALES

§§ 2341 to 2343. Repealed. Pub. L. 90-629, ch. 4, § 45(a), Oct. 22, 1968, 82 Stat. 1327

Section 2341, Pub. L. 87-195, pt. II, § 521, formerly § 514, as added Pub. L. 89-583, pt. II, § 201(f), Sept. 19, 1966, 80 Stat. 803; renumbered § 521 and amended Pub. L. 90-137, pt. II, § 201(o)(1), (3)-(7), Nov. 14, 1967, 81 Stat. 457, provided for administration of sales programs involving defense articles and services. Subsec. (a) related to encouragement of regional arms control and disarmament

agreements and discouragement of arms races; reimbursable basis of acquisitions; domestic procurement; and considerations. Subsec. (b) related to limitation on military assistance and sales for American Republics; and inclusion of assistance to inter-American military force under control of Organization of American States. Subsec. (c) related to furnishing of defense articles and services; conditions; and report to Congress. For subject matter of subssecs. (a) to (c), see sections 2751 and 2791, 2773, and 2753 of this title, respectively.

Section 2342, Pub. L. 87-195, pt. II, § 522, formerly § 507 (a), Sept. 4, 1961, 75 Stat. 437; amended Pub. L. 87-565, pt. II, § 201(b), Aug. 1, 1962, 76 Stat. 259; Pub. L. 89-171, pt. II, § 201(d)(1), Sept. 6, 1965, 79 Stat. 657; renumbered § 522 and amended Pub. L. 90-137, pt. II, § 201(f), Nov. 14, 1967, 81 Stat. 456, provided for sales of defense articles from stock and services, manner of payment, price of non-excess defense articles, and value of excess defense articles. See section 2761 of this title.

Section 2343, Pub. L. 87-195, pt. II, § 523, formerly § 507(b), Sept. 4, 1961, 75 Stat. 437; amended Pub. L. 87-565, pt. II, § 201(c), Aug. 1, 1962, 76 Stat. 259; Pub. L. 88-633, pt. II, § 201(c), Oct. 7, 1964, 78 Stat. 1011; Pub. L. 89-171, pt. II, § 201(d)(2), Sept. 6, 1965, 79 Stat. 657; renumbered § 523 and amended Pub. L. 90-137, pt. II, § 201(g), Nov. 14, 1967, 81 Stat. 456, related to contracts for procurement for sales; undertakings; reimbursements; fixed-price sales agreements; prohibition against sales of articles available from commercial sources; and waiver of restrictions. See section 2762 of this title.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF REPEAL

Repeal effective July 1, 1968, see section 41 of Pub. L. 90-629, set out as an Effective Date note under section 2751 of this title.

SAVINGS PROVISION

Pub. L. 90-629, § 46, Oct. 22, 1968, 82 Stat. 1328, provided that: “Except as may be expressly provided to the contrary in this Act [see Short Title note set out under section 2751 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 repealed by section 45(a) [repealing sections 2341 to 2343, 2344(b)(3), 2345, 2394(g), and 2399a of this title] shall continue in full force and effect until modified by appropriate authority.”

§ 2344. Reimbursements

(a) Separate fund account; transfers to such account

Whenever funds made available for use under subchapter II of this chapter have been or are used to furnish military assistance on cash or credit terms, United States dollar repayments, including dollar proceeds derived from the sale of foreign currency repayments to any agency or program of the United States Government, receipts received from the disposition of evidences of indebtedness and charges (including fees and premiums) or interest collected shall be credited to a separate fund account, and shall be available until expended solely for the purpose of financing sales and guaranties, including the overhead costs thereof, and, notwithstanding any provision of law relating to receipts and credits accruing to the United States Government, repayments in foreign currency may be used to carry out subchapter II of this chapter. Such amounts of the appropriations made avail-

able under subchapter II of this chapter (including unliquidated balances of funds heretofore obligated for financing sales and guarantees) as may be determined by the President shall be transferred to, and merged with, the separate fund account.

(b) Termination of account; special account for discharge of Federal liabilities and obligations; general fund for excess moneys

(1) The special fund account established under subsection (a) of this section shall terminate as of the end of June 30, 1968, or on such earlier date as may be selected by the President.

(2) Upon the termination of such fund account pursuant to paragraph (1), all of the assets of such fund account (including loans and other payments receivable) shall be transferred to a special account in the Treasury, which special account shall be available solely for the purpose of discharging outstanding liabilities and obligations of the United States arising out of credit sales agreements entered into, and guaranties issued, under subchapter II of this chapter prior to June 30, 1968. Any moneys in such special account in excess of the aggregate United States dollar amount of such liabilities and obligations shall be transferred from time to time to the general fund of the Treasury.

(Pub. L. 87-195, pt. II, § 524, formerly § 508, Sept. 4, 1961, 75 Stat. 437; Pub. L. 89-171, pt. II, § 201(e), Sept. 6, 1965, 79 Stat. 657; Pub. L. 89-583, pt. II, § 201(c), Sept. 19, 1966, 80 Stat. 803; renumbered § 524 and amended Pub. L. 90-137, pt. II, § 201(h), Nov. 14, 1967, 81 Stat. 456; Pub. L. 90-629, ch. 4, § 45(a), Oct. 22, 1968, 82 Stat. 1327.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 2316 of this title.

AMENDMENTS

1968—Subsec. (b)(3). Pub. L. 90-629 repealed provisions of par. (3) which related to appropriations for financing sales, dollar value payments, general fund for payments, and exempt transactions, and is now covered by section 2763 of this title.

1967—Pub. L. 90-137 designated existing provisions as subsec. (a) and added subsec. (b).

1966—Pub. L. 89-583 provided for transfer to and merger with the separate fund account of such amounts of available appropriations (including unliquidated balances of funds heretofore obligated for financing sales and guarantees) as is determined by the President.

1965—Pub. L. 89-171 inserted "receipts received from the disposition of evidences of indebtedness and charges (including fees and premiums) or interest collected" and substituted "have been or are used" for "are used" and "financing sales and guaranties, including the overhead costs thereof" for "furnishing further military assistance on cash or credit terms."

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.

EFFECTIVE DATE OF 1968 AMENDMENT

Amendment by Pub. L. 90-629 effective July 1, 1968, see section 41 of Pub. L. 90-629, set out as an Effective Date note under section 2751 of this title.

SAVINGS PROVISION

Determinations, authorizations, regulations, orders, contracts, agreements, and other actions issued, undertaken, or entered into under authority of any provision of former subsec. (b)(3) of this section as continuing in full force and effect until modified by appropriate authority, see section 46 of Pub. L. 90-629, set out as a note under former section 2341 of this title.

INCREASES IN MILITARY ASSISTANCE PROGRAMS; REPORTS TO CONGRESS ON PRESIDENTIAL DETERMINATIONS

Pub. L. 91-194, title I, § 100, Feb. 9, 1970, 84 Stat. 7, in part, limited increases in the military assistance program for any country to twenty per cent of the amount justified to Congress unless the President determined that such an increase was essential to the national interest of the United States and reported such determination to the Congress within thirty days after each such determination.

Similar provisions were contained in Pub. L. 90-249, title I, § 100, Jan. 2, 1968, 81 Stat. 937; Pub. L. 90-581, title I, § 100, Oct. 17, 1968, 82 Stat. 1138.

EXPENDITURES BY UNDERDEVELOPED COUNTRIES FOR WEAPONS SYSTEMS; PRESIDENTIAL DETERMINATION; REPORT TO CONGRESS

Pub. L. 91-194, title I, § 119, Feb. 9, 1970, 84 Stat. 10, directed the President to withhold economic assistance in an amount equivalent to the amount spent by any underdeveloped country for the purchase of sophisticated weapons systems from any country other than certain enumerated countries, unless the President determined that such a purchase was important to the national security of the United States and reported such determination to Congress within thirty days after each such determination.

Similar provisions were contained in Pub. L. 90-249, title I, § 119, Jan. 2, 1968, 81 Stat. 940; Pub. L. 90-581, title I, § 119, Oct. 17, 1968, 82 Stat. 1141.

ARMS RACES AND WEAPONS SYSTEMS RESTRAINTS; PROHIBITIONS AGAINST DIVERSION OF RESOURCES FOR ECONOMIC AND AGRICULTURAL DEVELOPMENT TO MILITARY PURPOSES

Pub. L. 91-194, title I, § 120, Feb. 9, 1970, 84 Stat. 10, as amended by Pub. L. 110-246, title III, § 3001(c), June 18, 2008, 122 Stat. 1821, provided that:

"(a) In order to restrain arms races and proliferation of sophisticated weapons, and to ensure that resources intended for economic development are not diverted to military purposes, the President shall take into account before furnishing development loans, Alliance loans, or supporting assistance to any country under this Act [Pub. L. 91-194], and before making sales under the Food for Peace Act, as amended [7 U.S.C. 1691 et seq.]:

"(1) the percentage of the recipient or purchasing country's budget which is devoted to military purposes,

"(2) the degree to which the recipient or purchasing country is using its foreign exchange resources to acquire military equipment; and

"(3) the amount spent by the recipient or purchasing country for the purchase of sophisticated weapons systems, such as missile systems and jet aircraft for military purposes, from any country.

"(b) The President shall report annually to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate his actions in carrying out this provision."

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.

§ 2345. Repealed. Pub. L. 90-629, ch. 4, § 45(a), Oct. 22, 1968, 82 Stat. 1327

Section, Pub. L. 87-195, pt. II, § 525, formerly §§ 503(e), 509(b), as added Pub. L. 88-633, pt. II, § 201(a), (d), Oct. 7, 1964, 78 Stat. 1011; amended Pub. L. 89-171, pt. II, § 201(f), Sept. 6, 1965, 79 Stat. 657; renumbered § 525 and amended Pub. L. 90-137, pt. II, § 201(b)(3), (i)(2), Nov. 14, 1967, 81 Stat. 455, 457, provided for guaranties until June 30, 1968. See section 2764 of this title.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF REPEAL

Repeal effective July 1, 1968, see section 41 of Pub. L. 90-629, set out as an Effective Date note under section 2751 of this title.

SAVINGS PROVISION

Determinations, authorizations, regulations, orders, contracts, agreements, and other actions issued undertaken, or entered into under authority of any provision of former section 2345 of this title as continuing in full force and effect until modified by appropriate authority, see section 46 of Pub. L. 90-629, set out as a note under former section 2341 of this title.

PART IV—ECONOMIC SUPPORT FUND

§ 2346. Authority**(a) Policy requirements for assistance**

The Congress recognizes that, under special economic, political, or security conditions, the national interests of the United States may require economic support for countries or in amounts which could not be justified solely under part I of subchapter I of this chapter or, in the case of countries in sub-Saharan Africa, part X of subchapter I of this chapter. In such cases, the President is authorized to furnish assistance to countries and organizations, on such terms and conditions as he may determine, in order to promote economic or political stability. To the maximum extent feasible, the President shall provide assistance under this part consistent with the policy directions, purposes, and programs of subchapter I of this chapter.

(b) Responsibility for policy decisions and justifications

The Secretary of State shall be responsible for policy decisions and justifications for economic support programs under this part, including determinations of whether there will be an economic support program for a country and the amount of the program for each country. The Secretary shall exercise this responsibility in cooperation with the Administrator of the agency primarily responsible for administering subchapter I of this chapter.

(c) Detailed justification for uses and purposes of funds

As part of the annual presentation materials for foreign assistance submitted to the Congress, the agency primarily responsible for ad-

ministering subchapter II of this chapter shall provide a detailed justification for the uses and the purposes of the funds provided under this part. Such material shall include, but not be limited to, information concerning the amounts and kinds of cash grant transfers, the amounts and kinds of budgetary and balance-of-payments support provided, and the amounts and kinds of project assistance provided with funds made available under this part.

(d) Repealed. Pub. L. 105-277, div. A, § 101(d) [title V, § 533(a)(5)], Oct. 21, 1998, 112 Stat. 2681-150, 2681-180**(e) Availability of funds**

Amounts appropriated to carry out this part shall be available for economic programs only and may not be used for military or paramilitary purposes.

(Pub. L. 87-195, pt. II, § 531, as added Pub. L. 99-83, title II, § 201(a), Aug. 8, 1985, 99 Stat. 210; amended Pub. L. 101-513, title V, § 562(d)(8), Nov. 5, 1990, 104 Stat. 2031; Pub. L. 105-277, div. A, § 101(d) [title V, § 533(a)(5)], Oct. 21, 1998, 112 Stat. 2681-150, 2681-180.)

Editorial Notes

PRIOR PROVISIONS

A prior section 2346, Pub. L. 87-195, pt. II, § 531, as added Pub. L. 92-226, pt. II, § 202(a), Feb. 7, 1972, 86 Stat. 26; amended Pub. L. 95-92, § 8(a), Aug. 4, 1977, 91 Stat. 617; Pub. L. 95-384, § 10(a), Sept. 26, 1978, 92 Stat. 733; 1979 Reorg. Plan No. 2, § 6(b)(1), eff. Oct. 1, 1979, 44 F.R. 41166, 93 Stat. 1379; Pub. L. 96-92, § 8(a), Oct. 29, 1979, 93 Stat. 703; Pub. L. 96-533, title II, § 201, Dec. 16, 1980, 94 Stat. 3142; Pub. L. 97-113, title II, § 201, Dec. 29, 1981, 95 Stat. 1528, authorized President to furnish assistance to countries and organizations to promote economic or political stability, prior to repeal by Pub. L. 99-83, title II, § 201(a), Aug. 8, 1985, 99 Stat. 210.

AMENDMENTS

1998—Subsec. (d). Pub. L. 105-277 struck out subsec. (d) which read as follows: “To the maximum extent feasible, funds made available pursuant to this part for commodity import programs or other program assistance shall be used to generate local currencies, not less than 50 percent of which shall be available to support activities consistent with the objectives of sections 2151a through 2151d of this title, and administered by the agency primarily responsible for administering subchapter I of this chapter.”

1990—Subsec. (a). Pub. L. 101-513 inserted “or, in the case of countries in sub-Saharan Africa, part X of subchapter I of this chapter” after “part I of subchapter I of this chapter”.

Statutory Notes and Related Subsidiaries

REFERENCES TO SUBCHAPTER I DEEMED TO INCLUDE THIS AND CERTAIN OTHER PARTS OF SUBCHAPTER II, AND REFERENCES TO SUBCHAPTER II DEEMED TO EXCLUDE SUCH PARTS

Pub. L. 92-226, pt. II, § 202(b), Feb. 7, 1972, 86 Stat. 27, provided that: “Chapter 4 of part I of the Foreign Assistance Act of 1961 [part IV of subchapter I of this chapter (sections 2241 to 2243 of this title)] is hereby repealed. References to such chapter [4 of part I of the Foreign Assistance Act of 1961 (former sections 2241 to 2243 of this title)] or any sections thereof shall hereafter [on and after Feb. 7, 1972] be deemed to be references to chapter 4 of part II of the Foreign Assistance Act of 1961, as added by subsection (a) of this section