

Short Title note set out under section 2011 of Title 42 and Tables.

The Arms Export Control Act, referred to in subsec. (q), is Pub. L. 90-629, Oct. 22, 1968, 82 Stat. 1320, which 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.

#### CODIFICATION

The 1983 amendment by Pub. L. 98-151 is based on section 202(b) of H.R. 2992, Ninety-eighth Congress, 1st Session, as reported May 17, 1983, which was enacted into permanent law by Pub. L. 98-151.

#### AMENDMENTS

1996—Subsec. (q). Pub. L. 104-164 added subsec. (q).

1992—Subsec. (g). Pub. L. 102-583 inserted “(other than construction equipment, including tractors, scrapers, loaders, graders, bulldozers, dump trucks, generators, and compressors)” after second reference to “articles”.

1983—Subsec. (m)(5). Pub. L. 98-151 inserted “or services provided under part VIII of subchapter II of this chapter”.

1980—Subsec. (m)(5). Pub. L. 96-533 added par. (5).

1979—Subsec. (d). Pub. L. 96-92 defined “defense article” to include uranium depleted in the isotope 235 which is incorporated in defense articles solely to take advantage of high density or pyrophoric characteristics unrelated to radioactivity.

1978—Subsecs. (o), (p). Pub. L. 95-424 added subsecs. (o) and (p).

1976—Subsec. (f). Pub. L. 94-329, § 106(b)(6)(A), struck out “training” after “inspection, repair”, inserted “but does not include military educational and training activities under part V of subchapter II”, and struck out definition of “Training”.

Subsec. (n). Pub. L. 94-329, § 106(b)(6)(B), added subsec. (n).

1973—Subsec. (g). Pub. L. 93-189, § 22(1), substituted “Approved Force Acquisition Objective and Approved Force Retention Stock of all Department of Defense Components” for “mobilization reserve”.

Subsec. (i). Pub. L. 93-189, § 22(2), struck out subsec. (i) which defined “mobilization reserve”.

Subsec. (m). Pub. L. 93-189, § 22(3), amended subsec. (m) generally. Prior to amendment, subsec. (m) read as follows: “‘Value’ means, other than in section 2417 of this title—

“(1) with respect to excess defense articles, the gross cost incurred by the United States Government in repairing, rehabilitating, or modifying such articles;

“(2) with respect to nonexcess defense articles delivered from inventory to countries or international organizations under this chapter, the standard price in effect at the time such articles are dropped from inventory by the supplying agency. Such standard price shall be the same price (including authorized reduced prices) used for transfers or sales of such articles in or between the Armed Forces of the United States Government, or, where such articles are not transferred or sold in or between the Armed Forces of the United States, the gross cost to the United States Government adjusted as appropriate for condition and market value; and

“(3) with respect to nonexcess defense articles delivered from new procurement to countries or international organizations under this chapter, the contract or production costs of such articles.

Military assistance programs and orders shall be based upon the best estimates of stock status and prevailing prices; reimbursements to the supplying agency shall be made on the basis of the stock status and prices determined pursuant to this section. Notwithstanding the foregoing provisions of this section, the Secretary of Defense may prescribe regulations authorizing reimbursements to the supplying agency based on nego-

tiated prices for aircraft, vessels, plant equipment, and such other major items as he may specify: *Provided*, That such articles are not excess at the time such prices are negotiated: *Provided further*, That such prices are negotiated at the time firm orders are placed with the supplying agency.”

1972—Subsec. (m). Pub. L. 92-226 substituted “‘Value’ means, other than in section 2417 of this title” for “‘Value’ means”.

1968—Subsec. (m). Pub. L. 90-629 struck out “and sales” before “programs” in text following par. (3).

1967—Subsec. (d). Pub. L. 90-137, § 303(a)(1), excluded production facilities, utilization facilities, and articles involving Restricted Data from definition of “defense articles”.

Subsec. (e). Pub. L. 90-137, § 303(a)(2), struck out “and formerly Restricted Data” before “as defined” and excluded data removed from the Restricted Data category under section 142d of the Atomic Energy Act of 1954 (classified to section 2162(d) of Title 42) from definition of “defense information”.

Subsec. (f). Pub. L. 90-137, § 303(a)(3), excluded the transfer of limited quantities of defense articles for test, evaluation, or standardization purposes from definition of “defense service” and defined “training”, incorporating existing references to orientation and training aid.

1965—Subsec. (g). Pub. L. 89-171, § 303(b)(1), inserted “and not procured in anticipation of military assistance or sales requirements, or pursuant to a military assistance or sales order”, and struck out “as grant assistance” after “international organizations”.

Subsec. (m). Pub. L. 89-171, § 303(b)(2), (3), in par. (2) substituted “Such standard price shall be the same price (including authorized reduced prices)” for “Such price shall be the same standard price”, and in unnumbered par. after par. (3) substituted “Military Assistance and sales programs” for “Military assistance programs” and struck out “by the military assistance program” after “supplying agency”.

1963—Subsec. (f). Pub. L. 88-205 inserted “including orientation”.

1962—Subsec. (m)(2), (3). Pub. L. 87-565 struck out “as grant assistance” after “international organizations”.

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE OF 1978 AMENDMENT

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

##### EFFECTIVE DATE OF 1972 AMENDMENT

Amendment by Pub. L. 92-226 applicable with respect to each fiscal year commencing on or after July 1, 1971, see section 304(c)(3) of Pub. L. 92-226, set out as a note under section 2394 of this title.

##### EFFECTIVE DATE OF 1968 AMENDMENT

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

##### TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities 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.

#### § 2404. Unexpended balances

Unexpended balances of funds made available pursuant to this chapter, the Mutual Security Act of 1954, as amended, or the Latin American

Development Act, as amended, are hereby authorized to be continued available for the general purposes for which appropriated, and may at any time be consolidated, and, in addition, may be consolidated with appropriations made available for the same general purposes under the authority of this chapter.

(Pub. L. 87-195, pt. III, § 645, Sept. 4, 1961, 75 Stat. 462; Pub. L. 87-565, pt. III, § 303(c), Aug. 1, 1962, 76 Stat. 263; Pub. L. 88-205, pt. III, § 304, Dec. 16, 1963, 77 Stat. 390; Pub. L. 89-171, pt. III, § 303(c), Sept. 6, 1965, 79 Stat. 661.)

#### Editorial Notes

##### REFERENCES IN TEXT

This chapter, referred to in text, was in the original "this Act", meaning Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, 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 Mutual Security Act of 1954, referred to in text, is act Aug. 26, 1954, ch. 937, 68 Stat. 832, as amended by acts July 8, 1955, ch. 301, 69 Stat. 283; July 18, 1956, ch. 627, §§ 2-11, 70 Stat. 555; Aug. 14, 1957, Pub. L. 85-141, 71 Stat. 355; June 30, 1958, Pub. L. 85-477, ch. 1, §§ 101-103, ch. II, §§ 201-205, ch. III, § 301, ch. IV, § 401, ch. V, § 501, 72 Stat. 261; July 24, 1959, Pub. L. 86-108, § 2, ch. 1, § 101, ch. II, §§ 201-205(a)-(i), (k)-(m), ch. III, § 301, ch. IV, § 401(a)-(k), (m), 73 Stat. 246; May 14, 1960, Pub. L. 86-472, ch. I to V, 74 Stat. 134, which was principally classified to chapter 24 (§ 1750 et seq.) of this title and which was repealed by act July 18, 1956, ch. 627, § 8(m), 70 Stat. 559, Pub. L. 85-141, §§ 2(e), 3, 4(b), 11(d), Aug. 14, 1957, 71 Stat. 356, Pub. L. 86-108, ch. II, §§ 205(j), ch. IV, 401(i), July 24, 1959, 73 Stat. 250, Pub. L. 86-472, ch. II, §§ 203(d), 204(k), May 14, 1960, 74 Stat. 138, Pub. L. 87-195, pt. III, § 642(a)(2), Sept. 4, 1961, 75 Stat. 460, Pub. L. 94-329, title II, § 212(b)(1), June 30, 1976, 90 Stat. 745, Pub. L. 104-127, title II, § 228, Apr. 4, 1996, 110 Stat. 963, except for sections 1754, 1783, 1796, 1853, 1928, and 1937 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1754 of this title and Tables.

The Latin American Development Act, as amended, referred to in text, is Pub. L. 86-735, Sept. 8, 1960, 74 Stat. 869, which enacted sections 1942 to 1945 of this title and amended section 1753a of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1942 of this title and Tables.

##### AMENDMENTS

1965—Pub. L. 89-171 substituted "the Latin American Development Act, as amended" for "Public Law 86-735".

1963—Pub. L. 88-205 included balances of funds made available under Public Law 86-735.

1962—Pub. L. 87-565 inserted "this chapter" after "pursuant to".

#### § 2405. Separability

If any provision of this chapter or the application of any provision to any circumstances or persons shall be held invalid, the validity of the remainder of this chapter, and of the applicability of such provision to other circumstances or persons shall not be affected thereby.

(Pub. L. 87-195, pt. III, § 646, Sept. 4, 1961, 75 Stat. 462.)

#### Editorial Notes

##### REFERENCES IN TEXT

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Stat. 424, 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.

#### § 2406. Development programs for dependable fuel supplies

It is of paramount importance that long-range economic plans take cognizance of the need for a dependable supply of fuels, which is necessary to orderly and stable development and growth, and that dependence not be placed upon sources which are inherently hostile to free countries and the ultimate well-being of economically underdeveloped countries and which might exploit such dependence for ultimate political domination. The agencies of government in the United States are directed to work with other countries in developing plans for basing development programs on the use of the large and stable supply of relatively low cost fuels available in the free world.

(Pub. L. 87-195, pt. III, § 647, Sept. 4, 1961, 75 Stat. 462.)

#### Statutory Notes and Related Subsidiaries

##### PROHIBITION ON ASSISTANCE FOR NUCLEAR POWERPLANTS FOR FISCAL YEAR 1978

Pub. L. 95-92, § 14, Aug. 4, 1977, 91 Stat. 622, which prohibited any funds made available to carry out this chapter for fiscal year 1978 from being used to finance the construction of, the operation or maintenance of, or the supply of fuel for any nuclear powerplant under an agreement of cooperation between the United States and any other country, was repealed by Pub. L. 97-113, title VII, § 734(a)(13), Dec. 29, 1981, 95 Stat. 1560.

##### NUCLEAR POWERPLANTS IN ISRAEL OR EGYPT

Pub. L. 93-559, § 43, Dec. 30, 1974, 88 Stat. 1813, which prohibited any funds authorized under Pub. L. 93-559 from being used to finance the construction of, the operation or maintenance of, or the supply of fuel for any nuclear powerplant in Israel or Egypt, was repealed by Pub. L. 97-113, title VII, § 734(a)(8), Dec. 29, 1981, 95 Stat. 1560.

#### § 2407. Special authorization for use of foreign currencies

Subject to the provisions of section 1306 of title 31, the President is authorized, as a demonstration of good will on the part of the people of the United States for the Polish and Italian people, to use foreign currencies accruing to the United States Government under this chapter or any other Act, for assistance on such terms and conditions as he may specify, in the repair, rehabilitation, improvement, and maintenance of cemeteries in Italy serving as the burial place of members of the armed forces of Poland who died in combat in Italy during World War II.

(Pub. L. 87-195, pt. III, § 648, as added Pub. L. 88-633, pt. III, § 303, Oct. 7, 1964, 78 Stat. 1014.)

#### Editorial Notes

##### REFERENCES IN TEXT

This chapter, referred to in text, was in the original "this Act", meaning Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, 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.