

of any speech, activity, belief, affiliation, or membership, within or outside the United States, which, if held or conducted within the United States, would be protected by the first amendment to the Constitution of the United States.

(Aug. 1, 1956, ch. 841, title I, § 49, as added Oct. 28, 1991, Pub. L. 102-138, title I, § 113, 105 Stat. 655.)

§ 2722. International meetings

(a) Authority to pay expenses

If the United States Government hosts an international meeting or conference in the United States, the Secretary of State is authorized to pay all reasonable expenses of such meeting or conference. Such expenses may include rental of quarters (by contract or otherwise) and personal services.

(b) Retention of reimbursements

To the extent provided in an appropriation Act, transfers of funds or other reimbursements for payments under subsection (a) of this section are authorized to be retained and credited to the appropriate appropriation account of the Department of State which is available.

(Aug. 1, 1956, ch. 841, title I, § 50, as added Oct. 28, 1991, Pub. L. 102-138, title I, § 119, 105 Stat. 658.)

§ 2723. Denial of visas

(a) Report to Congress

The Secretary shall report, on a timely basis, to the appropriate committees of the Congress each time a consular post denies a visa on the grounds of terrorist activities or foreign policy. Such report shall set forth the name and nationality of each such person and a factual statement of the basis for such denial.

(b) Limitation

Information contained in such report may be classified to the extent necessary and shall protect intelligence sources and methods.

(c) Appropriate committees

For the purposes of this section the term “appropriate committees of the Congress” means the Committee on the Judiciary and the Committee on Foreign Affairs of the House of Representatives and the Committee on the Judiciary and the Committee on Foreign Relations of the Senate.

(Aug. 1, 1956, ch. 841, title I, § 51, as added Oct. 28, 1991, Pub. L. 102-138, title I, § 127(a), 105 Stat. 660.)

CHANGE OF NAME

Committee on Foreign Affairs of House of Representatives treated as referring to Committee on International Relations of House of Representatives by section 1(a) of Pub. L. 104-14, set out as a note preceding section 21 of Title 2, The Congress.

§ 2724. Fees for commercial services

(a) Authority to charge fee

(1) Subject to paragraph (2), the Secretary of State is authorized to charge a fee to cover the actual or estimated cost of providing any person, firm or organization (other than agencies of

the United States Government) with commercial services at posts abroad on matters within the authority of the Department of State.

(2) The authority of this section may be exercised only in countries where the Department of Commerce does not perform commercial services for which it collects fees.

(b) Use of fees

Funds collected under the authority of subsection (a) of this section shall be deposited as an offsetting collection to any Department of State appropriation to recover the costs of providing commercial services.

(Aug. 1, 1956, ch. 841, title I, § 52, as added Apr. 30, 1994, Pub. L. 103-236, title I, § 136, 108 Stat. 396.)

CHAPTER 39—ARMS EXPORT CONTROL

SUBCHAPTER I—FOREIGN AND NATIONAL SECURITY POLICY OBJECTIVES AND RESTRAINTS

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| Sec.
2751. | Need for international defense cooperation and military export controls; Presidential waiver; report to Congress; arms sales policy. |
| 2752. | Coordination with foreign policy. <ul style="list-style-type: none"> (a) Noninfringement of powers or functions of Secretary of State. (b) Responsibility for supervision and direction of sales, leases, financing, cooperative projects, and exports. (c) Coordination among representatives of United States. |
| 2753. | Eligibility for defense services or defense articles. <ul style="list-style-type: none"> (a) Prerequisites for consent by President; report to Congress. (b) Repealed. (c) Termination of credits, guarantees or sales; report of violation by President; national security exception; conditions for reinstatement. (d) Submission of written certification to Congress; contents; classified material; effective date of consent; report to Congress; transfers not subject to procedures. (e) Transfers without consent of President; report to Congress. (f) Sales and leases to countries in breach of nuclear non-proliferation agreements and treaties. |
| 2754. | Purposes for which military sales or leases by the United States are authorized; report to Congress. |
| 2755. | Discrimination prohibited if based on race, religion, national origin, or sex. <ul style="list-style-type: none"> (a) Congressional declaration of policy. (b) Employment of personnel; required contractual provision. (c) Report by President; contents. (d) Congressional request for information from President; information required; 60 day period; failure to supply information; termination or restriction of sale. |
| 2756. | Foreign intimidation and harassment of individuals in United States. |

<p>Sec. SUBCHAPTER II—FOREIGN MILITARY SALES AUTHORIZATIONS</p> <p>2761. Sales from stocks.</p> <p>(a) Eligible countries or international organizations; basis of payment; valuation of certain defense articles.</p> <p>(b) Time of payment.</p> <p>(c) Personnel performing defense services sold as prohibited from performing combat activities.</p> <p>(d) Billings; interest after due date, rates of interest and extension of due date.</p> <p>(e) Charges; reduction or waiver.</p> <p>(f) Public inspection of contracts.</p> <p>(g) North Atlantic Treaty Organization standardization agreements, similar agreements; reimbursement for costs; transmittal to Congress.</p> <p>(h) Reciprocal quality assurance, inspection, contract administrative services, and contract audit defense services; catalog data and services.</p> <p>(i) Sales affecting combat readiness of Armed Forces; statement to Congress; limitation on delivery.</p> <p>(j) Tank and infantry vehicle upgrades.</p> <p>(k) Effect of sales of excess defense articles on national technology and industrial base.</p> <p>2762. Procurement for cash sales.</p> <p>(a) Authority of President; dependable undertaking by foreign country or international organization; interest rates.</p> <p>(b) Issuance of letters of offer under emergency determination; availability of appropriations for payment.</p> <p>(c) Applicability of Renegotiation Act of 1951.</p> <p>2763. Credit sales.</p> <p>(a) Financing procurement of defense articles and services, and design and construction services.</p> <p>(b) Repayment period.</p> <p>(c) Interest rate; definitions.</p> <p>(d) Participations in credits.</p> <p>(e) Payments on account of prior credits or loans.</p> <p>2764. Guaranties.</p> <p>(a) Guaranty against political and credit risks of nonpayment.</p> <p>(b) Sale of promissory notes of friendly countries and international organizations; guaranty of payment.</p> <p>(c) Guaranty Reserve Fund; payment of guaranties; guaranty reserve below prescribed amount.</p> <p>2765. Annual estimate and justification for sales program.</p> <p>(a) Report to Congress; contents.</p> <p>(b) Congressional request for additional information.</p> <p>(c) Submission of information in unclassified form or classified addendum with unclassified summary.</p>	<p>Sec.</p> <p>(d) “Cash flow financing” defined.</p> <p>(d) Transmission of information to Congress.</p> <p>2766. Security assistance surveys.</p> <p>(a) Statement of findings and policy.</p> <p>(b) Reporting requirements.</p> <p>(c) Submission of surveys to Congress.</p> <p>(d) “Security assistance surveys” defined.</p> <p>2767. Authority of President to enter into cooperative projects with friendly foreign countries.</p> <p>(a) Authority of President.</p> <p>(b) Definitions.</p> <p>(c) Agreements for equitable share of costs; limiting nature of agreements.</p> <p>(d) Contractual or other obligation; preconditions.</p> <p>(e) Waiver of charges; administrative surcharges.</p> <p>(f) Transmission of numbered certification to Congress respecting proposed agreement; contents.</p> <p>(g) Reporting and certification requirements applicable.</p> <p>(h) Statutory provisions applicable to sales.</p> <p>(i) Agreements entered into before October 1, 1985.</p> <p>(j) Cooperative project agreements with friendly foreign countries not members of NATO; reporting requirements.</p> <p>2767a. Repealed.</p> <p>2768. Reports on price and availability estimates.</p> <p>(a) Estimates to foreign countries respecting defense articles or services.</p> <p>(b) Requests from foreign countries respecting offers to sell defense articles or services.</p> <p style="text-align: center;">SUBCHAPTER II—A—FOREIGN MILITARY CONSTRUCTION SALES</p> <p>2769. Foreign military construction sales.</p> <p style="text-align: center;">SUBCHAPTER II—B—SALES TO UNITED STATES COMPANIES FOR INCORPORATION INTO END ITEMS</p> <p>2770. General authority.</p> <p>(a) Sale of defense articles and services by President to United States companies; restriction on performance of services; reimbursement credited to selling agency.</p> <p>(b) Conditions of sale.</p> <p>(c) “Defense articles” and “defense services” defined.</p> <p style="text-align: center;">SUBCHAPTER II—C—EXCHANGE OF TRAINING AND RELATED SUPPORT</p> <p>2770a. Exchange of training and related support.</p> <p>(a) Authorization; eligibility; scope.</p> <p>(b) Reciprocal arrangements; reimbursement.</p> <p>(c) Regulations.</p> <p>(d) Report to Congress.</p> <p style="text-align: center;">SUBCHAPTER III—MILITARY EXPORT CONTROLS</p> <p>2771. Military sales authorizations and ceilings.</p>
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<p>Sec.</p> <p>(a) Establishment; purposes; special requirements and responsibilities; continuous orders for certain articles and services; articles for narcotics control purposes.</p> <p>(b) Collections in Fund.</p> <p>(c) Amounts.</p> <p>2795a. Use and transfer of items procured by Fund.</p> <p>(a) Authorization.</p> <p>(b) Temporary use.</p> <p>(c) Storage, maintenance and other costs.</p> <p>2795b. Annual reports to Congress.</p> <p>(a) Comprehensive report on acquisitions of defense articles and services.</p> <p>(b) Estimate of likely procurements to be made through Fund.</p> <p>SUBCHAPTER VI—LEASES OF DEFENSE ARTICLES AND LOAN AUTHORITY FOR COOPERATIVE RESEARCH AND DEVELOPMENT PURPOSES</p> <p>2796. Leasing authority.</p> <p>(a) Preconditions.</p> <p>(b) Duration; termination.</p> <p>(c) Applicable statutory authorities.</p> <p>2796a. Reports to Congress.</p> <p>(a) Written certification to Speaker of the House and chairmen of Congressional committees.</p> <p>(b) Waiver; determination of emergency.</p> <p>2796b. Legislative review procedures.</p> <p>(a) Applicability.</p> <p>(b) Consideration of resolution.</p> <p>(c) Highly privileged nature of resolution.</p> <p>2796c. Applicability of other statutory provisions.</p> <p>2796d. Loan of materials, supplies, and equipment for research and development purposes.</p> <p>(a) Loan or gift transactions; written agreement; covered programs.</p> <p>(b) Reimbursement of consumed materials, etc.</p> <p>(c) Prohibitions.</p> <p>(d) "NATO or major non-NATO ally" defined.</p> <p>SUBCHAPTER VII—CONTROL OF MISSILES AND MISSILE EQUIPMENT OR TECHNOLOGY</p> <p>2797. Licensing.</p> <p>(a) Establishment of list of controlled items.</p> <p>(b) Referral of license applications.</p> <p>(c) Information sharing.</p> <p>(d) Exports to space launch vehicle programs.</p> <p>2797a. Denial of transfer of missile equipment or technology by United States persons.</p> <p>(a) Sanctions.</p> <p>(b) Discretionary sanctions.</p> <p>(c) Presumption.</p> <p>(d) Waiver.</p> <p>2797b. Transfers of missile equipment or technology by foreign persons.</p> <p>(a) Sanctions.</p>	<p>Sec.</p> <p>(b) Inapplicability with respect to MTCR adherents.</p> <p>(c) Effect of enforcement actions by MTCR adherents.</p> <p>(d) Advisory opinions.</p> <p>(e) Waiver and report to Congress.</p> <p>(f) Presumption.</p> <p>(g) Additional waiver.</p> <p>(h) Exceptions.</p> <p>2797b-1. Notification of admittance of MTCR adherents.</p> <p>2797c. Definitions.</p> <p>SUBCHAPTER VIII—CHEMICAL OR BIOLOGICAL WEAPONS PROLIFERATION</p> <p>2798. Sanctions against certain foreign persons.</p> <p>(a) Imposition of sanctions.</p> <p>(b) Consultations with and actions by foreign government of jurisdiction.</p> <p>(c) Sanctions.</p> <p>(d) Termination of sanctions.</p> <p>(e) Waiver.</p> <p>(f) "Foreign person" defined.</p> <p>SUBCHAPTER IX—TRANSFER OF CERTAIN CFE TREATY-LIMITED EQUIPMENT TO NATO MEMBERS</p> <p>2799. Purpose.</p> <p>2799a. CFE Treaty obligations.</p> <p>2799b. Authorities.</p> <p>(a) General authority.</p> <p>(b) Acceptance of NATO assistance in eliminating direct costs of transfers.</p> <p>(c) Acceptance of NATO assistance in meeting certain United States obligations.</p> <p>(d) Authority to transfer on grant basis.</p> <p>(e) Third country transfers restrictions.</p> <p>(f) Maintenance of military balance in Eastern Mediterranean.</p> <p>(g) Expiration of authority.</p> <p>2799c. Notifications and reports to Congress.</p> <p>(a) Notifications.</p> <p>(b) Annual reports.</p> <p>2799d. Definitions.</p> <p>SUBCHAPTER X—NUCLEAR NONPROLIFERATION CONTROLS</p> <p>2799aa. Nuclear enrichment transfers.</p> <p>(a) Prohibitions; safeguards and management.</p> <p>(b) Certification by President of necessity of continued assistance; disapproval by Congress.</p> <p>2799aa-1. Nuclear reprocessing transfers, illegal exports for nuclear explosive devices, transfers of nuclear explosive devices, and nuclear detonations.</p> <p>(a) Prohibitions on assistance to countries involved in transfer of nuclear reprocessing equipment, materials, or technology; exceptions; procedures applicable.</p> <p>(b) Prohibitions on assistance to countries involved in transfer or use of nuclear explosive devices; exceptions; procedures applicable.</p> <p>(c) "Non-nuclear-weapon state" defined.</p> <p>2799aa-2. "Nuclear explosive device" defined.</p>
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CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to sections 2272, 2291, 2291e, 2291f, 2304, 2311, 2318, 2321h, 2321i, 2349a, 2349aa-2, 2364, 2370a, 2373, 2394-1, 2413, 2414, 2423, 2778a, 3402, 5603, 5605, 6003 of this title; title 10 sections 130, 2344, 2350b, 2350c; title 12 section 635; title 15 section 4605; title 18 section 2516; title 26 section 901; title 29 sections 1662d, 1662d-1; title 49 section 44908; title 50 section 415.

SUBCHAPTER I—FOREIGN AND NATIONAL SECURITY POLICY OBJECTIVES AND RESTRAINTS

§ 2751. Need for international defense cooperation and military export controls; Presidential waiver; report to Congress; arms sales policy

As declared by the Congress in the Arms Control and Disarmament Act [22 U.S.C. 2551 et seq.], an ultimate goal of the United States continues to be a world which is free from the scourge of war and the dangers and burdens of armaments; in which the use of force has been subordinated to the rule of law; and in which international adjustments to a changing world are achieved peacefully. In furtherance of that goal, it remains the policy of the United States to encourage regional arms control and disarmament agreements and to discourage arms races.

The Congress recognizes, however, that the United States and other free and independent countries continue to have valid requirements for effective and mutually beneficial defense relationships in order to maintain and foster the environment of international peace and security essential to social, economic, and political progress. Because of the growing cost and complexity of defense equipment, it is increasingly difficult and uneconomic for any country, particularly a developing country, to fill all of its legitimate defense requirements from its own design and production base. The need for international defense cooperation among the United States and those friendly countries to which it is allied by mutual defense treaties is especially important, since the effectiveness of their armed forces to act in concert to deter or defeat aggression is directly related to the operational compatibility of their defense equipment.

Accordingly, it remains the policy of the United States to facilitate the common defense by entering into international arrangements with friendly countries which further the objective of applying agreed resources of each country to programs and projects of cooperative exchange of data, research, development, production, procurement, and logistics support to achieve specific national defense requirements and objectives of mutual concern. To this end, this chapter authorizes sales by the United States Government to friendly countries having sufficient wealth to maintain and equip their own military forces at adequate strength, or to assume progressively larger shares of the costs thereof, without undue burden to their economies, in accordance with the restraints and control measures specified herein and in furtherance of the security objectives of the United States and of the purposes and principles of the United Nations Charter.

It is the sense of the Congress that all such sales be approved only when they are consistent

with the foreign policy interests of the United States, the purposes of the foreign assistance program of the United States as embodied in the Foreign Assistance Act of 1961, as amended [22 U.S.C. 2151 et seq.], the extent and character of the military requirement, and the economic and financial capability of the recipient country, with particular regard being given, where appropriate, to proper balance among such sales, grant military assistance, and economic assistance as well as to the impact of the sales on programs of social and economic development and on existing or incipient arms races.

It shall be the policy of the United States to exert leadership in the world community to bring about arrangements for reducing the international trade in implements of war and to lessen the danger of outbreak of regional conflict and the burdens of armaments. United States programs for or procedures governing the export, sale, and grant of defense articles and defense services to foreign countries and international organizations shall be administered in a manner which will carry out this policy.

It is the sense of the Congress that the President should seek to initiate multilateral discussions for the purpose of reaching agreements among the principal arms suppliers and arms purchasers and other countries with respect to the control of the international trade in armaments. It is further the sense of Congress that the President should work actively with all nations to check and control the international sale and distribution of conventional weapons of death and destruction and to encourage regional arms control arrangements. In furtherance of this policy, the President should undertake a concerted effort to convene an international conference of major arms-supplying and arms-purchasing nations which shall consider measures to limit conventional arms transfers in the interest of international peace and stability.

It is the sense of the Congress that the aggregate value of defense articles and defense services—

(1) which are sold under section 2761 or section 2762 of this title; or

(2) which are licensed or approved for export under section 2778 of this title to, for the use, or for benefit of the armed forces, police, intelligence, or other internal security forces of a foreign country or international organization under a commercial sales contract;

in any fiscal year should not exceed current levels.

It is the sense of the Congress that the President maintain adherence to a policy of restraint in conventional arms transfers and that, in implementing this policy worldwide, a balanced approach should be taken and full regard given to the security interests of the United States in all regions of the world and that particular attention should be paid to controlling the flow of conventional arms to the nations of the developing world. To this end, the President is encouraged to continue discussions with other arms suppliers in order to restrain the flow of conventional arms to less developed countries.

(Pub. L. 90-629, ch. 1, §1, Oct. 22, 1968, 82 Stat. 1321; Pub. L. 91-672, §4, Jan. 12, 1971, 84 Stat. 2053;