

propriate media to properly explain the foreign policy of the United States to the governments and populations of such countries, with the objectives of increasing support for United States policies and providing news and information. The Secretary shall, through the most effective mechanisms, counter misinformation and propaganda concerning the United States. The Secretary shall continue to articulate the importance of freedom, democracy, and human rights as fundamental principles underlying United States foreign policy goals.

(d) Identification of United States foreign assistance

In cooperation with the United States Agency for International Development (USAID) and other public and private assistance organizations and agencies, the Secretary should ensure that information relating to foreign assistance provided by the United States, nongovernmental organizations, and private entities of the United States is disseminated widely, and particularly, to the extent practicable, within countries and regions that receive such assistance. The Secretary should ensure that, to the extent practicable, projects funded by USAID not involving commodities, including projects implemented by private voluntary organizations, are identified as provided by the people of the United States.

(Aug. 1, 1956, ch. 841, title I, § 60, as added Pub. L. 108-458, title VII, § 7109(a), Dec. 17, 2004, 118 Stat. 3792.)

CHAPTER 39—ARMS EXPORT CONTROL

SUBCHAPTER I—FOREIGN AND NATIONAL SECURITY POLICY OBJECTIVES AND RESTRAINTS

- Sec.
2751. Need for international defense cooperation and military export controls; Presidential waiver; report to Congress; arms sales policy.
- 2752. Coordination with foreign policy.
 - (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.
 - (a) Prerequisites for consent by President; report to Congress.
 - (b) Necessity of consent by President.
 - (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.

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2754. (g) Unauthorized use of articles. 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.
 - (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.

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- 2761. Sales from stocks.
 - (a) Eligible countries or international organizations; basis of payment; valuation of certain defense articles.
 - (b) Time of payment.
 - (c) Personnel performing defense services sold as prohibited from performing combat activities.
 - (d) Billings; interest after due date, rates of interest and extension of due date.
 - (e) Charges; reduction or waiver.
 - (f) Public inspection of contracts.
 - (g) North Atlantic Treaty Organization standardization agreements, similar agreements; reimbursement for costs; transmittal to Congress.
 - (h) Reciprocal quality assurance, inspection, contract administrative services, and contract audit defense services; catalog data and services.
 - (i) Sales affecting combat readiness of Armed Forces; statement to Congress; limitation on delivery.
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 - (k) Effect of sales of excess defense articles on national technology and industrial base.
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- 2762. Procurement for cash sales.
 - (a) Authority of President; dependable undertaking by foreign country or international organization; interest rates.
 - (b) Issuance of letters of offer under emergency determination; availability of appropriations for payment.
 - (c) Applicability of Renegotiation Act of 1951.
 - (d) Competitive pricing.
- 2763. Credit sales.
 - (a) Financing procurement of defense articles and services, and design and construction services.
 - (b) Repayment period.
 - (c) Interest rate; definitions.

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| <p>Sec.</p> <p>(d) Participations in credits.</p> <p>(e) Payments on account of prior credits or loans.</p> <p>(f) Audit of certain private firms.</p> <p>(g) Notification requirements with respect to cash flow financing.</p> <p>(h) Limitation on use of funds for direct commercial contracts.</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>(d) "Cash flow financing" defined.</p> <p>(d) Transmission of information to Congress.</p> <p>(e) "Appropriate congressional committees" defined.</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.</p> <p>2767a, 2768. Repealed.</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>Sec.</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> <p>(a) Authorization for foreign military sales credit and guaranty program.</p> <p>(b) Aggregate ceilings on credit sales; availability at concessional rates of interest.</p> <p>(c) Interest rates.</p> <p>2772. Repealed.</p> <p>2773. Restraint in arms sales to Sub-Saharan Africa.</p> <p>2774. Foreign military sales credit standards.</p> <p>2775. Foreign military sales to less developed countries.</p> <p>2776. Reports and certifications to Congress on military exports.</p> <p>(a) Report by President; contents.</p> <p>(b) Letter of offer to sell defense articles, services, design and construction services, or major equipment; submission of numbered Presidential certification and additional statement; contents; emergency justification statement; enhancements or upgrades in sensitivity of technology or capability of major defense articles, equipment, or services.</p> <p>(c) Application for export license; submission of numbered Presidential certification and statement to Congress; contents; emergency circumstances; joint resolution; exception; notification of upgrades.</p> <p>(d) Commercial technical assistance or manufacturing licensing agreements with non-North Atlantic Treaty Organization member countries; submission of Presidential certification; contents.</p> <p>(e) Definitions.</p> <p>(f) Publication of arms sales certifications.</p> <p>(g) Confidentiality.</p> <p>2777. Fiscal provisions relating to foreign military sales credits.</p> <p>(a) Permissible uses of cash payments under sections 2761, 2762, 2763, and 2769.</p> |
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<p>Sec.</p> <p>2778.</p> <p>2778a.</p> <p>2779.</p> <p>2779a.</p> <p>2780.</p> <p>2781.</p>	<p>(b) Transfer of funds to miscellaneous receipts of Treasury.</p> <p>(c) Credit of funds to reserve under section 2764(c).</p> <p>Control of arms exports and imports.</p> <p>(a) Presidential control of exports and imports of defense articles and services, guidance of policy, etc.; designation of United States Munitions List; issuance of export licenses; negotiations information.</p> <p>(b) Registration and licensing requirements for manufacturers, exporters, or importers of designated defense articles and defense services.</p> <p>(c) Criminal violations; punishment.</p> <p>(d) Repealed.</p> <p>(e) Enforcement powers of President.</p> <p>(f) Periodic review of items on Munitions List; exemptions.</p> <p>(g) Identification of persons convicted or subject to indictment for violations of certain provisions.</p> <p>(h) Judicial review of designation of items as defense articles or services.</p> <p>(i) Report to Department of State.</p> <p>(j) Requirements relating to country exemptions for licensing of defense items for export to foreign countries.</p> <p>Exportation of uranium depleted in the isotope 235.</p> <p>Fees of military sales agents.</p> <p>(a) Adequate and timely reports to Secretary of State; maintenance of records.</p> <p>(b) Presidential regulation.</p> <p>(c) Allocation to contract; improper influence.</p> <p>(d) Availability of records to Congress and Federal agencies.</p> <p>Prohibition on incentive payments.</p> <p>(a) In general.</p> <p>(b) Civil penalties.</p> <p>(c) Presidential authority.</p> <p>(d) Definitions.</p> <p>Transactions with countries supporting acts of international terrorism.</p> <p>(a) Prohibited transactions by United States Government.</p> <p>(b) Prohibited transactions by United States persons.</p> <p>(c) Transfers to governments and persons covered.</p> <p>(d) Countries covered by prohibition.</p> <p>(e) Publication of determinations.</p> <p>(f) Rescission.</p> <p>(g) Waiver.</p> <p>(h) Exemption for transactions subject to National Security Act reporting requirements.</p> <p>(i) Relation to other laws.</p> <p>(j) Criminal penalty.</p> <p>(k) Civil penalties; enforcement.</p> <p>(l) Definitions.</p> <p>Transactions with countries not fully cooperating with United States anti-terrorism efforts.</p>	<p>Sec.</p> <p>(a) Prohibited transactions.</p> <p>(b) Waiver.</p> <p>SUBCHAPTER III—A—END-USE MONITORING OF DEFENSE ARTICLES AND DEFENSE SERVICES</p> <p>2785. End-use monitoring of defense articles and defense services.</p> <p>(a) Establishment of monitoring program.</p> <p>(b) Conduct of program.</p> <p>(c) Report to Congress.</p> <p>(d) Third country transfers.</p> <p>SUBCHAPTER IV—GENERAL, ADMINISTRATIVE, AND MISCELLANEOUS PROVISIONS</p> <p>2791. General provisions.</p> <p>(a) Considerations in procurement outside United States.</p> <p>(b) Information to Congress on credit sales and guaranties.</p> <p>(c) Availability of funds for procurement outside United States.</p> <p>(d) Responsibility of Secretary of Defense with respect to sales and guaranties.</p> <p>(e) Revocation and suspension provisions of contracts for sale and export licenses; appropriations for refunds.</p> <p>(f) Use of civilian contract personnel in foreign countries.</p> <p>2792. Administrative expenses.</p> <p>(a) Availability of funds.</p> <p>(b) Charges for administrative expenses and official reception and representation expenses.</p> <p>(c) Limitations on funds used for official reception and representation expenses.</p> <p>2793. Other provisions unaffected.</p> <p>2794. Definitions.</p> <p>SUBCHAPTER V—SPECIAL DEFENSE ACQUISITION FUND</p> <p>2795. Fund.</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. Repealed.</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>
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2796b.	(c) Transmission of certification. Legislative review procedures. (a) Applicability. (b) Consideration of resolution. (c) Highly privileged nature of resolution.	2799b.	Authorities. (a) General authority. (b) Acceptance of NATO assistance in eliminating direct costs of transfers. (c) Acceptance of NATO assistance in meeting certain United States obligations. (d) Authority to transfer on grant basis. (e) Third country transfers restrictions. (f) Maintenance of military balance in Eastern Mediterranean. (g) Expiration of authority.
2796c.	Applicability of other statutory provisions.		
2796d.	Loan of materials, supplies, and equipment for research and development purposes. (a) Loan or gift transactions; written agreement; covered programs. (b) Reimbursement of consumed materials, etc. (c) Prohibitions. (d) "NATO ally" defined.	2799c.	Notifications and reports to Congress. (a) Notifications. (b) Annual reports.
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2797.	Licensing. (a) Establishment of list of controlled items. (b) Referral of license applications. (c) Information sharing. (d) Exports to space launch vehicle programs.		SUBCHAPTER X—NUCLEAR NONPROLIFERATION CONTROLS
2797a.	Denial of transfer of missile equipment or technology by United States persons. (a) Sanctions. (b) Discretionary sanctions. (c) Presumption. (d) Waiver.	2799aa.	Nuclear enrichment transfers. (a) Prohibitions; safeguards and management. (b) Certification by President of necessity of continued assistance; disapproval by Congress.
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2797b-1.	Notification of admittance of MTCR adherents. (a) Policy report. (b) Intelligence assessment report.	2799aa-2.	"Nuclear explosive device" defined.
2797b-2.	Authority relating to MTCR adherents.		SUBCHAPTER I—FOREIGN AND NATIONAL SECURITY POLICY OBJECTIVES AND RESTRAINTS
2797c.	Definitions. (a) In general. (b) International understanding defined.		§ 2751. Need for international defense cooperation and military export controls; Presidential waiver; report to Congress; arms sales policy
	SUBCHAPTER VIII—CHEMICAL OR BIOLOGICAL WEAPONS PROLIFERATION		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
2798.	Sanctions against certain foreign persons. (a) Imposition of sanctions. (b) Consultations with and actions by foreign government of jurisdiction. (c) Sanctions. (d) Termination of sanctions. (e) Waiver. (f) "Foreign person" defined.		
	SUBCHAPTER IX—TRANSFER OF CERTAIN CFE TREATY-LIMITED EQUIPMENT TO NATO MEMBERS		
2799.	Purpose.		
2799a.	CFE Treaty obligations.		