

This title, the first time appearing in subsec. (b), means title XVI of Pub. L. 110-417, [div. A], Oct. 14, 2008, 122 Stat. 4652, known as the Reconstruction and Stabilization Civilian Management Act of 2008, which enacted this section, sections 2368 and 2734 of this title, and provisions set out as notes under this section and sections 2151 and 2368 of this title. For complete classification of this title to the Code, see Short Title of 2008 Amendment note set out under section 2151 of this title and Tables.

DEFINITIONS

Pub. L. 110-417, [div. A], title XVI, §1603, Oct. 14, 2008, 122 Stat. 4653, provided that: “In this title [enacting this section, sections 2368 and 2734 of this title, and provisions set out as notes under sections 2151 and 2368 of this title]:

“(1) ADMINISTRATOR.—The term ‘Administrator’ means the Administrator of the United States Agency for International Development.

“(2) AGENCY.—The term ‘agency’ means any entity included in chapter 1 of title 5, United States Code.

“(3) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ‘appropriate congressional committees’ means the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

“(4) DEPARTMENT.—Except as otherwise provided in this title, the term ‘Department’ means the Department of State.

“(5) PERSONNEL.—The term ‘personnel’ means individuals serving in any service described in section 2101 of title 5, United States Code, other than in the legislative or judicial branch.

“(6) SECRETARY.—The term ‘Secretary’ means the Secretary of State.”

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.
- 2753. Eligibility for defense services or defense articles.
- 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.
- 2756. Foreign intimidation and harassment of individuals in United States.

SUBCHAPTER II—FOREIGN MILITARY SALES AUTHORIZATIONS

- 2761. Sales from stocks.
- 2762. Procurement for cash sales.
- 2763. Credit sales.
- 2764. Guaranties.
- 2765. Annual estimate and justification for sales program.
- 2766. Security assistance surveys.
- 2767. Authority of President to enter into cooperative projects with friendly foreign countries.
- 2767a, 2768. Repealed.

SUBCHAPTER II-A—FOREIGN MILITARY CONSTRUCTION SALES

- 2769. Foreign military construction sales.

SUBCHAPTER II-B—SALES TO UNITED STATES COMPANIES FOR INCORPORATION INTO END ITEMS

- 2770. General authority.

Sec.
SUBCHAPTER II-C—EXCHANGE OF TRAINING AND RELATED SUPPORT

- 2770a. Exchange of training and related support.

SUBCHAPTER III—MILITARY EXPORT CONTROLS

- 2771. Military sales authorizations and ceilings.
- 2772. Repealed.
- 2773. Restraint in arms sales to Sub-Saharan Africa.
- 2774. Foreign military sales credit standards.
- 2775. Foreign military sales to less developed countries.
- 2776. Reports and certifications to Congress on military exports.
- 2776a. Repealed.
- 2777. Fiscal provisions relating to foreign military sales credits.
- 2778. Control of arms exports and imports.
- 2778a. Exportation of uranium depleted in the isotope 235.
- 2779. Fees of military sales agents.
- 2779a. Prohibition on incentive payments.
- 2780. Transactions with countries supporting acts of international terrorism.
- 2781. Transactions with countries not fully cooperating with United States anti-terrorism efforts.

SUBCHAPTER III-A—END-USE MONITORING OF DEFENSE ARTICLES AND DEFENSE SERVICES

- 2785. End-use monitoring of defense articles and defense services.

SUBCHAPTER IV—GENERAL, ADMINISTRATIVE, AND MISCELLANEOUS PROVISIONS

- 2791. General provisions.
- 2792. Administrative expenses.
- 2793. Other provisions unaffected.
- 2794. Definitions.

SUBCHAPTER V—SPECIAL DEFENSE ACQUISITION FUND

- 2795. Fund.
- 2795a. Use and transfer of items procured by Fund.
- 2795b. Repealed.

SUBCHAPTER VI—LEASES OF DEFENSE ARTICLES AND LOAN AUTHORITY FOR COOPERATIVE RESEARCH AND DEVELOPMENT PURPOSES

- 2796. Leasing authority.
- 2796a. Reports to Congress.
- 2796b. Legislative review procedures.
- 2796c. Applicability of other statutory provisions.
- 2796d. Loan of materials, supplies, and equipment for research and development purposes.

SUBCHAPTER VII—CONTROL OF MISSILES AND MISSILE EQUIPMENT OR TECHNOLOGY

- 2797. Licensing.
- 2797a. Denial of transfer of missile equipment or technology by United States persons.
- 2797b. Transfers of missile equipment or technology by foreign persons.
- 2797b-1. Notification of admittance of MTCR adherents.
- 2797b-2. Authority relating to MTCR adherents.
- 2797c. Definitions.

Sec.

SUBCHAPTER VIII—CHEMICAL OR BIOLOGICAL WEAPONS PROLIFERATION

2798. Sanctions against certain foreign persons.

SUBCHAPTER IX—TRANSFER OF CERTAIN CFE TREATY-LIMITED EQUIPMENT TO NATO MEMBERS

2799. Purpose.
 2799a. CFE Treaty obligations.
 2799b. Authorities.
 2799c. Notifications and reports to Congress.
 2799d. Definitions.

SUBCHAPTER X—NUCLEAR NONPROLIFERATION CONTROLS

2799aa. Nuclear enrichment transfers.
 2799aa-1. Nuclear reprocessing transfers, illegal exports for nuclear explosive devices, transfers of nuclear explosive devices, and nuclear detonations.
 2799aa-2. "Nuclear explosive device" defined.

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