

fairs of House of Representatives by House Resolution No. 6, One Hundred Tenth Congress, Jan. 5, 2007.

## SUBCHAPTER II—MILITARY ASSISTANCE AND SALES

### PART I—DECLARATION OF POLICY

#### § 2301. Congressional statement of policy

The Congress of the United States reaffirms the policy of the United States to achieve international peace and security through the United Nations so that armed force shall not be used except for individual or collective self-defense. The Congress finds that the efforts of the United States and other friendly countries to promote peace and security continue to require measures of support based upon the principle of effective self-help and mutual aid. It is the purpose of subchapter II of this chapter to authorize measures in the common defense against internal and external aggression, including the furnishing of military assistance, upon request, to friendly countries and international organizations. In furnishing such military assistance, it remains the policy of the United States to continue to exert maximum efforts to achieve universal control of weapons of mass destruction and universal regulation and reduction of armaments, including armed forces, under adequate safeguards to protect complying countries against violation and evasion.

The Congress recognizes that the peace of the world and the security of the United States are endangered so long as hostile countries continue by threat of military action, by the use of economic pressure, and by internal subversion, or other means to attempt to bring under their domination peoples now free and independent and continue to deny the rights of freedom and self-government to peoples and countries once free but now subject to such domination.

It is the sense of the Congress that an important contribution toward peace would be made by the establishment under the Organization of American States of an international military force.

In enacting this legislation, it is therefore the intention of the Congress to promote the peace of the world and the foreign policy, security, and general welfare of the United States by fostering an improved climate of political independence and individual liberty, improving the ability of friendly countries and international organizations to deter or, if necessary, defeat aggression, facilitating arrangements for individual and collective security, assisting friendly countries to maintain internal security, and creating an environment of security and stability in the developing friendly countries essential to their more rapid social, economic, and political progress. The Congress urges that all other countries able to contribute join in a common undertaking to meet the goals stated in subchapter II of this chapter.

It is the sense of the Congress that in the administration of subchapter II of this chapter priority shall be given to the needs of those countries in danger of becoming victims of aggression or in which the internal security is threatened by internal subversion inspired or supported by hostile countries.

Finally, the Congress reaffirms its full support of the progress of the members of the North Atlantic Treaty Organization toward increased cooperation in political, military, and economic affairs. In particular, the Congress welcomes the steps which have been taken to promote multi-lateral programs of coordinated procurement, research, development, and production of defense articles and urges that such programs be expanded to the fullest extent possible to further the defense of the North Atlantic Area.

(Pub. L. 87-195, pt. II, § 501, formerly § 502, Sept. 4, 1961, 75 Stat. 434, renumbered § 501 and amended Pub. L. 90-137, pt. II, § 201(a), Nov. 14, 1967, 81 Stat. 455; Pub. L. 103-199, title VII, § 705(1), Dec. 17, 1993, 107 Stat. 2328.)

#### REFERENCES IN TEXT

This legislation, referred to in fourth paragraph, means Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, as amended, 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.

#### 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.

#### PRIOR PROVISIONS

A prior section 501 of Pub. L. 87-195, provided that part II of Pub. L. 87-195 [subchapter II of this chapter] should be cited as the "International Peace and Security Act of 1961", prior to repeal by Pub. L. 88-205, pt. II, § 201(b), Dec. 16, 1963, 77 Stat. 384.

#### AMENDMENTS

1993—Pub. L. 103-199, § 705(1)(A), in second par., substituted "hostile countries" for "international communism and the countries it controls".

Pub. L. 103-199, § 705(1)(B), in fourth par., struck out "Communist or Communist-supported" after "if necessary, defeat".

Pub. L. 103-199, § 705(1)(C), in fifth par., substituted "aggression or in which the internal security is threatened by internal subversion inspired or supported by hostile countries." for "active Communist or Communist-supported aggression or those countries in which the internal security is threatened by Communist-inspired or Communist-supported internal subversion."

1967—Pub. L. 90-137 inserted par. to indicate that priority shall be given in the use of the funds available to defend against Communist aggression or Communist-inspired internal subversion.

#### TRANSFER OF PROSCRIBED WEAPONS TO PERSONS OR ENTITIES IN THE WEST BANK AND GAZA

Pub. L. 107-228, div. A, title VI, § 699, Sept. 30, 2002, 116 Stat. 1418, provided that:

"(a) DETERMINATION REGARDING TRANSFERS.—If the President determines, based on a preponderance of the evidence, that a foreign person or entity has knowingly transferred proscribed weapons to Palestinian entities in the West Bank or Gaza, then, for the period specified in subsection (b), no assistance may be provided to the person or entity under part II of the Foreign Assistance Act of 1961 [22 U.S.C. 2301 et seq.] and no sales of defense articles or defense services may be made to the person or entity under section 23 of the Arms Export Control Act [22 U.S.C. 2763].

“(b) DURATION OF PROHIBITION.—The period referred to in subsection (a) is the period commencing on the date on which a notification of a determination under subsection (a) is submitted to the appropriate congressional committees and ending on the date that is two years after such date.

“(c) REPORT.—In conjunction with the report required under title VIII of the P.L.O. Commitments Compliance Act of 1989 (Public Law 101-246) [104 Stat. 76], the President shall submit a report to the appropriate congressional committees on transfers reviewed pursuant to subsection (a).

“(d) DEFINITION.—In this section, the term ‘proscribed weapons’ means arms, ammunition, and equipment the transfer of which is not in compliance with the Agreement on the Gaza Strip and the Jericho Area of May 4, 1994, its annexes, or subsequent agreements between Israel and the PLO, or Palestinian Authority, as appropriate.”

[Functions of President under section 699 of Pub. L. 107-228, set out above, delegated to Secretary of State by Memorandum of President of the United States, Apr. 30, 2009, 74 F.R. 22637.]

[For definition of “appropriate congressional committees” as used in section 699 of Pub. L. 107-228, set out above, see section 3 of Pub. L. 107-228, set out as a note under section 2651 of this title.]

### § 2302. Utilization of defense articles and defense services

Defense articles and defense services to any country shall be furnished solely for internal security (including for antiterrorism and nonproliferation purposes), for legitimate self-defense, to permit the recipient country to participate in regional or collective arrangements or measures consistent with the Charter of the United Nations, or otherwise to permit the recipient country to participate in collective measures requested by the United Nations for the purpose of maintaining or restoring international peace and security, or for the purpose of assisting foreign military forces in less developed friendly countries (or the voluntary efforts of personnel of the Armed Forces of the United States in such countries) to construct public works and to engage in other activities helpful to the economic and social development of such friendly countries. It is the sense of the Congress that such foreign military forces should not be maintained or established solely for civic action activities and that such civic action activities not significantly detract from the capability of the military forces to perform their military missions and be coordinated with and form part of the total economic and social development effort.

(Pub. L. 87-195, pt. II, § 502, formerly § 505(a), Sept. 4, 1961, 75 Stat. 436; Pub. L. 88-205, pt. II, § 202(b), Dec. 16, 1963, 77 Stat. 384; Pub. L. 89-171, pt. II, § 201(c), Sept. 6, 1965, 79 Stat. 656; renumbered and amended Pub. L. 90-137, pt. II, § 201(d), Nov. 14, 1967, 81 Stat. 456; Pub. L. 106-280, title VII, § 701, Oct. 6, 2000, 114 Stat. 861.)

#### CODIFICATION

Section was formerly classified to section 2313 of this title.

#### AMENDMENTS

2000—Pub. L. 106-280 inserted “(including for anti-terrorism and nonproliferation purposes)” after “internal security” in first sentence.

1967—Pub. L. 90-137 substituted “Defense articles and defense services” for “Military assistance”.

1965—Pub. L. 89-171 authorized military assistance to any country for the purpose of assisting foreign military forces in less developed friendly countries (or the voluntary efforts of personnel of the Armed Forces of the United States in such countries) to construct public works and to engage in other activities helpful to the economic and social development of such friendly countries, expressed the sense of Congress that such foreign military forces should not be maintained or established solely for civic action activities, and that such civic action activities should not significantly detract from the capability of the military forces to perform their military missions, and should be coordinated with and from part of the total economic and social development effort, and struck out prohibition against further assistance to Latin American countries, now incorporated in section 2319(c) of this title.

1963—Pub. L. 88-205 inserted proviso stopping further military assistance under this chapter to Latin American countries except to the extent necessary to fulfill prior commitments or to safeguard the security of the United States or of a country associated with the United States in the Alliance for Progress against the overthrow of a duly constituted government, now incorporated in section 2319(c) of this title.

#### TRANSFER TO REPUBLIC OF KOREA OF DEFENSE ARTICLES; REIMBURSEMENT FOR TRANSFER

Pub. L. 91-652, § 3, Jan. 5, 1971, 84 Stat. 1942, authorized the President until June 30, 1972, to transfer to the Republic of Korea such Armed Forces defense articles located in Korea on July 1, 1970 as he determined appropriate and provided that no funds appropriated under Pub. L. 91-652 or this chapter were to be available for reimbursement to any Government agency for any such transfers of defense articles.

### § 2303. Repealed. Pub. L. 104-164, title I, § 104(b)(2)(A), July 21, 1996, 110 Stat. 1426

Section, Pub. L. 87-195, pt. II, § 502A, as added Pub. L. 93-189, § 12(a), Dec. 17, 1973, 87 Stat. 720, directed that excess defense articles be provided whenever possible rather than new items.

### § 2304. Human rights and security assistance

#### (a) Observance of human rights as principal goal of foreign policy; implementation requirements

(1) The United States shall, in accordance with its international obligations as set forth in the Charter of the United Nations and in keeping with the constitutional heritage and traditions of the United States, promote and encourage increased respect for human rights and fundamental freedoms throughout the world without distinction as to race, sex, language, or religion. Accordingly, a principal goal of the foreign policy of the United States shall be to promote the increased observance of internationally recognized human rights by all countries.

(2) Except under circumstances specified in this section, no security assistance may be provided to any country the government of which engages in a consistent pattern of gross violations of internationally recognized human rights. Security assistance may not be provided to the police, domestic intelligence, or similar law enforcement forces of a country, and licenses may not be issued under the Export Administration Act of 1979 [50 U.S.C. App. 2401 et seq.] for the export of crime control and detection instruments and equipment to a country, the government of which engages in a consistent pattern of gross violations of internationally