

this section consistent with the United States policy, established by section 841 of the International Cooperation Act of 1989 [probably means section 841 of H.R. 2655, 101st Congress, which was not enacted], of maintaining the military balance in the Eastern Mediterranean.

“(2) MAINTENANCE OF BALANCE.—Accordingly, the President shall ensure that, over the four-year period beginning on October 1, 1992, the ratio of—

“(A) the value of excess defense articles made available for Turkey under this section, to

“(B) the value of excess defense articles made available for Greece under this section, closely approximates the ratio of—

“(i) the amount of foreign military financing provided for Turkey, to

“(ii) the amount of foreign military financing provided for Greece.

“(3) EXCEPTION TO REQUIREMENT.—This subsection shall not apply if either Greece or Turkey ceases to be eligible to receive excess defense articles under subsection (a).

“(f) MAJOR ILLICIT DRUG PRODUCING COUNTRIES IN LATIN AMERICA AND THE CARIBBEAN.—

“(1) PURPOSE.—Excess defense articles shall be transferred under subsection (a)(2) for the purpose of encouraging the military forces of an eligible country in Latin America and the Caribbean to participate with local law enforcement agencies in a comprehensive national antinarcotics program, conceived and developed by the government of that country, by conducting activities within that country and on the high seas to prevent the production, processing, trafficking, transportation, and consumption of illicit narcotic or psychotropic [sic] drugs or other controlled substances.

“(2) USES OF EXCESS DEFENSE ARTICLES.—Excess defense articles may be furnished to a country under subsection (a)(2) only if that country ensures that those excess defense articles will be used only in support of antinarcotics activities.

“(3) ROLE OF THE SECRETARY OF STATE.—The Secretary of State shall determine the eligibility of countries to receive excess defense articles under subsection (a)(2) and insure that any transfer is coordinated with other antinarcotics enforcement programs assisted by the United States Government.

“(4) LIMITATION.—The aggregate value of excess defense articles transferred to a country under subsection (a)(2) in any fiscal year may not exceed \$10,000,000.

“(g) DEFINITIONS.—As used in this section—

“(1) the term ‘excess defense article’ has the meaning given that term by section 644(g) [probably means section 644(g) of Pub. L. 87-195, which is classified to section 2403(g) of this title];

“(2) the term ‘made available’ means that a good faith offer is made by the United States to furnish the excess defense articles to a country;

“(3) the term ‘major non-NATO ally’ includes Australia, Egypt, Israel, Japan, and New Zealand;

“(4) the term ‘NATO’ means the North Atlantic Treaty Organization; and

“(5) the term ‘NATO southern flank countries’ means Greece, Italy, Portugal, Spain, and Turkey.”

[For delegation of functions of President under section 573 of Pub. L. 101-567, set out above, see Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, as amended, set out as a note under section 2381 of this title.]

Provisions similar to those appearing in section 573(e) of Pub. L. 101-167, set out above, were contained in the following prior appropriation acts:

Pub. L. 100-461, title V, §569, Oct. 1, 1988, 102 Stat. 2268-43.

Pub. L. 100-202, §101(e) [title V, §582], Dec. 22, 1987, 101 Stat. 1329-131, 1329-182.

§ 2321k. Designation of major non-NATO allies

(a) Notice to Congress

The President shall notify the Congress in writing at least 30 days before—

(1) designating a country as a major non-NATO ally for purposes of this chapter and the Arms Export Control Act (22 U.S.C. 2751 et seq.); or

(2) terminating such a designation.

(b) Initial designations

Australia, Egypt, Israel, Japan, the Republic of Korea, and New Zealand shall be deemed to have been so designated by the President as of the effective date of this section, and the President is not required to notify the Congress of such designation of those countries.

(Pub. L. 87-195, pt. II, §517, as added Pub. L. 104-164, title I, §147(a)(1), July 21, 1996, 110 Stat. 1434.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (a)(1), was in the original “this Act”, meaning 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.

The Arms Export Control Act, referred to in subsec. (a)(1), is Pub. L. 90-629, Oct. 22, 1968, 82 Stat. 1320, as amended, 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.

The effective date of this section, referred to in subsec. (b), is July 21, 1996, the date of enactment of Pub. L. 104-164, which enacted this section.

PRIOR PROVISIONS

A prior section 2321k, Pub. L. 87-195, pt. II, §517, as added Pub. L. 101-231, §5, Dec. 13, 1989, 103 Stat. 1957; amended Pub. L. 101-623, §15, Nov. 21, 1990, 104 Stat. 3357; Pub. L. 102-583, §9(a), Nov. 2, 1992, 106 Stat. 4934; Pub. L. 103-236, title VII, §731(b), Apr. 30, 1994, 108 Stat. 502, related to modernization of counternarcotics capabilities of certain Latin America and Caribbean countries, prior to repeal by Pub. L. 104-164, title I, §104(b)(2)(B), July 21, 1996, 110 Stat. 1427.

DELEGATION OF FUNCTIONS

For delegation of functions of President under this section, see Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, as amended, set out as a note under section 2381 of this title.

TREATMENT OF TAIWAN RELATING TO TRANSFERS OF DEFENSE ARTICLES AND DEFENSE SERVICES

Pub. L. 107-228, div. B, title XII, §1206, Sept. 30, 2002, 116 Stat. 1428, provided that: “Notwithstanding any other provision of law, for purposes of the transfer or possible transfer of defense articles or defense services under the Arms Export Control Act (22 U.S.C. 2751 et seq.), the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), or any other provision of law, Taiwan shall be treated as though it were designated a major non-NATO ally (as defined in section 644(q) of the Foreign Assistance Act of 1961 (22 U.S.C. 2403(q)) [D]).”

[For definitions of “defense article” and “defense service” as used in section 1206 of Pub. L. 107-228, set out above, see section 1002 of Pub. L. 107-228, set out as a note under section 2151 of this title.]

PRESIDENTIAL DETERMINATIONS RELATING TO DESIGNATIONS OF COUNTRIES AS MAJOR NON-NATO ALLIES

The following Presidential Determinations designated the countries listed as major non-NATO allies of the United States for purposes of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) and the Arms Export Control Act (22 U.S.C. 2751 et seq.):

Determination No. 97-4, Nov. 12, 1996, 61 F.R. 59809.—Jordan.

Determination No. 98-9, Jan. 6, 1998, 63 F.R. 3635.—Argentina.

Determination No. 2002-10, Mar. 14, 2002, 67 F.R. 13247.—Bahrain.

Determination No. 2004-02, Oct. 6, 2003, 68 F.R. 59855.—Philippines.

Determination No. 2004-16, Dec. 30, 2003, 69 F.R. 2053.—Thailand.

Determination No. 2004-21, Jan. 15, 2004, 69 F.R. 4843.—Kuwait.

Determination No. 2004-35, June 3, 2004, 69 F.R. 34049.—Morocco.

Determination No. 2004-37, June 16, 2004, 69 F.R. 38797.—Pakistan.

§§ 2321I to 2321n. Repealed. Pub. L. 104-164, title I, § 104(b)(2)(B), July 21, 1996, 110 Stat. 1427

Section 2321I, Pub. L. 87-195, pt. II, § 518, as added Pub. L. 101-513, title V, § 533(f), Nov. 5, 1990, 104 Stat. 2015, authorized President to transfer nonlethal excess defense articles and small arms to friendly countries and to international organizations and private and voluntary organizations for preservation of endangered animal and plant species.

Section 2321m, Pub. L. 87-195, pt. II, § 519, as added Pub. L. 101-513, title V, § 596(b), Nov. 5, 1990, 104 Stat. 2061; amended Pub. L. 103-236, title VII, § 731(c), Apr. 30, 1994, 108 Stat. 502, authorized President to transfer to countries for whom foreign military financing program was justified such nonlethal excess defense articles as President determined necessary to help modernize defense capabilities of such countries.

Section 2321n, Pub. L. 87-195, pt. II, § 520, as added Pub. L. 103-236, title IV, § 408, Apr. 30, 1994, 108 Stat. 452, authorized President to transfer to international and regional organizations of which United States is a member such excess defense articles as President determined necessary to support and maintain international peacekeeping operations and security.

§ 2322. Transferred

CODIFICATION

Section, Pub. L. 87-195, pt. II, § 521, formerly § 514, as added Pub. L. 89-583, pt. II, § 201(f), Sept. 19, 1966, 80 Stat. 803; renumbered § 521, Pub. L. 90-137, pt. II, § 201(o)(1), Nov. 14, 1967, 81 Stat. 457, which related to administration of sales programs, was transferred to section 2341 of this title and subsequently repealed by Pub. L. 90-629, § 45(a), Oct. 22, 1968, 82 Stat. 1327.

PART III—FOREIGN MILITARY SALES

§§ 2341 to 2343. Repealed. Pub. L. 90-629, ch. 4, § 45(a), Oct. 22, 1968, 82 Stat. 1327

Section 2341, Pub. L. 87-195, pt. II, § 521, formerly § 514, as added Pub. L. 89-583, pt. II, § 201(f), Sept. 19, 1966, 80 Stat. 803; renumbered § 521 and amended Pub. L. 90-137, pt. II, § 201(o)(1), (3)-(7), Nov. 14, 1967, 81 Stat. 457, provided for administration of sales programs involving defense articles and services. Subsec. (a) related to encouragement of regional arms control and disarmament agreements and discouragement of arms races; reimbursable basis of acquisitions; domestic procurement; and considerations. Subsec. (b) related to limitation on military assistance and sales for American Republics; and inclusion of assistance to inter-American military force under control of Organization of American States. Subsec. (c) related to furnishing of defense articles and services; conditions; and report to Congress. For subject matter of subssecs. (a) to (c), see sections 2751 and 2791, 2773, and 2753 of this title, respectively.

Section 2342, Pub. L. 87-195, pt. II, § 522, formerly § 507 (a), Sept. 4, 1961, 75 Stat. 437; amended Pub. L. 87-565, pt. II, § 201(b), Aug. 1, 1962, 76 Stat. 259; Pub. L. 89-171, pt. II, § 201(d)(1), Sept. 6, 1965, 79 Stat. 657; renumbered § 522 and amended Pub. L. 90-137, pt. II, § 201(f), Nov. 14,

1967, 81 Stat. 456, provided for sales of defense articles from stock and services, manner of payment, price of non-excess defense articles, and value of excess defense articles. See section 2761 of this title.

Section 2343, Pub. L. 87-195, pt. II, § 523, formerly § 507(b), Sept. 4, 1961, 75 Stat. 437; amended Pub. L. 87-565, pt. II, § 201(c), Aug. 1, 1962, 76 Stat. 259; Pub. L. 88-633, pt. II, § 201(c), Oct. 7, 1964, 78 Stat. 1011; Pub. L. 89-171, pt. II, § 201(d)(2), Sept. 6, 1965, 79 Stat. 657; renumbered § 523 and amended Pub. L. 90-137, pt. II, § 201(g), Nov. 14, 1967, 81 Stat. 456, related to contracts for procurement for sales; undertakings; reimbursements; fixed-price sales agreements; prohibition against sales of articles available from commercial sources; and waiver of restrictions. See section 2762 of this title.

EFFECTIVE DATE OF REPEAL

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

SAVINGS PROVISION

Section 46 of Pub. L. 90-629 provided that: "Except as may be expressly provided to the contrary in this Act [see Short Title note set out under section 2751 of this title], all determinations, authorizations, regulations, orders, contracts, agreements, and other actions issued, undertaken, or entered into under authority of any provision of law repealed by section 45(a) [repealing sections 2341 to 2343, 2344(b)(3), 2345, 2394(g), and 2399a of this title] shall continue in full force and effect until modified by appropriate authority."

§ 2344. Reimbursements

(a) Separate fund account; transfers to such account

Whenever funds made available for use under subchapter II of this chapter have been or are used to furnish military assistance on cash or credit terms, United States dollar repayments, including dollar proceeds derived from the sale of foreign currency repayments to any agency or program of the United States Government, receipts received from the disposition of evidences of indebtedness and charges (including fees and premiums) or interest collected shall be credited to a separate fund account, and shall be available until expended solely for the purpose of financing sales and guaranties, including the overhead costs thereof, and, notwithstanding any provision of law relating to receipts and credits accruing to the United States Government, repayments in foreign currency may be used to carry out subchapter II of this chapter. Such amounts of the appropriations made available under subchapter II of this chapter (including unliquidated balances of funds heretofore obligated for financing sales and guaranties) as may be determined by the President shall be transferred to, and merged with, the separate fund account.

(b) Termination of account; special account for discharge of Federal liabilities and obligations; general fund for excess moneys

(1) The special fund account established under subsection (a) of this section shall terminate as of the end of June 30, 1968, or on such earlier date as may be selected by the President.

(2) Upon the termination of such fund account pursuant to paragraph (1), all of the assets of such fund account (including loans and other payments receivable) shall be transferred to a