

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))[]).”

[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 DESIGNA-
TIONS 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.

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 Repealed.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

Section 2321l, 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.

§ 2323. Transfer of defense articles or services

(a) Notice to Congress

Notwithstanding any other provision of law, none of the funds available to the Department of Defense for the current fiscal year and hereafter may be obligated or expended to transfer to another nation or an international organization any defense articles or services (other than intelligence services) for use in the activities described in subsection (b) unless the congressional defense committees, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Foreign Relations of the Senate are notified 15 days in advance of such transfer.

(b) Activities affected

This section applies to—

(1) any international peacekeeping or peace-enforcement operation under the authority of chapter VI or chapter VII of the United Nations Charter under the authority of a United Nations Security Council resolution; and

(2) any other international peacekeeping, peace-enforcement, or humanitarian assistance operation.

(c) Contents of notice

A notice under subsection (a) shall include the following:

(1) A description of the equipment, supplies, or services to be transferred.

(2) A statement of the value of the equipment, supplies, or services to be transferred.

(3) In the case of a proposed transfer of equipment or supplies—

(A) a statement of whether the inventory requirements of all elements of the Armed Forces (including the reserve components) for the type of equipment or supplies to be transferred have been met; and

(B) a statement of whether the items proposed to be transferred will have to be replaced and, if so, how the President proposes to provide funds for such replacement.

(Pub. L. 113-235, div. C, title VIII, §8050, Dec. 16, 2014, 128 Stat. 2264.)

CODIFICATION

Section was enacted as part of the Department of Defense Appropriations Act, 2015, and also as part of the Consolidated and Further Continuing Appropriations Act, 2015, and not as part of the Foreign Assistance Act of 1961 which comprises this chapter.

“CONGRESSIONAL DEFENSE COMMITTEES” DEFINED

For definition of “congressional defense committees”, see section 8026 of div. C of Pub. L. 113-325, set out as a note under section 2731 of Title 10, Armed Forces.

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.