

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.)

Editorial Notes

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.

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.]

Executive Documents

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.

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.):

ARGENTINA.—Determination No. 98–9, Jan. 6, 1998, 63 F.R. 3635.

BAHRAIN.—Determination No. 2002–10, Mar. 14, 2002, 67 F.R. 13247.

BRAZIL.—Determination No. 2019–21, July 31, 2019, 84 F.R. 43035.

JORDAN.—Determination No. 97–4, Nov. 12, 1996, 61 F.R. 59809.

KUWAIT.—Determination No. 2004–21, Jan. 15, 2004, 69 F.R. 4843.

MOROCCO.—Determination No. 2004–35, June 3, 2004, 69 F.R. 34049.

PAKISTAN.—Determination No. 2004–37, June 16, 2004, 69 F.R. 38797.

PHILIPPINES.—Determination No. 2004–02, Oct. 6, 2003, 68 F.R. 59855.

THAILAND.—Determination No. 2004–16, Dec. 30, 2003, 69 F.R. 2053.

TUNISIA.—Determination No. 2015–09, July 10, 2015, 80 F.R. 43613.

§§ 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

Editorial Notes

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.