

**Editorial Notes**

## REFERENCES IN TEXT

The Export Administration Act of 1979, referred to in subsec. (a)(1)(C), (2)(B), is Pub. L. 96-72, Sept. 29, 1979, 93 Stat. 503, which was classified principally to chapter 56 (§4601 et seq.) of Title 50, War and National Defense, prior to repeal by Pub. L. 115-232, div. A, title XVII, §1766(a), Aug. 13, 2018, 132 Stat. 2232, except for sections 11A, 11B, and 11C thereof (50 U.S.C. 4611, 4612, 4613). Section 6 of the Act was classified to section 4605 of Title 50 prior to repeal.

## PRIOR PROVISIONS

A prior subchapter VIII, consisting of former section 2798, as added by Pub. L. 102-138, title V, §505(b), Oct. 28, 1991, 105 Stat. 727, was substantially identical to subchapter VIII, as added by section 305(b) of Pub. L. 102-182, prior to repeal by Pub. L. 102-182, title III, §309(a), Dec. 4, 1991, 105 Stat. 1258.

## AMENDMENTS

1991—Subsec. (a)(1). Pub. L. 101-182, §309(b)(2), substituted “October 28, 1991” for reference to the “date of the enactment of this section” which was enacted Dec. 4, 1991.

**Executive Documents**

## DELEGATION OF FUNCTIONS

For delegation of certain functions of the President under this section, see Ex. Ord. No. 12851, §1(a), June 11, 1993, 58 F.R. 33181, set out as a note under section 2797 of this title.

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

**§ 2799. Purpose**

The purpose of this subchapter is to authorize the President to support, consistent with the CFE Treaty, a NATO equipment transfer program that will—

- (1) enhance NATO’s forces,
- (2) increase NATO standardization and interoperability, and
- (3) better distribute defense burdens within the NATO alliance.

(Pub. L. 90-629, ch. 9, §91, as added Pub. L. 102-228, §2, Dec. 12, 1991, 105 Stat. 1691.)

**§ 2799a. CFE Treaty obligations**

The authorities provided in this subchapter shall be exercised consistent with the obligations incurred by the United States in connection with the CFE Treaty.

(Pub. L. 90-629, ch. 9, §92, as added Pub. L. 102-228, §2, Dec. 12, 1991, 105 Stat. 1691.)

**§ 2799b. Authorities****(a) General authority**

The President may transfer to any NATO/CFE country, in accordance with NATO plans, defense articles—

- (1) that are battle tanks, armoured combat vehicles, or artillery included within the CFE Treaty’s definition of “conventional armaments and equipment limited by the Treaty”;
- (2) that were, as of the date of signature of the CFE Treaty, in the stocks of the Department of Defense and located in the CFE Treaty’s area of application; and

(3) that the President determines are not needed by United States military forces within the CFE Treaty’s area of application.

**(b) Acceptance of NATO assistance in eliminating direct costs of transfers**

In order to eliminate direct costs of facilitating transfers of defense articles under subsection (a), the United States may utilize services provided by NATO or any NATO/CFE country, including inspection, repair, or transportation services with respect to defense articles so transferred.

**(c) Acceptance of NATO assistance in meeting certain United States obligations**

In order to facilitate United States compliance with the CFE Treaty-mandated obligations for destruction of conventional armaments and equipment limited by the CFE Treaty, the United States may utilize services or funds provided by NATO or any NATO/CFE country.

**(d) Authority to transfer on grant basis**

Defense articles may be transferred under subsection (a) without cost to the recipient country.

**(e) Third country transfers restrictions**

For purposes of sections 2753(a)(2), 2753(a)(3), 2753(c), and 2753(d) of this title, defense articles transferred under subsection (a) shall be deemed to have been sold under this chapter.

**(f) Maintenance of military balance in Eastern Mediterranean**

The President shall ensure that transfers by the United States under subsection (a), taken together with transfers by other NATO/CFE countries in implementing the CFE Treaty, are of such valuations so as to be consistent with the United States policy, embodied in section 2373 of this title, of maintaining the military balance in the Eastern Mediterranean.

**(g) Expiration of authority****(1) In general**

Except as provided in paragraph (2), the authority of subsection (a) expires at the end of the 40-month period beginning on the date on which the CFE Treaty enters into force.

**(2) Transition rule**

Paragraph (1) does not apply with respect to a transfer of defense articles for which notification under section 2799c(a) of this title is submitted before the end of the period described in that paragraph.

(Pub. L. 90-629, ch. 9, §93, as added Pub. L. 102-228, §2, Dec. 12, 1991, 105 Stat. 1691.)

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## REFERENCES IN TEXT

This chapter, referred to in subsec. (e), was in the original “this Act”, meaning Pub. L. 90-629, Oct. 22, 1968, 82 Stat. 1321, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 2751 of this title and Tables.

**Executive Documents**

## DELEGATION OF FUNCTIONS

Memorandum of President of the United States, Feb. 13, 1992, 57 F.R. 6663, provided: