

gram, the role of the United States in the security of the Republic of Korea, and prospects for a withdrawal of United States forces from the country. See section 2375 of this title.

§ 2428a. Congressional declaration of policy toward Korea; transmittal of report to Speaker of the House and Congressional committees

(a) The Congress declares that—

(1) United States policy toward Korea should continue to be arrived at by joint decision of the President and the Congress;

(2) in any implementation of the President's policy of gradual and phased reduction of United States ground forces from the Republic of Korea, the United States should seek to accomplish such reduction in stages consistent with United States interests in Asia, notably Japan, and with the security interests of the Republic of Korea;

(3) any implementation of this policy should be carried out with a careful regard to the interest of the United States in continuing its close relationship with the people and government of Japan, in fostering democratic practices in the Republic of Korea, and in maintaining stable relations among the countries of East Asia; and

(4) these interests can be served most effectively by a policy which involves consultations by the United States Government, as appropriate, with the governments of the region, particularly those directly involved.

(b)(1) Any implementation of the foregoing policy shall be carried out in regular consultation with the Congress.

(2) Repealed. Pub. L. 103-236, title I, § 139(5), Apr. 30, 1994, 108 Stat. 398.

(Pub. L. 95-105, title V, § 512, Aug. 17, 1977, 91 Stat. 861; Pub. L. 103-236, title I, § 139(5), Apr. 30, 1994, 108 Stat. 398.)

CODIFICATION

Section was enacted as part of the Foreign Relations Authorization Act, Fiscal Year 1978, and not as part of the Foreign Assistance Act of 1961 which comprises this chapter.

AMENDMENTS

1994—Subsec. (b)(2). Pub. L. 103-236 struck out par. (2) which read as follows: “Not later than February 15, 1978, and not later than February 15 of each year thereafter until any such withdrawal is completed, the President shall transmit a report in writing to the Speaker of the House of Representatives and the Committees on Foreign Relations, Armed Services, and Intelligence of the Senate assessing the implementation of the foregoing policy.”

§ 2428b. Special security assistance for modernization of Armed Forces of Korea

(a) **Transfer authority of President of defense articles and services located in Korea; applicable terms and conditions; reimbursement**

(1) The President is authorized until December 31, 1982—

(A) to transfer, without reimbursement, to the Republic of Korea, only in conjunction with the withdrawal of the 2d Infantry Division and support forces from Korea, such United States Government-owned defense arti-

cles as he may determine which are located in Korea in the custody of units of the United States Army scheduled to depart from Korea; and

(B) to furnish to the Republic of Korea, without reimbursement, defense services (including technical and operational training) in Korea directly related to the United States Government-owned defense articles transferred to the Republic of Korea under this subsection.

(2) Any transfer under the authority of this section shall be made in accordance with all the terms and conditions of the Foreign Assistance Act of 1961 [22 U.S.C. 2151 et seq.] applicable to the furnishing of defense articles and defense services under chapter 2 of part II of that Act [22 U.S.C. 2311 et seq.], except that no funds heretofore or hereafter appropriated under that Act shall be available to reimburse any agency of the United States Government for any such transfer or related services.

(b) **Additional transfer authority of President of defense articles located outside of Korea; prerequisites for determinations respecting transfers; report by President to Congress of determinations**

In order that transfers of defense articles under subsection (a) of this section will not cause significant adverse impact on the readiness of the Armed Forces of the United States, the President is authorized, in lieu of such transfers, to transfer additional defense articles from the stocks of the Department of Defense, wherever located, to the Republic of Korea to compensate for the military capability of defense articles withdrawn from Korea in any case where he determines that—

(1) the transfer of specific defense articles located in Korea would have a significant adverse impact on the readiness of the United States Armed Forces;

(2) the defense capability provided by those defense articles is needed by the Armed Forces of the Republic of Korea in order to maintain the military balance on the Korean peninsula; and

(3) a comparable defense capability could be provided by less advanced defense articles in the stocks of the Department of Defense which could be transferred without significant adverse impact on the readiness of the United States Armed Forces.

The President shall report to the Congress each determination made under this subsection prior to the transfer of the defense articles described in such determination.

(c) **Report by President to Congress of types, etc., of transferred defense articles**

The President shall transmit to the Congress, together with the presentation materials for security assistance programs proposed for each fiscal year through and including the fiscal year 1983, a report describing the types, quantities, and value of defense articles furnished or intended to be furnished to the Republic of Korea under this section.

(d) Repealed. Pub. L. 97-113, title VII, § 734(a)(12), Dec. 29, 1981, 95 Stat. 1560**(e) Congressional policy respecting further troop withdrawals**

(1) It is the sense of the Congress that further withdrawal of ground forces of the United States from the Republic of Korea may seriously risk upsetting the military balance in that region and requires full advance consultation with the Congress.

(2) Repealed. Pub. L. 97-113, title VII, § 734(a)(12), Dec. 29, 1981, 95 Stat. 1560.

(Pub. L. 95-384, § 23, Sept. 26, 1978, 92 Stat. 743; Pub. L. 97-113, title VII, § 734(a)(12), Dec. 29, 1981, 95 Stat. 1560.)

REFERENCES IN TEXT

The Foreign Assistance Act of 1961, referred to in subsec. (a)(2), is Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, as amended, which is classified principally to this chapter (§ 2151 et seq.). Chapter 2 of part II of that Act is classified generally to part II (§ 2311 et seq.) of subchapter II of this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables.

CODIFICATION

Section was enacted as part of the International Security Assistance Act of 1978, and not as part of the Foreign Assistance Act of 1961 which comprises this chapter.

AMENDMENTS

1981—Subsec. (d). Pub. L. 97-113 struck out subsec. (d) which required Presidential reports to Congress respecting viability of troop withdrawals from Korea.

Subsec. (e)(2). Pub. L. 97-113 struck out par. (2) which required Presidential reports to Congress respecting effect of further troop withdrawals from Korea.

§§ 2429, 2429a. Repealed. Pub. L. 103-236, title VIII, § 826(b), Apr. 30, 1994, 108 Stat. 519

Section 2429, Pub. L. 87-195, pt. III, § 669, as added Pub. L. 94-329, title III, § 305, June 30, 1976, 90 Stat. 755; amended Pub. L. 95-92, § 12, Aug. 4, 1977, 91 Stat. 620; Pub. L. 95-384, §§ 10(b)(4), 12(c)(3), Sept. 26, 1978, 92 Stat. 735, 737; Pub. L. 97-113, title VII, § 737(b), Dec. 29, 1981, 95 Stat. 1562, related to nuclear enrichment transfers by or to recipients of economic, military or security supporting assistance from the United States. See section 2799aa of this title.

Section 2429a, Pub. L. 87-195, pt. III, § 670, as added Pub. L. 95-92, § 12, Aug. 4, 1977, 91 Stat. 620; amended Pub. L. 95-384, §§ 10(b)(4), 12(c)(3), Sept. 26, 1978, 92 Stat. 735, 737; Pub. L. 97-113, title VII, § 737(c), Dec. 29, 1981, 95 Stat. 1562; Pub. L. 99-83, title XII, § 1204(a), (b), Aug. 8, 1985, 99 Stat. 277, prohibited assistance to countries involved in transfer of nuclear reprocessing equipment, materials, or technology. See section 2799aa-1 of this title.

EFFECTIVE DATE OF REPEAL

Repeal by section 826(b) of Pub. L. 103-236 effective 60 days after Apr. 30, 1994, see section 831 of Pub. L. 103-236, set out as an Effective Date note under section 6301 of this title.

§ 2429a-1. Annual report on nuclear transfer activities

Beginning with the fiscal year 1983 and for each fiscal year thereafter, the President shall prepare and transmit to the Congress, as part of the presentation materials for foreign assistance

programs proposed for that fiscal year, a classified report describing the nuclear programs and related activities of any country for which a waiver of section 2799aa or 2799aa-1 of this title is in effect, including an assessment of—

(1) the extent and effectiveness of International Atomic Energy Agency safeguards at that country's nuclear facilities; and

(2) the capability, actions, and intentions of the government of that country with respect to the manufacture or acquisition of a nuclear explosive device.

(Pub. L. 97-113, title VII, § 735, Dec. 29, 1981, 95 Stat. 1561; Pub. L. 103-236, title VIII, § 826(c), Apr. 30, 1994, 108 Stat. 519.)

CODIFICATION

Section was enacted as part of the International Security and Development Cooperation Act of 1981, and not as part of the Foreign Assistance Act of 1961 which comprises this chapter.

AMENDMENTS

1994—Pub. L. 103-236 substituted “section 2799aa or 2799aa-1” for “section 2429 or 2429a”.

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103-236 effective 60 days after Apr. 30, 1994, see section 831 of Pub. L. 103-236, set out as an Effective Date note under section 6301 of this title.

§ 2429a-2. Enforcement of nonproliferation treaties**(a) Policy**

It is the sense of the Congress that the President should instruct the United States Permanent Representative to the United Nations to enhance the role of that institution in the enforcement of nonproliferation treaties through the passage of a United Nations Security Council resolution which would state that, any non-nuclear weapon state that is found by the United Nations Security Council, in consultation with the International Atomic Energy Agency (IAEA), to have terminated, abrogated, or materially violated an IAEA full-scope safeguards agreement would be subjected to international economic sanctions, the scope of which to be determined by the United Nations Security Council.

(b) Prohibition

Notwithstanding any other provision of law, no United States assistance under the Foreign Assistance Act of 1961 [22 U.S.C. 2151 et seq.] shall be provided to any non-nuclear weapon state that is found by the President to have terminated, abrogated, or materially violated an IAEA full-scope safeguard agreement or materially violated a bilateral United States nuclear cooperation agreement entered into after March 10, 1978.

(c) Waiver

The President may waive the application of subsection (b) of this section if—

(1) the President determines that the termination of such assistance would be seriously prejudicial to the achievement of United States nonproliferation objectives or otherwise jeopardize the common defense and security; and