

Prior determinations and certifications were contained in the following:

Determination of President of the United States, No. 90-1, Oct. 5, 1989, 54 F.R. 43797.

Determination of President of the United States, No. 89-7, Nov. 18, 1988, 53 F.R. 49111.

Determination of President of the United States, No. 88-5, Jan. 15, 1988, 53 F.R. 3325.

Determination of President of the United States, No. 88-4, Dec. 17, 1987, 53 F.R. 773.

Determination of President of the United States, No. 87-3, Oct. 27, 1986, 51 F.R. 40301.

Determination of President of the United States, No. 86-03, Nov. 25, 1985, 50 F.R. 50273.

WAIVER OF SANCTIONS

Sanctions contained in subsec. (e) waived in certain regards with respect to India by Determination of President of the United States, No. 2000-18, Mar. 16, 2000, 65 F.R. 16297, set out as a note under section 2799aa-1 of this title.

Sanctions contained in subsec. (e) waived in certain regards by Determination of President of the United States, No. 2000-4, Oct. 27, 1999, 64 F.R. 60649, set out as a note under section 2799aa-1 of this title.

§ 2376. Nuclear non-proliferation policy in South Asia

(a) Findings

The Congress finds that—

(1) the proliferation of weapons of mass destruction remains one of the most serious threats to international peace and stability;

(2) South Asia, in particular, is an area where the threat of a regional nuclear exchange remains high due to continued Indo-Pakistani tensions over issues such as Kashmir;

(3) to date, United States efforts to halt proliferation in South Asia have failed;

(4) although global disarmament is a desirable goal which should be vigorously pursued, both regional and sub-regional security arrangements can serve to decrease tensions and promote non-proliferation in certain areas;

(5) thus far, there has been some success on a regional basis, such as the South Pacific Nuclear Weapons Free Zone and the Treaty of Tlatelolco in Latin America;

(6) in particular, in Latin America, the Treaty of Tlatelolco has been signed by all the nuclear powers;

(7) a critical part of this treaty is Protocol II which prohibits nuclear attacks by nuclear weapons states on signatories to the treaty;

(8) in 1991, a proposal was made for a regional conference on non-proliferation in South Asia which would include Pakistan, India, the People's Republic of China, the Soviet Union, and the United States; and

(9) thus far, Pakistan, China, Russia, and the United States have expressed interest in attending such a conference, whereas India has refused to attend.

(b) Policy

It is the sense of the Congress that the President should pursue a policy which seeks a regional negotiated solution to the issue of nuclear non-proliferation in South Asia at the earliest possible time, including a protocol to be signed by all nuclear weapons states, prohibiting nuclear attacks by nuclear weapons states

on countries in the region. Such a policy should have as its ultimate goal concurrent accession by Pakistan and India to the Nuclear Non-Proliferation Treaty, and should also include as needed a phased approach to that goal through a series of agreements among the parties on nuclear issues, such as the agreement reached by Pakistan and India not to attack one another's nuclear facilities.

(Pub. L. 87-195, pt. III, §620F, as added Pub. L. 102-391, title V, §585(a), Oct. 6, 1992, 106 Stat. 1688; amended Pub. L. 105-277, div. G, subdiv. B, title XXII, §2219(b), Oct. 21, 1998, 112 Stat. 2681-817; Pub. L. 113-188, title XIV, §1401, Nov. 26, 2014, 128 Stat. 2023.)

AMENDMENTS

2014—Subsec. (c). Pub. L. 113-188 struck out subsec. (c). Text read as follows: “Not later than April 1 of each year, the President shall submit a report to the Committees on Appropriations, the Speaker of the House of Representatives, and the chairman of the Committee on Foreign Relations of the Senate, on nuclear proliferation in South Asia, including efforts taken by the United States to achieve a regional agreement on nuclear non-proliferation, and including a comprehensive list of the obstacles to concluding such a regional agreement.”

1998—Subsec. (c). Pub. L. 105-277, which directed the substitution of “Not later than April 1 of each year,” for “Not later than April 1, 1993 and every six months thereafter,” was executed by making the substitution for text which contained a comma after “1993” to reflect the probable intent of Congress.

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.

DELEGATION OF AUTHORITY WITH RESPECT TO REPORTS TO CONGRESS CONCERNING PROGRESS TOWARD NON-PROLIFERATION IN SOUTH ASIA

Memorandum of President of the United States, Mar. 30, 1994, 59 F.R. 17229, delegated to the Secretary of State the reporting functions vested in the President by former subsec. (c) of this section.

§ 2377. Prohibition on assistance to countries that aid terrorist states

(a) Withholding of assistance

The President shall withhold assistance under this chapter to the government of any country that provides assistance to the government of any other country for which the Secretary of State has made a determination under section 2371 of this title.

(b) Waiver

Assistance prohibited by this section may be furnished to a foreign government described in subsection (a) if the President determines that furnishing such assistance is important to the national interests of the United States and, not later than 15 days before obligating such assistance, furnishes a report to the appropriate committees of Congress including—

- (1) a statement of the determination;
- (2) a detailed explanation of the assistance to be provided;
- (3) the estimated dollar amount of the assistance; and