

## REFERENCES IN TEXT

This chapter, referred to in subsecs. (a) and (b), 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.

## 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.

**§ 2427. Operating expenses****(a) Authorization of appropriations**

There are authorized to be appropriated to the President, in addition to funds otherwise available for such purposes—

(1) \$387,000,000 for fiscal year 1986 and \$387,000,000 for fiscal year 1987 for necessary operating expenses of the agency primarily responsible for administering subchapter I of this chapter, of which \$21,750,000 for the fiscal year 1987 is authorized for the necessary operating expenses of the Office of the Inspector General of the Agency for International Development and the remaining amount for the fiscal year is authorized for other necessary operating expenses of that agency; and

(2) such amounts as may be necessary for increases in salary, pay, retirement, and other employee benefits authorized by law, and for other nondiscretionary costs of such agency.

**(b) Continuing availability of funds**

Amounts appropriated under this section are authorized to remain available until expended.

(Pub. L. 87-195, pt. III, §667, as added Pub. L. 94-161, title III, §319, Dec. 20, 1975, 89 Stat. 868; amended Pub. L. 95-88, title I, §129(a), Aug. 3, 1977, 91 Stat. 543; Pub. L. 95-424, title V, §506, Oct. 6, 1978, 92 Stat. 960; Pub. L. 96-53, title I, §120, Aug. 14, 1979, 93 Stat. 365; Pub. L. 96-533, title VII, §709, Dec. 16, 1980, 94 Stat. 3159; Pub. L. 97-113, title VII, §706, Dec. 29, 1981, 95 Stat. 1545; Pub. L. 99-83, title IV, §406, Aug. 8, 1985, 99 Stat. 219; Pub. L. 99-529, title IV, §402, Oct. 24, 1986, 100 Stat. 3019.)

## REFERENCES TO SUBCHAPTER I DEEMED TO INCLUDE CERTAIN PARTS OF SUBCHAPTER II

References to subchapter I of this chapter are deemed to include parts IV (§2346 et seq.), VI (§2348 et seq.), and VIII (§2349aa et seq.) of subchapter II of this chapter, and references to subchapter II are deemed to exclude such parts. See section 202(b) of Pub. L. 92-226, set out as a note under section 2346 of this title, and sections 2348c and 2349aa-5 of this title.

## AMENDMENTS

1986—Subsec. (a)(1). Pub. L. 99-529 inserted “, of which \$21,750,000 for the fiscal year 1987 is authorized for the necessary operating expenses of the Office of the Inspector General of the Agency for International Development and the remaining amount for the fiscal year is authorized for other necessary operating expenses of that agency”.

1985—Subsec. (a)(1). Pub. L. 99-83 amended par. (1) generally, substituting provisions authorizing appropriations of \$387,000,000 for fiscal years 1986 and 1987, for provisions authorizing appropriations of \$335,600,000 for fiscal years 1982 and 1983.

1981—Subsec. (a). Pub. L. 97-113 struck out from provision preceding par. (1) “; for the fiscal year 1981” after “for such purposes” and substituted in par. (1) “\$335,600,000 for the fiscal year 1982 and \$335,600,000 for the fiscal year 1983” for “\$293,800,000”.

1980—Subsec. (a). Pub. L. 96-533 substituted in provisions preceding par. (1) “1981” for “1980” and in par. (1) “\$293,800,000” for “\$263,000,000”.

1979—Subsec. (a). Pub. L. 96-53 substituted in provisions preceding par. (1) “1980” for “1979” and in par. (1) “\$263,000,000” for “\$261,000,000”.

1978—Subsec. (a). Pub. L. 95-424 substituted in provisions preceding par. (1) “1979” for “1978” and in par. (1) “\$261,000,000” for “\$220,200,000”.

1977—Pub. L. 95-88 substituted provisions authorizing appropriations for fiscal year 1978 for provisions stating that nothing in this chapter was intended to preclude the Committees on Appropriations from setting a ceiling on operating expenses of the agency primarily responsible for administering subchapter I of this chapter or limiting the availability of other sums therefor.

## EFFECTIVE DATE OF 1985 AMENDMENT

Amendment by Pub. L. 99-83 effective Oct. 1, 1985, see section 1301 of Pub. L. 99-83, set out as a note under section 2151-1 of this title.

## EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96-53 effective Oct. 1, 1979, see section 512(a) of Pub. L. 96-53, set out as a note under section 2151 of this title.

## EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-424 effective Oct. 1, 1978, see section 605 of Pub. L. 95-424, set out as a note under section 2151 of this title.

## 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.

**§ 2428. Repealed. Pub. L. 97-113, title VII, § 734(a)(1), Dec. 29, 1981, 95 Stat. 1560**

Section, Pub. L. 87-195, pt. III, §668, as added Pub. L. 94-329, title IV, §411, June 30, 1976, 90 Stat. 760, required annual reports respecting the Republic of Korea’s armed forces modernization and self-sufficiency program, 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 the 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 main-

taining 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 articles 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) 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