

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(d) Repealed.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(2) Repealed.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.)

Editorial Notes

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.

Statutory Notes and Related Subsidiaries

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.)

Editorial Notes

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”.

Statutory Notes and Related Subsidiaries

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 en-

forcement 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) 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
- (2) the President reports such determination to the Congress at least 15 days in advance of any resumption of assistance to that state.

(Pub. L. 103-236, title V, §530, Apr. 30, 1994, 108 Stat. 479.)

Editorial Notes

REFERENCES IN TEXT

The Foreign Assistance Act of 1961, referred to in subsec. (b), is Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, as amended, which is classified principally to this chapter (§2151 et seq.). 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 Foreign Relations Authorization Act, Fiscal Years 1994 and 1995, and not as part of the Foreign Assistance Act of 1961 which comprises this chapter.

Executive Documents

DELEGATION OF FUNCTIONS

Functions of President under this section delegated to Secretary of State by par. (1) of Memorandum of President of the United States, Mar. 23, 2007, 72 F.R. 18103, set out in a note under section 635 of Title 12, Banks and Banking.

§ 2429b. Transferred

Editorial Notes

CODIFICATION

Section, Pub. L. 87-195, pt. III, §671, as added Pub. L. 95-88, title I, §130, Aug. 3, 1977, 91 Stat. 543, which related to notification of program changes, was transferred to section 2394-1 of this title.

SUBCHAPTER III-A—ENTERPRISE FOR THE AMERICAS INITIATIVE

§ 2430. Purpose

The purpose of this subchapter is to encourage and support improvement in the lives of the people of Latin America and the Caribbean through market-oriented reforms and economic growth with interrelated actions to promote debt reduction, investment reforms, community based conservation, and sustainable use of the environment, and child survival and child development. The Facility will support these objectives through administration of debt reduction operations under this subchapter for those countries with democratically elected governments that meet investment reforms and other policy conditions.

(Pub. L. 87-195, pt. IV, §701, as added Pub. L. 102-549, title VI, §602(a), Oct. 28, 1992, 106 Stat. 3664.)

Editorial Notes

PRIOR PROVISIONS

A prior section 701 of Pub. L. 87-195, pt. IV, Sept. 4, 1961, 75 Stat. 463, amended section 1651 of Title 42, The Public Health and Welfare, prior to repeal by Pub. L. 87-565, pt. IV, §401, Aug. 1, 1962, 76 Stat. 263, except insofar as section 701 affected section 1651.

§ 2430a. Definitions

For purposes of this subchapter—

(1) the term “administering body” means the entity provided for in section 2430g(c) of this title;

(2) the term “Americas Framework Agreement” means an Americas Framework Agreement provided for in section 2430g of this title;

(3) the term “Americas Fund” means an Enterprise for the Americas Fund provided for in section 2430f(a) of this title;

(4) the term “appropriate congressional committees” means the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate;

(5) the term “beneficiary country” means an eligible country with respect to which the authority of section 2430c(a)(1) of this title is exercised;

(6) the term “eligible country” means a country designated by the President in accordance with section 2430b of this title;

(7) the term “Enterprise for the Americas Board” or “Board” means the board established by section 1738i of title 7; and

(8) the term “Facility” means the Enterprise for the Americas Facility established in the Department of the Treasury by section 1738 of title 7.

(Pub. L. 87-195, pt. IV, §702, as added Pub. L. 102-549, title VI, §602(a), Oct. 28, 1992, 106 Stat. 3664; amended Pub. L. 110-246, title III, §3001(b)(1)(A), (2)(Q), June 18, 2008, 122 Stat. 1820.)

Editorial Notes

PRIOR PROVISIONS

A prior section 702 of Pub. L. 87-195, pt. IV, Sept. 4, 1961, 75 Stat. 463, amended section 1701 of Title 42, The