

109TH CONGRESS  
1ST SESSION

**S. 1988**

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**AN ACT**

To authorize the transfer of items in the War Reserves  
Stockpile for Allies, Korea.

1       *Be it enacted by the Senate and House of Representa-*  
2   *tives of the United States of America in Congress assembled,*

1 **SECTION. 1. WAR RESERVES STOCKPILE FOR ALLIES,**  
2 **KOREA.**

3 (a) **AUTHORITY TO TRANSFER ITEMS IN STOCK-**  
4 **PILE.—**

5 (1) **IN GENERAL.**—Notwithstanding section 514  
6 of the Foreign Assistance Act of 1961 (22 U.S.C.  
7 2321h), the President is authorized to transfer to  
8 the Republic of Korea, on such conditions as the  
9 President may determine, any or all of the items de-  
10 scribed in paragraph (2).

11 (2) **COVERED ITEMS.**—The items referred to in  
12 paragraph (1) are munitions, equipment, and mate-  
13 riel such as tanks, trucks, artillery, mortars, general  
14 purpose bombs, repair parts, barrier material, and  
15 ancillary equipment if such items are—

16 (A) obsolete or surplus items;

17 (B) in the inventory of the Department of  
18 Defense;

19 (C) intended for use as reserve stocks for  
20 the Republic of Korea; and

21 (D) as of the date of the enactment of this  
22 Act, located in a stockpile in the Republic of  
23 Korea or Japan.

24 (3) **VALUATION OF CONCESSIONS.**—The value  
25 of concessions negotiated pursuant to paragraph (1)  
26 shall be at least equal to the fair market value of the

1 items transferred, less any savings (which may not  
2 exceed the fair market value of the items trans-  
3 ferred) accruing to the Department of Defense from  
4 an avoidance of the cost of removal of such items  
5 from the Republic of Korea or of the disposal of  
6 such items. The concessions may include cash com-  
7 pensation, services, waiver of charges otherwise pay-  
8 able by the United States (such as charges for dem-  
9 olition of United States-owned or United States-in-  
10 tended munitions), and other items of value.

11 (4) TERMINATION.—No transfer may be made  
12 under the authority of this subsection after the date  
13 that is three years after the date of the enactment  
14 of this Act.

15 (b) CERTIFICATION REGARDING MATERIEL IN  
16 STOCKPILE.—Not later than 60 days after the date of the  
17 enactment of this Act, the Secretary of Defense shall cer-  
18 tify to the appropriate committees of Congress whether  
19 or not the ammunition, equipment, and materiel in the  
20 War Reserves Stockpile for Allies, Korea that are available  
21 for transfer to the Republic of Korea is of any utility to  
22 the United States for any of the following:

- 23 (1) Counterterrorism operations.  
24 (2) Contingency operations.  
25 (3) Training.

1           (4) Stockpile, pre-positioning, or war reserve re-  
2       quirements.

3       (c) TERMINATION OF STOCKPILE.—

4           (1) IN GENERAL.—At the conclusion of the  
5       transfer to the Republic of Korea under subsection  
6       (a) of items in the War Reserves Stockpile for Allies,  
7       Korea pursuant to that subsection, the War Re-  
8       serves Stockpile for Allies, Korea program shall be  
9       terminated.

10          (2) DISPOSITION OF REMAINING ITEMS.—Any  
11       items remaining in the War Reserves Stockpile for  
12       Allies, Korea as of the termination of the War Re-  
13       serves Stockpile for Allies, Korea program under  
14       paragraph (1) shall be removed, disposed of, or both  
15       by the Department of Defense.

16       (d) APPROPRIATE COMMITTEES OF CONGRESS DE-  
17       FINED.—In this section, the term “appropriate commit-  
18       tees of Congress” means—

19           (1) the Committees on Armed Services, Appro-  
20       priations, and Foreign Relations of the Senate; and

1           (2) the Committees on Armed Services, Appro-  
2       priations, and International Relations of the House  
3       of Representatives.

Passed the Senate November 9, 2005.

Attest:

*Secretary.*

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