

109TH CONGRESS  
1ST SESSION

# S. 1988

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

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IN THE SENATE OF THE UNITED STATES

NOVEMBER 9, 2005

Mr. LUGAR introduced the following bill; which was read twice, considered,  
read the third time, and passed

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## A BILL

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,*

3       **SECTION 1. WAR RESERVES STOCKPILE FOR ALLIES,**

4                       **KOREA.**

5       (a) **AUTHORITY TO TRANSFER ITEMS IN STOCK-**  
6       **PILE.—**

7               (1) **IN GENERAL.—**Notwithstanding section 514  
8       of the Foreign Assistance Act of 1961 (22 U.S.C.  
9       2321h), the President is authorized to transfer to  
10       the Republic of Korea, on such conditions as the

1 President may determine, any or all of the items de-  
2 scribed in paragraph (2).

3 (2) COVERED ITEMS.—The items referred to in  
4 paragraph (1) are munitions, equipment, and mate-  
5 riel such as tanks, trucks, artillery, mortars, general  
6 purpose bombs, repair parts, barrier material, and  
7 ancillary equipment if such items are—

8 (A) obsolete or surplus items;

9 (B) in the inventory of the Department of  
10 Defense;

11 (C) intended for use as reserve stocks for  
12 the Republic of Korea; and

13 (D) as of the date of the enactment of this  
14 Act, located in a stockpile in the Republic of  
15 Korea or Japan.

16 (3) VALUATION OF CONCESSIONS.—The value  
17 of concessions negotiated pursuant to paragraph (1)  
18 shall be at least equal to the fair market value of the  
19 items transferred, less any savings (which may not  
20 exceed the fair market value of the items trans-  
21 ferred) accruing to the Department of Defense from  
22 an avoidance of the cost of removal of such items  
23 from the Republic of Korea or of the disposal of  
24 such items. The concessions may include cash com-  
25 pensation, services, waiver of charges otherwise pay-

1       able by the United States (such as charges for dem-  
2       olition of United States-owned or United States-in-  
3       tended munitions), and other items of value.

4           (4) TERMINATION.—No transfer may be made  
5       under the authority of this subsection after the date  
6       that is three years after the date of the enactment  
7       of this Act.

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

16           (1) Counterterrorism operations.

17           (2) Contingency operations.

18           (3) Training.

19           (4) Stockpile, pre-positioning, or war reserve re-  
20      quirements.

21      (c) TERMINATION OF STOCKPILE.—

22           (1) IN GENERAL.—At the conclusion of the  
23      transfer to the Republic of Korea under subsection  
24      (a) of items in the War Reserves Stockpile for Allies,  
25      Korea pursuant to that subsection, the War Re-

1 serves Stockpile for Allies, Korea program shall be  
2 terminated.

3 (2) DISPOSITION OF REMAINING ITEMS.—Any  
4 items remaining in the War Reserves Stockpile for  
5 Allies, Korea as of the termination of the War Re-  
6 serves Stockpile for Allies, Korea program under  
7 paragraph (1) shall be removed, disposed of, or both  
8 by the Department of Defense.

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

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

14 (2) the Committees on Armed Services, Appro-  
15 priations, and International Relations of the House  
16 of Representatives.

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