

direction of the President and Secretary of State, acting through the Director, as appropriate."

SEC. 304. PARTICIPATION OF ACDA DIRECTOR IN CERTAIN DELIBERATIONS.

The Arms Export Control Act is amended as follows:

(1) Section 38(a)(2) of the Arms Export Control Act (22 U.S.C. 2778(a)(2)) is amended to read as follows:

"(2) Decisions on issuing export licenses under this section shall be made in coordination with the Director of the United States Arms Control and Disarmament Agency, taking into account the Director's assessment as to whether the export of an article will contribute to an arms race, aid in the development of weapons of mass destruction, support international terrorism, increase the possibility of outbreak or escalation of conflict, or prejudice the development of bilateral or multilateral arms control or non-proliferation agreements or other bilateral arrangements."

(2) Section 42(a) of such Act (22 U.S.C. 2791(a)) is amended by striking out all that follows "(3)" in the last sentence and inserting the following: "the assessment of the Director of the United States Arms Control and Disarmament Agency as to the extent to which such sale might contribute to an arms race, aid in the development of weapons of mass destruction, support international terrorism, increase the possibility of outbreak or escalation of conflict, or prejudice the development of bilateral or multilateral arms control or nonproliferation agreements or other arrangements."

(3) Section 71 of such Act (22 U.S.C. 2797) is amended—

(A) in subsection (a) by inserting "the Director of the United States Arms Control and Disarmament Agency," after "Secretary of Defense";

(B) in subsection (b)(1) inserting "and the Director of the United States Arms Control and Disarmament Agency" after "Secretary of Defense"; and

(C) in subsection (b)(2)—

(i) by striking "and the Secretary of Commerce" and inserting "the Secretary of Commerce, and the Director of the United States Arms Control and Disarmament Agency"; and

(ii) by striking the comma after "applicant" and all that follows through "documents".

SEC. 305. NOTIFICATION TO CONGRESS OF PROPOSED REPROGRAMMINGS BY ACDA.

Title IV of the Arms Control and Disarmament Act is amended by adding at the end the following:

"SEC. 54. REPROGRAMMING OF FUNDS.

"(a) CONGRESSIONAL NOTIFICATION OF CERTAIN REPROGRAMMINGS.—Unless the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate are notified at least 15 days in advance of the proposed reprogramming, funds appropriated to carry out this Act (other than funds to carry out title V) shall not be available for obligation or expenditure through any reprogramming of funds that—

"(1) would create or eliminate a program, project, or activity;

"(2) would increase funds or personnel by any means for any program, project, or activity for which funds have been denied or restricted by the Congress;

"(3) would relocate an office or employees;

"(4) would reorganize offices, programs, projects, or activities;

"(5) would involve contracting out functions which had been performed by Federal employees; or

"(6) would involve a reprogramming in excess of \$1,000,000 or 10 percent (whichever is less) and would—

"(A) augment existing programs, projects, or activities,

"(B) reduce by 10 percent or more the funding for any existing program, project, activity, or personnel approved by the Congress, or

"(C) result from any general savings from a reduction in personnel that would result in a change in existing programs, activities, or projects approved by the Congress.

"(b) LIMITATION ON END-OF-YEAR REPROGRAMMINGS.—Funds appropriated to carry out this Act (other than funds to carry out title V) shall not be available for obligation or expenditure through any reprogramming described in paragraph (1) during the last 15 days in which such funds are available for obligation or expenditure (as the case may be) unless the notification required by that paragraph was submitted before that 15-day period."

SEC. 306. REQUIREMENT OF AUTHORIZATION OF APPROPRIATIONS.

ARMS CONTROL AND DISARMAMENT AGENCY.—Title IV of the Arms Control and Disarmament Act is amended by adding at the end the following:

"SEC. 55. REQUIREMENT FOR AUTHORIZATION OF APPROPRIATIONS.

"(a) LIMITATION ON OBLIGATION AND EXPENDITURE OF FUNDS.—Notwithstanding any other provision of law, for the fiscal year 1994 and for each subsequent fiscal year, any funds appropriated for the Arms Control and Disarmament Agency shall not be available for obligation or expenditure—

"(1) unless such funds are appropriated pursuant to an authorization of appropriations; or

"(2) in excess of the authorized level of appropriations.

"(b) SUBSEQUENT AUTHORIZATION.—The limitation under subsection (a) shall not apply to the extent that an authorization of appropriations is enacted after such funds are appropriated.

"(c) APPLICATION.—The provisions of this section—

"(1) may not be superseded, except by a provision of law which specifically repeals, modifies, or supersedes the provisions of this section; and

"(2) shall not apply to, or affect in any manner, permanent appropriations, trust funds, and other similar accounts which are authorized by law and administered by the Arms Control and Disarmament Agency."

SEC. 307. APPOINTMENT OF PERSONNEL.

Section 41(b) of the Arms Control and Disarmament Act (22 U.S.C. 2581(b)) is amended by striking "except that during the 2-year" and inserting "except that the Director may, to the extent he or she deems necessary to the discharge of his or her responsibilities, appoint in the Excepted Service and fix the compensation of employees possessing specialized technical expertise notwithstanding the provisions of title 5, United States Code, governing appointment or compensation of employees of the United States, provided that, an employee who is appointed under this provision may not be paid a salary in excess of the rate payable for positions of equivalent difficulty or responsibility, and in no event, may be paid at a rate exceeding the maximum rate in effect for level 15 of the General Schedule, and provided further, that the number of employees appointed under this provision shall not exceed ten percent of the Agency's Full Time Equivalent (FTE) ceiling."

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

The question being put, viva voce, Will the House pass said bill?

The SPEAKER pro tempore, Mr. MCNULTY, announced that the yeas had it.

Mr. LINDER demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative { Yeas 273 Nays 144

73.14 [Roll No. 252] YEAS—273

Table listing names of members and their corresponding counts for the yeas and nays vote.

