

**CHAPTER 35—ARMS CONTROL AND
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SUBCHAPTER I—GENERAL PROVISIONS

§ 2551. Congressional statement of purpose

An ultimate goal of the United States is a world which is free from the scourge of war and the dangers and burdens of armaments; in which the use of force has been subordinated to the rule of law; and in which international adjustments to a changing world are achieved peacefully. It is the purpose of this chapter to provide impetus toward this goal by creating a new agency of peace to deal with the problem of reduction and control of armaments looking toward ultimate world disarmament.

Arms control, nonproliferation, and disarmament policy, being an important aspect of foreign policy, must be consistent with national security policy as a whole. The formulation and implementation of United States arms control, nonproliferation, and disarmament policy in a manner which will promote the national security can best be insured by a central organization charged by statute with primary responsibility for this field. This organization must have such a position within the Government that it can provide the President, the Secretary of State, other officials of the executive branch, and the Congress with recommendations concerning United States arms control, nonproliferation, and disarmament policy, and can assess the effect of these recommendations upon our foreign policies, our national security policies, and our economy.

This organization must have the capacity to provide the essential scientific, economic, political, military, psychological, and technological information upon which realistic arms control, nonproliferation, and disarmament policy must

be based. It shall have the authority, under the direction of the President and the Secretary of State, to carry out the following primary functions:

- (1) The preparation for and management of United States participation in international negotiations and implementation fora in the arms control and disarmament field.
- (2) When directed by the President, the preparation for, and management of, United States participation in international negotiations and implementation fora in the nonproliferation field.
- (3) The conduct, support, and coordination of research for arms control, nonproliferation, and disarmament policy formulation.
- (4) The preparation for, operation of, or, as appropriate, direction of, United States participation in such control systems as may become part of United States arms control, nonproliferation, and disarmament activities.
- (5) The dissemination and coordination of public information concerning arms control, nonproliferation, and disarmament.

(Pub. L. 87-297, title I, §2, Sept. 26, 1961, 75 Stat. 631; Pub. L. 94-141, title I, §144, Nov. 29, 1975, 89 Stat. 758; Pub. L. 103-236, title VII, §§703, 719(a), Apr. 30, 1994, 108 Stat. 491, 501.)

AMENDMENTS

1994—Pub. L. 103-236, §719(a), inserted “, nonproliferation,” after “Arms control” in second undesignated par. and after “arms control” wherever appearing in second and third undesignated pars.

Pub. L. 103-236, §703, substituted pars. (1) to (5) for former pars. (a) to (d) which read as follows:

“(a) The conduct, support, and coordination of research for arms control and disarmament policy formulation;

“(b) The preparation for and management of United States participation in international negotiations in the arms control and disarmament field;

“(c) The dissemination and coordination of public information concerning arms control and disarmament; and

“(d) The preparation for, operation of, or as appropriate, direction of United States participation in such control systems as may become part of United States arms control and disarmament activities.”

1975—Pub. L. 94-141 substituted “It shall have the authority, under the direction of the President and the Secretary of State,” for “It must be able”.

SHORT TITLE OF 1994 AMENDMENT

Section 701(a) of Pub. L. 103-236 provided that: “This part [part A (§§701-719) of title VII of Pub. L. 103-236, enacting sections 2578 and 2593a to 2593d of this title, amending this section, sections 2562, 2565 to 2568, 2571, 2573 to 2577, 2579, 2581, 2585, 2591, 2593, 2791, 2797, and 2797b of this title, section 5315 of Title 5, Government Organization and Employees, and section 2139a of Title 42, The Public Health and Welfare, repealing sections 2578, 2589, 2590, and 2592 of this title, enacting provisions set out as notes under this section, and repealing provisions set out as notes under this section] may be cited as the ‘Arms Control and Nonproliferation Act of 1994.’”

SHORT TITLE OF 1989 AMENDMENT

Pub. L. 101-216, §1, Dec. 11, 1989, 103 Stat. 1853, provided that: “This Act [enacting sections 2577a and 2595 to 2595c of this title, amending sections 2563, 2567, 2588, and 2589 of this title, and enacting provisions set out as notes under sections 2565 and 2567 of this title] may be cited as the ‘Arms Control and Disarmament Amendments Act of 1989.’”

SHORT TITLE OF 1987 AMENDMENT

Pub. L. 100-213, §1, Dec. 24, 1987, 101 Stat. 1444, provided that: "This Act [enacting sections 2578, 2579, and 2593 of this title, amending sections 2589 and 2592 of this title, and enacting provisions set out as a note under section 2578 of this title] may be cited as the 'Arms Control and Disarmament Amendments Act of 1987'."

SHORT TITLE OF 1982 AMENDMENT

Pub. L. 97-339, §1, Oct. 15, 1982, 96 Stat. 1635, provided: "That this Act [amending sections 2571, 2585, and 2589 of this title] may be cited as the 'Arms Control and Disarmament Amendments Act of 1982'."

SHORT TITLE OF 1977 AMENDMENT

Pub. L. 95-108, §1, Aug. 17, 1977, 91 Stat. 871, provided that: "This Act [enacting sections 2567 and 2577 of this title and amending sections 2571, 2581, and 2589 of this title and section 5315 of Title 5, Government Organization and Employees] may be cited as the 'Arms Control and Disarmament Act Amendments of 1977'."

SHORT TITLE

Section 1 of Pub. L. 87-297 provided that: "This Act [enacting this chapter] may be cited as the 'Arms Control and Disarmament Act'."

CONGRESSIONAL DECLARATIONS; PURPOSES OF 1994 AMENDMENT

Section 702 of Pub. L. 103-236 provided that:

"(a) CONGRESSIONAL DECLARATIONS.—The Congress declares that—

"(1) a fundamental goal of the United States, particularly in the wake of the highly turbulent and uncertain international situation fostered by the end of the Cold War, the disintegration of the Soviet Union and the resulting emergence of fifteen new independent states, and the revolutionary changes in Eastern Europe, is to prevent the proliferation of nuclear weapons and their means of delivery and of advanced conventional armaments, to eliminate chemical and biological weapons, and to reduce and limit the large numbers of nuclear weapons in the former Soviet Union, as well as to prevent regional conflicts and conventional arms races; and

"(2) an ultimate goal of the United States continues to be a world in which the use of force is subordinated to the rule of law and international change is achieved peacefully without the danger and burden of destabilizing and costly armaments.

"(b) PURPOSE.—The purpose of this part [part A of title VII of Pub. L. 103-236, see Short Title of 1994 Amendment note above] is—

"(1) to strengthen the United States Arms Control and Disarmament Agency; and

"(2) to improve congressional oversight of the arms control, nonproliferation, and disarmament activities of the United States Arms Control and Disarmament Agency, and of the Agency's operating budget."

REPORT ON REVITALIZATION OF ACDA

Section 717(b) of Pub. L. 103-236 provided that: "Not later than December 31, 1995, the Director of the United States Arms Control and Disarmament Agency shall submit to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate a detailed report describing the actions that have been taken and that are underway to revitalize the United States Arms Control and Disarmament Agency pursuant to the provisions of this part [part A of title VII of Pub. L. 103-236, see Short Title of 1994 Amendment note above] and the amendments made by this part."

SOVIET WEAPONS DESTRUCTION

Pub. L. 102-228, title II, Dec. 12, 1991, 105 Stat. 1693, as amended by Pub. L. 102-484, div. A, title XIV, §1421(a)(2), (3), Oct. 23, 1992, 106 Stat. 2565; Pub. L.

103-236, title I, §139(17), Apr. 30, 1994, 108 Stat. 398; Pub. L. 104-106, div. A, title XII, §1204, Feb. 10, 1996, 110 Stat. 470, provided that:

"PART A—SHORT TITLE

"SEC. 201. SHORT TITLE.

"This title may be cited as the 'Soviet Nuclear Threat Reduction Act of 1991'."

"PART B—FINDINGS AND PROGRAM AUTHORITY

"SEC. 211. NATIONAL DEFENSE AND SOVIET WEAPONS DESTRUCTION.

"(a) FINDINGS.—The Congress finds—

"(1) that Soviet President Gorbachev has requested Western help in dismantling nuclear weapons, and President Bush has proposed United States cooperation on the storage, transportation, dismantling, and destruction of Soviet nuclear weapons;

"(2) that the profound changes underway in the Soviet Union pose three types of danger to nuclear safety and stability, as follows: (A) ultimate disposition of nuclear weapons among the Soviet Union, its republics, and any successor entities that is not conducive to weapons safety or to international stability; (B) seizure, theft, sale, or use of nuclear weapons or components; and (C) transfers of weapons, weapons components, or weapons know-how outside of the territory of the Soviet Union, its republics, and any successor entities, that contribute to worldwide proliferation; and

"(3) that it is in the national security interests of the United States (A) to facilitate on a priority basis the transportation, storage, safeguarding, and destruction of nuclear and other weapons in the Soviet Union, its republics, and any successor entities, and (B) to assist in the prevention of weapons proliferation.

"(b) EXCLUSIONS.—United States assistance in destroying nuclear and other weapons under this title may not be provided to the Soviet Union, any of its republics, or any successor entity unless the President certifies to the Congress that the proposed recipient is committed to—

"(1) making a substantial investment of its resources for dismantling or destroying such weapons;

"(2) forgoing any military modernization program that exceeds legitimate defense requirements and forgoing the replacement of destroyed weapons of mass destruction;

"(3) forgoing any use of fissionable and other components of destroyed nuclear weapons in new nuclear weapons;

"(4) facilitating United States verification of weapons destruction carried out under section 212;

"(5) complying with all relevant arms control agreements; and

"(6) observing internationally recognized human rights, including the protection of minorities.

"(c) As part of a transmission to Congress under subsection (b) of a certification that a proposed recipient of United States assistance under this title is committed to carrying out the matters specified in each of paragraphs (1) through (6) of that subsection, the President shall include a statement setting forth, in unclassified form (together with a classified annex if necessary), the determination of the President, with respect to each such paragraph, as to whether that proposed recipient is at that time in fact carrying out the matter specified in that paragraph.

"SEC. 212. AUTHORITY FOR PROGRAM TO FACILITATE SOVIET WEAPONS DESTRUCTION.

"(a) IN GENERAL.—Notwithstanding any other provision of law, the President, consistent with the findings stated in section 211, may establish a program as authorized in subsection (b) to assist Soviet weapons destruction. Funds for carrying out this program shall be provided as specified in part C.

"(b) TYPE OF PROGRAM.—The program under this section shall be limited to cooperation among the United

States, the Soviet Union, its republics, and any successor entities to (1) destroy nuclear weapons, chemical weapons, and other weapons, (2) transport, store, disable, and safeguard weapons in connection with their destruction, and (3) establish verifiable safeguards against the proliferation of such weapons. Such cooperation may involve assistance in planning and in resolving technical problems associated with weapons destruction and proliferation. Such cooperation may also involve the funding of critical short-term requirements related to weapons destruction and should, to the extent feasible, draw upon United States technology and United States technicians.

“PART C—ADMINISTRATIVE AND FUNDING AUTHORITIES

“SEC. 221. ADMINISTRATION OF NUCLEAR THREAT REDUCTION PROGRAMS.

“(a) FUNDING.—

“(1) TRANSFER AUTHORITY.—The President may, to the extent provided in an appropriations Act or joint resolution, transfer to the appropriate defense accounts from amounts appropriated to the Department of Defense for fiscal years 1992 and 1993 for operation and maintenance or from balances in working capital accounts established under section 2208 of title 10, United States Code, not to exceed \$800,000,000 for use in reducing the Soviet military threat under part B.

“(2) LIMITATION.—Amounts for transfers under paragraph (1) may not be derived from amounts appropriated for any activity of the Department of Defense that the Secretary of Defense determines essential for the readiness of the Armed Forces, including amounts for—

“(A) training activities; and

“(B) depot maintenance activities.

“(b) DEPARTMENT OF DEFENSE.—The Department of Defense shall serve as the executive agent for any program established under part B.

“(c) REIMBURSEMENT OF OTHER AGENCIES.—The Secretary of Defense may reimburse other United States Government departments and agencies under this section for costs of participation, as directed by the President, only in a program established under part B.

“(d) CHARGES AGAINST FUNDS.—The value of any material from existing stocks and inventories of the Department of Defense, or any other United States Government department or agency, that is used in providing assistance under part B to reduce the Soviet military threat may not be charged against funds available pursuant to subsection (a) to the extent that the material contributed is directed by the President to be contributed without subsequent replacement.

“(e) DETERMINATION BY DIRECTOR OF OMB.—No amount may be obligated for the program under part B for fiscal year 1992 or fiscal year 1993 unless expenditures for that program for that fiscal year have been determined by the Director of the Office of Management and Budget to be counted against the defense category of the discretionary spending limits for that fiscal year (as defined in section 601(a)(2) of the Congressional Budget Act of 1974 [2 U.S.C. 665(a)(2)]) for purposes of part C of the Balanced Budget and Emergency Deficit Control Act of 1985 [2 U.S.C. 900 et seq.].

“SEC. 222. REPAYMENT ARRANGEMENTS.

“(a) REIMBURSEMENT ARRANGEMENTS.—Assistance provided under part B to the Soviet Union, any of its republics, or any successor entity shall be conditioned, to the extent that the President determines to be appropriate after consultation with the recipient government, upon the agreement of the recipient government to reimburse the United States Government for the cost of such assistance from natural resources or other materials available to the recipient government.

“(b) NATURAL RESOURCES, ETC.—The President shall encourage the satisfaction of such reimbursement arrangements through the provision of natural resources, such as oil and petroleum products and critical and strategic materials, and industrial goods. Materials received by the United States Government pursuant to

this section that are suitable for inclusion in the Strategic Petroleum Reserve or the National Defense Stockpile may be deposited in the reserve or stockpile without reimbursement. Other material and services received may be sold or traded on the domestic or international market with the proceeds to be deposited in the General Fund of the Treasury.

“SEC. 223. DIRE EMERGENCY SUPPLEMENTAL APPROPRIATIONS.

“It is the sense of the Senate that the committee of conference on House Joint Resolution 157 [enacted into law as Pub. L. 102-229] should consider providing the necessary authority in the conference agreement for the President to transfer funds pursuant to this title.

“PART D—REPORTING REQUIREMENTS

“SEC. 231. PRIOR NOTICE OF OBLIGATIONS TO CONGRESS.

“Not less than 15 days before obligating any funds for a program under part B, the President shall transmit to the Congress a report on the proposed obligation. Each such report shall specify—

“(1) the account, budget activity, and particular program or programs from which the funds proposed to be obligated are to be derived and the amount of the proposed obligation; and

“(2) the activities and forms of assistance under part B for which the President plans to obligate such funds.”

[Memorandum of President of the United States, May 10, 1996, 61 F.R. 26033, delegated to Secretary of State authority and duty of President under section 211(c) of Pub. L. 102-228 set out above.]

REPORT ON FULFILLMENT OF PRIMARY FUNCTIONS

Pub. L. 102-228, title IV, §401(c), Dec. 12, 1991, 105 Stat. 1699, directed Inspector General of Arms Control and Disarmament Agency to submit, not later than Dec. 15, 1992, to President, Speaker of House of Representatives, and chairman of Committee on Foreign Relations of Senate a report on Agency's fulfillment of primary functions described in section 2551 of this title and directed President to submit comments on any recommendations contained in the report dealing with executive branch organization and direction, prior to repeal by Pub. L. 103-236, title I, §139(18), Apr. 30, 1994, 108 Stat. 398.

CONVENTIONAL ARMS TRADE

Pub. L. 93-559, §51, Dec. 30, 1974, 88 Stat. 1817, as amended by Pub. L. 97-113, title VII, §734(a)(8), Dec. 29, 1981, 95 Stat. 1560, provided that:

“(a) It is the sense of the Congress that the recent growth in international transfers of conventional arms to developing nations—

“(1) is a cause for grave concern for the United States and other nations in that in particular areas of the world it increases the danger of potential violence among nations, and diverts scarce world resources from more peaceful uses; and

“(2) could be controlled progressively through negotiations and agreements among supplier and recipient nations.

“(b) Therefore, the President is urged to propose to the Geneva Conference of the Committee on Disarmament that it consider as a high priority agenda item discussions among participating nations of that Conference for the purposes of—

“(1) agreeing to workable limitations on conventional arms transfers; and

“(2) establishing a mechanism through which such limitations could be effectively monitored.

“(c) [Repealed. Pub. L. 97-113, title VII, §734(a)(8), Dec. 29, 1981, 95 Stat. 1560.]”

EXECUTIVE ORDER NO. 12946

Ex. Ord. No. 12946, Jan. 20, 1995, 60 F.R. 4829, established within Department of Defense the President's

Advisory Board on Arms Proliferation Policy to advise President on implementation of United States conventional arms transfer policy, other issues related to arms proliferation policy, and on other matters deemed appropriate by President, to report to President through Assistant to the President for National Security Affairs, and to terminate 30 days after date on which President submits final report of the Board to Congress.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2595a of this title.

§ 2552. Definitions

As used in this chapter—

(a) The terms “arms control” and “disarmament” mean the identification, verification, inspection, limitation, control, reduction, or elimination, of armed forces and armaments of all kinds under international agreement including the necessary steps taken under such an agreement to establish an effective system of international control, or to create and strengthen international organizations for the maintenance of peace.

(b) The term “Government agency” means any executive department, commission, agency, independent establishment, corporation wholly or partly owned by the United States which is an instrumentality of the United States, or any board, bureau, division, service, office, officer, authority, administration, or other establishment in the executive branch of Government.

(c) The term “Agency” means the United States Arms Control and Disarmament Agency.

(Pub. L. 87-297, title I, § 3, Sept. 26, 1961, 75 Stat. 631.)

SUBCHAPTER II—ORGANIZATION

§ 2561. United States Arms Control and Disarmament Agency

There is established an agency to be known as the “United States Arms Control and Disarmament Agency”.

(Pub. L. 87-297, title II, § 21, Sept. 26, 1961, 75 Stat. 632.)

§ 2562. Director

(a) Appointment

The Agency shall be headed by a Director appointed by the President, by and with the advice and consent of the Senate. No person serving on active duty as a commissioned officer of the Armed Forces of the United States may be appointed Director.

(b) Duties

(1) The Director shall serve as the principal adviser to the Secretary of State, the National Security Council, and the President and other executive branch Government officials on matters relating to arms control, nonproliferation, and disarmament. In carrying out his duties under this chapter, the Director, under the direction of the President and the Secretary of State, shall have primary responsibility within the Government for matters relating to arms

control and disarmament, and, whenever directed by the President, primary responsibility within the Government for matters relating to nonproliferation.

(2) The Director shall attend all meetings of the National Security Council involving weapons procurement, arms sales, consideration of the defense budget, and all arms control, nonproliferation, and disarmament matters.

(Pub. L. 87-297, title II, § 22, Sept. 26, 1961, 75 Stat. 632; Pub. L. 88-426, title III, § 305(17)(A), Aug. 14, 1964, 78 Stat. 424; Pub. L. 94-141, title I, § 145, Nov. 29, 1975, 89 Stat. 758; Pub. L. 96-66, § 1(a), Sept. 21, 1979, 93 Stat. 414; Pub. L. 98-202, § 2, Dec. 2, 1983, 97 Stat. 1381; Pub. L. 103-236, title VII, § 705, Apr. 30, 1994, 108 Stat. 492.)

AMENDMENTS

1994—Pub. L. 103-236 amended section generally. Prior to amendment, section read as follows: “The Agency shall be headed by a Director, who shall serve as the principal adviser to the Secretary of State, the National Security Council, and the President on arms control and disarmament matters. In carrying out his duties under this chapter the Director shall, under the direction of the Secretary of State, have primary responsibility within the Government for arms control and disarmament matters, as defined in this chapter. The Director shall attend all meetings of the National Security Council involving weapons procurement, arms sales, consideration of the defense budget, and all arms control and disarmament matters. The Director shall be appointed by the President, by and with the advice and consent of the Senate. No person serving on active duty as a commissioned officer of the Armed Forces of the United States may be appointed Director.”

1983—Pub. L. 98-202 required attendance of Director at prescribed National Security Council meetings and substituted “The Director” for “He” before “shall be appointed”.

1979—Pub. L. 96-66 barred appointment of an active duty commissioned officer of the Armed Forces as the Director.

1975—Pub. L. 94-141 inserted “the National Security Council,” after “Secretary of State” in first sentence.

1964—Pub. L. 88-426 repealed provisions which prescribed compensation of Director.

EFFECTIVE DATE OF 1964 AMENDMENT

Amendment by Pub. L. 88-426 effective on first day of first pay period which begins on or after July 1, 1964, except to extent provided in section 501(c) of Pub. L. 88-426, see section 501 of Pub. L. 88-416.

CROSS REFERENCES

Compensation of Director, see section 5313 of Title 5, Government Organization and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2595a of this title.

§ 2563. Deputy Director; appointment; powers and duties

A Deputy Director of the Agency shall be appointed by the President, by and with the advice and consent of the Senate. The Deputy Director shall have direct responsibility, under the supervision of the Director, for the administrative management of the Agency, intelligence-related activities, security, and the Special Compartmental Intelligence Facility, and shall perform such other duties and exercise such other powers as the Director may prescribe. He shall act for,

and exercise the powers of, the Director during his absence or disability or during a vacancy in said office. No person serving on active duty as a commissioned officer of the Armed Forces of the United States may be appointed Deputy Director.

(Pub. L. 87-297, title II, §23, Sept. 26, 1961, 75 Stat. 632; Pub. L. 88-426, title III, §305(17)(B), Aug. 14, 1964, 78 Stat. 424; Pub. L. 96-66, §1(b), Sept. 21, 1979, 93 Stat. 414; Pub. L. 101-216, title I, §102, Dec. 11, 1989, 103 Stat. 1853.)

AMENDMENTS

1989—Pub. L. 101-216 amended second sentence generally. Prior to amendment, second sentence read as follows: “The Deputy Director shall perform such duties and exercise such powers as the Director may prescribe.”

1979—Pub. L. 96-66 barred appointment of an active duty commissioned officer of Armed Forces as Deputy Director.

1964—Pub. L. 88-426 repealed provisions which prescribed compensation of Deputy Director.

EFFECTIVE DATE OF 1964 AMENDMENT

Amendment by Pub. L. 88-426 effective on first day of first pay period which begins on or after July 1, 1964, except to extent provided in section 501(c) of Pub. L. 88-426, see section 501 of Pub. L. 88-426.

CROSS REFERENCES

Compensation of Deputy Director, see section 5315 of Title 5, Government Organization and Employees.

§ 2564. Assistant Directors; number; appointment; powers and duties

Not to exceed four Assistant Directors may be appointed by the President, by and with the advice and consent of the Senate. They shall perform such duties and exercise such powers as the Director may prescribe.

(Pub. L. 87-297, title II, §24, Sept. 26, 1961, 75 Stat. 632; Pub. L. 88-426, title III, §305(17)(C), Aug. 14, 1964, 78 Stat. 424.)

AMENDMENTS

1964—Pub. L. 88-426 repealed provisions which prescribed compensation of Assistant Directors.

EFFECTIVE DATE OF 1964 AMENDMENT

Amendment by Pub. L. 88-426 effective on first day of first pay period which begins on or after July 1, 1964, except to extent provided in section 501(c) of Pub. L. 88-426, see section 501 of Pub. L. 88-426.

CROSS REFERENCES

Compensation of Assistant Directors, see section 5316 of Title 5, Government Organization and Employees.

§ 2565. Bureaus, offices, and divisions

The Director may establish within the Agency such bureaus, offices, and divisions as he may determine to be necessary to discharge his responsibilities pursuant to this chapter, including a bureau of intelligence and information support and an office to perform legal services for the Agency.

(Pub. L. 87-297, title II, §25, Sept. 26, 1961, 75 Stat. 632; Pub. L. 103-236, title VII, §706, Apr. 30, 1994, 108 Stat. 492.)

AMENDMENTS

1994—Pub. L. 103-236 amended section generally. Prior to amendment, section read as follows: “The Director,

under the direction of the Secretary of State, may establish within the Agency such bureaus, offices, and divisions as he may determine to be necessary to discharge his responsibilities under this chapter, including, but not limited to, an Office of the General Counsel.”

ARMS CONTROL IMPLEMENTATION AND COMPLIANCE RESOLUTION

Pub. L. 101-216, title I, §104, Dec. 11, 1989, 103 Stat. 1854, provided that: “The Director of the United States Arms Control and Disarmament Agency should study, and report to the Congress on, the advisability of establishing in the Agency an arms control implementation and compliance resolution bureau, or other organizational unit, that would be responsible for—

“(1) managing the implementation of existing and future arms control agreements;

“(2) coordinating the activities of the Special Verification Commission and the Standing Consultative Commission; and

“(3) preparing comprehensive analyses and policy positions regarding the effective resolution of arms control compliance questions.”

CROSS REFERENCES

Compensation of General Counsel, see section 5316 of Title 5, Government Organization and Employees.

§ 2566. Scientific and Policy Advisory Committee

(a) Establishment

(1) The President may appoint a Scientific and Policy Advisory Committee (in this section referred to as the “Committee”) of not to exceed 15 members, not less than eight of whom shall be scientists.

(2) The members of the Committee shall be appointed as follows:

(A) One member, who shall be a person of renown and distinction, shall be appointed by the President, by and with the advice and consent of the Senate, as Chairman of the Committee.

(B) Fourteen other members shall be appointed by the President.

(3) The Committee shall meet at least twice each year.

(b) Function

It shall be the responsibility of the Committee to advise the President, the Secretary of State, and the Director respecting scientific, technical, and policy matters affecting arms control, nonproliferation, and disarmament.

(c) Reimbursement of expenses

The members of the Committee may receive reimbursement of expenses only in accordance with the provisions applicable to the reimbursement of experts and consultants under section 2581(d) of this title.

(d) Termination

The Committee shall terminate two years after April 30, 1994.

(e) “Scientist” defined

As used in this section, the term “scientist” means an individual who has a demonstrated knowledge and technical expertise with respect to arms control, nonproliferation, and disarmament matters and who has distinguished himself or herself in any of the fields of physics, chemistry, mathematics, biology, or engineering, including weapons engineering.

(Pub. L. 87-297, title II, §26, Sept. 26, 1961, 75 Stat. 632; Pub. L. 103-236, title VII, §707, Apr. 30, 1994, 108 Stat. 493.)

AMENDMENTS

1994—Pub. L. 103-236 amended section generally. Prior to amendment, section read as follows: “The President, by and with the advice and consent of the Senate, may appoint a General Advisory Committee of not to exceed fifteen members to advise the Director on arms control and disarmament policy and activities. The President shall designate one of the members as Chairman. The members of the committee may receive the compensation and reimbursement for expenses specified for consultants by section 2581(d) of this title. The Committee shall meet at least twice each year. It shall from time to time advise the President, the Secretary of State, and the Disarmament Director respecting matters affecting arms control, disarmament, and world peace.”

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2584 of this title.

§ 2567. Presidential Special Representatives

The President may appoint, by and with the advice and consent of the Senate, Special Representatives of the President for arms control, nonproliferation, and disarmament matters. Each Presidential Special Representative shall hold the rank of ambassador. One such Representative may serve in the Agency as Chief Science Advisor. Presidential Special Representatives appointed under this section shall perform their duties and exercise their powers under the direction of the President and the Secretary of State, acting through the Director. The Agency shall be the Government agency responsible for providing administrative support, including funding, staff, and office space, to all Presidential Special Representatives.

(Pub. L. 87-297, title II, §27, as added Pub. L. 95-108, §2(a), Aug. 17, 1977, 91 Stat. 871; amended Pub. L. 98-202, §6(a), Dec. 2, 1983, 97 Stat. 1382; Pub. L. 101-216, title I, §103(a), Dec. 11, 1989, 103 Stat. 1853; Pub. L. 103-236, title VII, §708(a), Apr. 30, 1994, 108 Stat. 493.)

AMENDMENTS

1994—Pub. L. 103-236 amended section generally. Prior to amendment, section read as follows: “The President may appoint, by and with the advice and consent of the Senate, two Special Representatives for Arms Control and Disarmament Negotiations, one of whom should serve as special representative for conventional arms control negotiations, and the other should serve as special representative and chief science advisor to the Director. The two Special Representatives shall perform their duties and exercise their powers under the direction of the President and the Secretary of State, acting through the Director.”

1989—Pub. L. 101-216 substituted “, one of whom should serve as special representative for conventional arms control negotiations, and the other should serve as special representative and chief science advisor to the Director. The two Special Representatives shall perform their duties and exercise their powers under the direction of the President and the Secretary of State, acting through the Director” for “who shall perform such duties and exercise such powers (under the direction of the President and the Secretary of State, acting through the Director) as the Director may prescribe with respect to international arms control and disarmament negotiations and matters relating thereto”.

1983—Pub. L. 98-202 substituted “two Special Representatives” for “a Special Representative”.

EFFECTIVE DATE OF 1989 AMENDMENT

Section 103(b) of Pub. L. 101-216 provided that: “The amendment made by subsection (a) [amending this section] shall apply with respect to individuals who are appointed as Special Representatives on or after the date of enactment of this Act [Dec. 11, 1989].”

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2574 of this title.

§ 2568. Program for visiting scholars

A program for visiting scholars in the fields of arms control, nonproliferation, and disarmament shall be established by the Director in order to obtain the services of scholars from the faculties of recognized institutions of higher learning. The purpose of the program will be to give specialists in the physical sciences and other disciplines relevant to the Agency’s activities an opportunity for active participation in the arms control, nonproliferation, and disarmament activities of the Agency and to gain for the Agency the perspective and expertise such persons can offer. Each fellow in the program shall be appointed for a term of one year, except that such term may be extended for a 1-year period. Fellows shall be chosen by a board consisting of the Director, who shall be the chairperson, and all former Directors of the Agency.

(Pub. L. 87-297, title II, §28, as added Pub. L. 98-202, §3, Dec. 2, 1983, 97 Stat. 1381; amended Pub. L. 103-236, title VII, §719(b), Apr. 30, 1994, 108 Stat. 501.)

AMENDMENTS

1994—Pub. L. 103-236 substituted “fields of arms control, nonproliferation, and disarmament” for “field of arms control and disarmament” in first sentence and inserted “, nonproliferation,” after “participation in the arms control” in second sentence.

SUBCHAPTER III—FUNCTIONS

§ 2571. Research, development and other studies

The Director is authorized and directed to exercise his powers in such manner as to insure the acquisition of a fund of theoretical and practical knowledge concerning disarmament and nonproliferation. To this end, the Director is authorized and directed, under the direction of the President, (1) to insure the conduct of research, development, and other studies in the fields of arms control, nonproliferation, and disarmament; (2) to make arrangements (including contracts, agreements, and grants) for the conduct of research, development, and other studies in the fields of arms control, nonproliferation, and disarmament by private or public institutions or persons; and (3) to coordinate the research, development, and other studies conducted in the fields of arms control, nonproliferation, and disarmament by or for other Government agencies in accordance with procedures established under section 2575 of this title. In carrying out his responsibilities under this chapter, the Director shall, to the maximum extent feasible, make full use of available facilities, Government and private. The authority of the Director with respect to research, development, and other studies shall be limited to participation in the fol-

lowing insofar as they relate to arms control, nonproliferation, and disarmament:

(a) Control, reduction and elimination of armed forces and armaments

the detection, identification, inspection, monitoring, limitation, reduction, control, and elimination of armed forces and armaments, including thermonuclear, nuclear, missile, conventional, bacteriological, chemical, and radiological weapons:

(b) Weapon detection and identification tests

the techniques and systems of detecting, identifying, inspecting, and monitoring of tests of nuclear, thermonuclear, and other weapons;

(c) Analysis of national budgets and economic indicators

the analysis of national budgets, levels of industrial production, and economic indicators to determine the amounts spent by various countries for armaments¹ and of all aspects of anti-satellite activities;

(d) Space, earth's surface and underwater regions

the control, reduction, and elimination of armed forces and armaments in space, in areas on and beneath the earth's surface, and in underwater regions;

(e) Structure and operation of international control

the structure and operation of international control and other organizations useful for arms control, nonproliferation, and disarmament;

(f) Training of control system personnel

the training of scientists, technicians, and other personnel for manning the control systems which may be created by international arms control, nonproliferation, and disarmament agreements;

(g) Danger of war from accident, miscalculation, or surprise attack

the reduction and elimination of the danger of war resulting from accident, miscalculation, or possible surprise attack, including (but not limited to) improvements in the methods of communications between nations;

(h) Economic and political consequences of disarmament

the economic and political consequences of arms control, nonproliferation, and disarmament, including the problems of readjustment arising in industry and the reallocation of national resources;

(i) Disarmament implications of foreign and national security policies of United States

the arms control, nonproliferation, and disarmament implications of foreign and national security policies of the United States with a view to a better understanding of the significance of such policies for the achievement of arms control, nonproliferation, and disarmament;

(j) National security and foreign policy implications of disarmament

the national security and foreign policy implications of arms control, nonproliferation, and

disarmament proposals with a view to a better understanding of the effect of such proposals upon national security and foreign policy;

(k) Methods for maintenance of peace and security during stages of disarmament

methods for the maintenance of peace and security during different stages of arms control, nonproliferation, and disarmament;

(l) War prevention factors

the scientific, economic, political, legal, social, psychological, military, and technological factors related to the prevention of war with a view to a better understanding of how the basic structure of a lasting peace may be established;

(m) Other related problems

such related problems as the Director may determine to be in need of research, development, or study in order to carry out the provisions of this chapter.

(Pub. L. 87-297, title III, §31, Sept. 26, 1961, 75 Stat. 633; Pub. L. 88-186, §5, Nov. 26, 1963, 77 Stat. 342; Pub. L. 95-108, §3, Aug. 17, 1977, 91 Stat. 871; Pub. L. 97-339, §4, Oct. 15, 1982, 96 Stat. 1636; Pub. L. 103-236, title VII, §719(c), Apr. 30, 1994, 108 Stat. 501.)

AMENDMENTS

1994—Pub. L. 103-236, in introductory provisions, substituted “fields of arms control, nonproliferation, and disarmament” for “field of arms control and disarmament” in three places, in first sentence, inserted “and nonproliferation” after “disarmament”, and in fourth sentence, inserted “, nonproliferation,” after “arms control” wherever appearing.

1982—Subsec. (c). Pub. L. 97-339 inserted “and of all aspects of antisatellite activities”.

1977—Pub. L. 95-108 struck out “United States” before “private” in cl. (2) of opening par.

1963—Pub. L. 88-186 inserted “United States” before “private” in cl. (2) of opening par.

REPORT ON INTERNATIONAL TRANSFER OF
CONVENTIONAL ARMS

Pub. L. 92-352, title III, §302, July 13, 1972, 86 Stat. 495, directed Arms Control and Disarmament Agency, with cooperation of other agencies, to prepare a comprehensive report on international transfer of conventional arms and submit this report no later than one year after July 13, 1972, with an interim report submitted no later than six months after July 13, 1972.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2579 of this title.

§2572. Patents; availability to general public; protection of background rights

All research within the United States contracted for, sponsored, cosponsored, or authorized under authority of this chapter, shall be provided for in such manner that all information as to uses, products, processes, patents, and other developments resulting from such research developed by Government expenditure will (with such exceptions and limitations, if any, as the Director may find to be necessary in the public interest) be available to the general public. This section shall not be so construed as to deprive the owner of any background patent relating thereto of such rights as he may have thereunder.

(Pub. L. 87-297, title III, §32, Sept. 26, 1961, 75 Stat. 634.)

¹ So in original. Probably should be followed by a comma.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 35 section 210.

§ 2573. Policy formulation**(a) Formulation**

The Director shall prepare for the President, the Secretary of State, and the heads of such other Government agencies as the President may determine, recommendations and advice concerning United States arms control, nonproliferation, and disarmament policy.

(b) Prohibition

No action shall be taken pursuant to this chapter or any other Act that would obligate the United States to reduce or limit the Armed Forces or armaments of the United States in a militarily significant manner, except pursuant to the treaty-making power of the President set forth in Article II, Section 2, Clause 2 of the Constitution or unless authorized by the enactment of further affirmative legislation by the Congress of the United States.

(Pub. L. 87-297, title III, §33, Sept. 26, 1961, 75 Stat. 634; Pub. L. 88-186, §3, Nov. 26, 1963, 77 Stat. 342; Pub. L. 103-236, title VII, §709, Apr. 30, 1994, 108 Stat. 494.)

AMENDMENTS

1994—Pub. L. 103-236 amended section generally. Prior to amendment, section read as follows: “The Director is authorized and directed to prepare for the President, the Secretary of State, and the heads of such other Government agencies, as the President may determine, recommendations concerning United States arms control and disarmament policy: *Provided, however,* That no action shall be taken under this chapter or any other law that will obligate the United States to disarm or to reduce or to limit the Armed Forces or armaments of the United States, except pursuant to the treaty making power of the President under the Constitution or unless authorized by further affirmative legislation by the Congress of the United States. Nothing contained in this chapter shall be construed to authorize any policy or action by any Government agency which would interfere with, restrict, or prohibit the acquisition, possession, or use of firearms by an individual for the lawful purpose of personal defense, sport, recreation, education, or training.”

1963—Pub. L. 88-186 inserted provision precluding construction of this chapter to authorize the regulation of the possession of firearms by an individual.

§ 2574. Negotiation management**(a) Responsibilities**

The Director, under the direction of the President and the Secretary of State, shall have primary responsibility for the preparation, conduct, and management of United States participation in all international negotiations and implementation fora in the field of arms control and disarmament and shall have primary responsibility, whenever directed by the President, for the preparation, conduct, and management of United States participation in international negotiations and implementation fora in the field of nonproliferation. In furtherance of these responsibilities, Special Representatives of the President appointed pursuant to section 2567 of this title, shall, as directed by the President, serve as the United States Government representatives to international organizations,

conferences, and activities relating to the field of nonproliferation, such as the preparations for and conduct of the review relating to the Treaty on the Non-Proliferation of Nuclear Weapons.

(b) Functions with respect to United States Information Agency

The Director shall perform functions pursuant to section 2(c) of the Reorganization Plan 8 of 1953 with respect to providing to the United States Information Agency official United States positions and policy on arms control, nonproliferation, and disarmament matters for dissemination abroad.

(c) Authority

The Director is authorized—

(1) for the purpose of conducting negotiations concerning arms control, nonproliferation, or disarmament or for the purpose of exercising any other authority given him by this chapter—

(A) to consult and communicate with, or to direct the consultation and communication with, representatives of other nations or of international organizations, and

(B) to communicate in the name of the Secretary of State with diplomatic representatives of the United States in the United States or abroad;

(2) to formulate plans and make preparations for the establishment, operation, and funding of inspections and control systems which may become part of the United States arms control, nonproliferation, and disarmament activities; and

(3) as authorized by law, to put into effect, direct, or otherwise assume United States responsibility for such systems.

(Pub. L. 87-297, title III, §34, Sept. 26, 1961, 75 Stat. 634; Pub. L. 103-236, title VII, §710, Apr. 30, 1994, 108 Stat. 494.)

REFERENCES IN TEXT

Reorganization Plan 8 of 1953, referred to in subsec. (b), is set out in the Appendix to Title 5, Government Organization and Employees.

AMENDMENTS

1994—Pub. L. 103-236 amended section generally. Prior to amendment, section related to powers and duties of Director to consult with representatives of the United States and other nations, to provide official United States positions on arms control and disarmament matters to the United States Information Agency, and to formulate and implement plans for arms control inspection and control systems.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2595a of this title.

§ 2575. Coordination of Government agencies and resolution of policy differences

The President is authorized to establish procedures to (1) assure cooperation, consultation, and a continuing exchange of information between the Agency and the Department of Defense, the Atomic Energy Commission, the National Aeronautics and Space Administration and other affected Government agencies, in all significant aspects of United States arms con-

trol, nonproliferation, and disarmament policy and related matters, including current and prospective policies, plans, and programs, (2) resolve differences of opinion between the Director and such other agencies which cannot be resolved through consultation, and (3) provide for presentation to the President of recommendations of the Director with respect to such differences, when such differences involve major matters of policy and cannot be resolved through consultation.

(Pub. L. 87-297, title III, §35, Sept. 26, 1961, 75 Stat. 635; Pub. L. 103-236, title VII, §719(d), Apr. 30, 1994, 108 Stat. 501.)

AMENDMENTS

1994—Pub. L. 103-236 inserted “, nonproliferation,” after “arms control”.

TRANSFER OF FUNCTIONS

Atomic Energy Commission abolished and functions transferred by sections 5814 and 5841 of Title 42, The Public Health and Welfare. See, also, Transfer of Functions notes set out under those sections.

EX. ORD. NO. 11044. INTERAGENCY COORDINATION

Ex. Ord. No. 11044, Aug. 20, 1962, 27 F.R. 8341, as amended by Ex. Ord. No. 12608, Sept. 9, 1987, 52 F.R. 34617, provided:

WHEREAS there has been established by law the United States Arms Control and Disarmament Agency; and

WHEREAS the Arms Control and Disarmament Act [this chapter] provides that the Director of that Agency shall be the principal adviser to the Secretary of State and the President on Arms control and disarmament matters and requires the Director to assume primary responsibility within the Government for such matters under the direction of the Secretary of State; and

WHEREAS the Act [this chapter] authorizes and directs the said Director to coordinate significant aspects of the United States arms control and disarmament policy and related matters; and

WHEREAS it is desirable that the President establish procedures for coordination, and for the resolution of differences of opinion between the United States Arms Control and Disarmament Agency and other affected Government agencies, concerning all significant aspects of arms control and disarmament policy and related matters:

NOW, THEREFORE, by virtue of the authority vested in me by the Arms Control and Disarmament Act (75 Stat. 631; 50 U.S.C. 1501 et seq.) [now classified to this chapter], and as President of the United States, it is hereby ordered as follows:

SECTION 1. *Definitions.* As used hereinafter:

(a) The word “Director” means the Director of the United States Arms Control and Disarmament Agency.

(b) The term “affected agencies” shall include the Department of Defense, the Atomic Energy Commission, the Central Intelligence Agency, the National Aeronautics and Space Administration, and, when not inappropriate in the context, the United States Arms Control and Disarmament Agency, and shall include also such other agencies as the Director may designate hereunder.

(c) The terms “arms control” and “disarmament” shall be defined as they are defined in section 3(a) of the Arms Control and Disarmament Act [section 2552(a) of this title].

(d) The term “related matters” shall include those matters which are necessary to, desirable for, or otherwise directly connected with the functions described in sections 3 and 4 of this order.

SEC. 2. *Cooperation.* The Director and the heads of affected agencies shall keep each other fully and cur-

rently informed on all significant aspects of United States arms control and disarmament policy and related matters, including current and prospective policies, plans and programs. Differences of opinion concerning arms control and disarmament policy and related matters arising between the United States Arms Control and Disarmament Agency and other affected agencies with respect to such subjects which involve major matters of policy and cannot be resolved through consultation shall be promptly referred to the President for decision. In such instances the head of an agency presenting recommendations with respect to such differences to the President shall give the heads of affected agencies notice of the occasion for and substance of his recommendations.

SEC. 3. *Policy coordination.* (a) The Director shall establish procedures consistent with this order and the Arms Control and Disarmament Act [this chapter] to assure coordination of:

(1) his recommendations to the Secretary of State and the President and to the heads of affected agencies relating to United States arms control and disarmament policy;

(2) Government planning for the conduct and support of research for arms control and disarmament policy formulation, including the comprehensive and balanced plan provided for in Section 4 of this order;

(3) Government planning for the dissemination of public information concerning arms control and disarmament;

(4) the preparation for and management of United States participation in international negotiations in the arms control and disarmament field; and

(5) the preparation for, operation of or, as appropriate, direction of United States participation in such control systems as may become part of United States arms control and disarmament activities.

(b) The Director shall exercise leadership in assuring that differences of opinion concerning arms control and disarmament policy and related matters are resolved expeditiously and shall take such steps as may be appropriate in order to produce common or harmonious action among the agencies concerned.

SEC. 4. *Research.* With the advice and assistance of affected agencies, the Director shall develop and keep current a comprehensive and balanced program of research, development and other studies needed to be conducted by or for the Government for arms control and disarmament policy formulation. The Director shall maintain a continuing inventory of Federal activities related to the planned program and advise the affected agencies as to their respective participations in the planned program in order to produce harmonious action and prevent duplication of effort. The Director shall periodically submit to the Director of the Office of Management and Budget a consolidated schedule of such activities with assessments of their respective programs by the responsible agencies, together with his evaluations regarding these activities.

SEC. 5. *Force and armament levels.* The Secretary of Defense shall keep the Director informed with respect to the planning of armed forces levels and armaments and, for consideration in connection with such planning, the Director shall furnish the Secretary of Defense statements of existing and projected arms control and disarmament policies.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2571, 2576 of this title.

§ 2576. Arms control information

In order to assist the Director in the performance of his duties with respect to arms control, nonproliferation, and disarmament policy and negotiations, any Government agency preparing any legislative or budgetary proposal for—

(1) any program of research, development, testing, engineering, construction, deploy-

ment, or modernization with respect to nuclear armaments, nuclear implements of war, military facilities or military vehicles designed or intended primarily for the delivery of nuclear weapons,

(2) any program of research, development, testing, engineering, construction, deployment, or modernization with respect to armaments, ammunition, implements of war, or military facilities, having—

(A) an estimated total program cost in excess of \$250,000,000, or

(B) an estimated annual program cost in excess of \$50,000,000, or

(3) any other program involving technology with potential military application or weapons systems which such Government agency or the Director believes may have a significant impact on arms control, nonproliferation, and disarmament policy or negotiations,

shall, on a continuing basis, provide the Director with full and timely access to detailed information, in accordance with the procedures established pursuant to section 2575 of this title, with respect to the nature, scope, and purpose of such proposal.

(Pub. L. 87-297, title III, §36, as added Pub. L. 94-141, title I, §146, Nov. 29, 1975, 89 Stat. 758; amended Pub. L. 95-338, §1, Aug. 8, 1978, 92 Stat. 458; Pub. L. 103-236, title VII, §§704(1), 719(e), Apr. 30, 1994, 108 Stat. 492, 501.)

AMENDMENTS

1994—Pub. L. 103-236, §719(e), substituted “information” for “impact information and analysis” in section catchline, redesignated subsec. (a) as entire section, and inserted “, nonproliferation,” after “arms control” in introductory provisions and par. (3).

Subsecs. (b), (c). Pub. L. 103-236, §704(1), struck out subsec. (b) which required the Director to assess and analyze certain legislative and budgetary proposals with respect to their impact on arms control and disarmament policy and negotiations and subsec. (c) which prohibited courts from compelling performance of any requirement under this section.

1978—Subsec. (a)(3). Pub. L. 95-338, §1(1), substituted “technology with potential military application or weapons systems” for “weapons systems or technology”.

Subsec. (b)(2). Pub. L. 95-338, §1(2), inserted provisions requiring requests to be transmitted either as an individual program or as an aggregation of related programs, and classification requirements for transmitted statements.

§ 2577. Verification of compliance

(a) In general

In order to ensure that arms control, nonproliferation, and disarmament agreements can be adequately verified, the Director shall report to Congress, on a timely basis, or upon request by an appropriate committee of the Congress—

(1) in the case of any arms control, nonproliferation, or disarmament agreement that has been concluded by the United States, the determination of the Director as to the degree to which the components of such agreement can be verified;

(2) in the case of any arms control, nonproliferation, or disarmament agreement that has entered into force, any significant deg-

radation or alteration in the capacity of the United States to verify compliance of the components of such agreement;

(3) the amount and percentage of research funds expended by the Agency for the purpose of analyzing issues relating to arms control, nonproliferation, and disarmament verification; and

(4) the number of professional personnel assigned to arms control verification on a full-time basis by each Government agency.

(b) Standard for verification of compliance

In making determinations under paragraphs (1) and (2) of subsection (a) of this section, the Director shall assume that all measures of concealment not expressly prohibited could be employed and that standard practices could be altered so as to impede verification.

(c) Rule of construction

Except as otherwise provided for by law, nothing in this section may be construed as requiring the disclosure of sensitive information relating to intelligence sources or methods or persons employed in the verification of compliance with arms control, nonproliferation, and disarmament agreements.

(d) Participation of Agency

In order to ensure adherence of the United States to obligations or commitments undertaken in arms control, nonproliferation, and disarmament agreements, and in order for the Director to make the assessment required by section 2593a(a)(5) of this title, the Director, or the Director's designee, shall participate in all interagency groups or organizations within the executive branch of Government that assess, analyze, or review United States planned or ongoing policies, programs, or actions that have a direct bearing on United States adherence to obligations undertaken in arms control, nonproliferation, or disarmament agreements.

(Pub. L. 87-297, title III, §37, as added Pub. L. 95-108, §4, Aug. 17, 1977, 91 Stat. 871; amended Pub. L. 103-236, title VII, §712, Apr. 30, 1994, 108 Stat. 495.)

AMENDMENTS

1994—Pub. L. 103-236 substituted “Verification of compliance” for “Verification of Arms Control Agreements” as section catchline and amended text generally. Prior to amendment, text consisted of subsecs. (a) to (c) requiring the Director to report to Congress relating to verification of arms control proposals and agreements.

§ 2577a. Arms control verification

(a) Establishment of working group

The President should establish a working group—

(1) to examine verification approaches to a strategic arms reduction agreement and other arms control agreements; and

(2) to assess the relevance for such agreements of the verification provisions of the Treaty Between the United States and the Union of Soviet Socialist Republics on the Elimination of Their Intermediate-Range and Shorter-Range Missiles (signed at Washington, December 8, 1987).

(b) Information and data base

(1) The Agency shall allocate sufficient resources to develop and maintain a comprehensive information and data base on verification concepts, research, technologies, and systems. The Agency shall collect, maintain, analyze, and disseminate information pertaining to arms control verification and monitoring, including information regarding—

(A) all current United States bilateral and multilateral arms treaties; and

(B) proposed, prospective, and potential bilateral or multilateral arms treaties in the areas of nuclear, conventional, chemical, and space weapons.

(2) The Agency shall seek to improve United States verification and monitoring activities through the monitoring and support of relevant research and analysis.

(3) The Agency shall provide detailed information on the activities pursuant to this section in its annual report to the Congress.

(Pub. L. 101-216, title I, §105, Dec. 11, 1989, 103 Stat. 1854.)

CODIFICATION

Section was enacted as part of the Arms Control and Disarmament Amendments Act of 1989, and not as part of the Arms Control and Disarmament Act which comprises this chapter.

§ 2578. Negotiating records**(a) Preparation of records**

The Director shall establish and maintain records for each arms control, nonproliferation, and disarmament agreement to which the United States is a party and which was under negotiation or in force on or after January 1, 1990, which shall include classified and unclassified materials such as instructions and guidance, position papers, reporting cables and memoranda of conversation, working papers, draft texts of the agreement, diplomatic notes, notes verbal, and other internal and external correspondence.

(b) Negotiating and implementation records

In particular, the Director shall establish and maintain a negotiating and implementation record for each such agreement, which shall be comprehensive and detailed, and shall document all communications between the parties with respect to such agreement. Such records shall be maintained both in hard copy and magnetic media.

(c) Participation of Agency personnel

In order to implement effectively this section, the Director shall ensure that Agency personnel participate throughout the negotiation and implementation phases of all arms control, nonproliferation, and disarmament agreements.

(Pub. L. 87-297, title III, §38, as added Pub. L. 103-236, title VII, §713(a), Apr. 30, 1994, 108 Stat. 496.)

PRIOR PROVISIONS

A prior section 2578, Pub. L. 87-297, title III, §38, as added Pub. L. 100-213, §3(b), Dec. 24, 1987, 101 Stat. 1445; amended Pub. L. 103-199, title IV, §401(a), Dec. 17, 1993,

107 Stat. 2324, related to reports on activities of Standing Consultative Commission, prior to repeal by Pub. L. 103-236, title VII, §704(2), Apr. 30, 1994, 108 Stat. 492.

§ 2579. Comprehensive compilation of arms control, nonproliferation, and disarmament studies

Pursuant to his responsibilities under section 2571 of this title, and in order to enhance Congressional and public understanding of arms control, nonproliferation, and disarmament issues, the Director shall provide to the Congress not later than June 30 of each year a report setting forth—

(1) a comprehensive list of studies relating to arms control, nonproliferation, and disarmament issues concluded during the previous calendar year by government agencies or for government agencies by private or public institutions or persons; and

(2) a brief description of each such study.

This report shall be unclassified, with a classified addendum if necessary.

(Pub. L. 87-297, title III, §39, as added Pub. L. 100-213, §4, Dec. 24, 1987, 101 Stat. 1445; amended Pub. L. 103-236, title VII, §719(f), Apr. 30, 1994, 108 Stat. 502.)

AMENDMENTS

1994—Pub. L. 103-236 inserted “, nonproliferation,” after “arms control” in introductory provisions and in par. (1).

SUBCHAPTER IV—ADDITIONAL GENERAL PROVISIONS

§ 2581. General authority of Director

In the performance of his functions, the Director is authorized to—

(a) Utilization of other Federal agencies; general administrative services; transfers of supplies, equipment, and surplus property

utilize or employ the services, personnel, equipment, or facilities of any other Government agency, with the consent of the agency concerned, to perform such functions on behalf of the Agency as may appear desirable. It is the intent of this section that the Director rely upon the Department of State for general administrative services in the United States and abroad to the extent agreed upon between the Secretary of State and the Director. Any Government agency is authorized, notwithstanding any other provision of law, to transfer to or to receive from the Director, without reimbursement, supplies and equipment other than administrative supplies or equipment. Transfer or receipt of excess property shall be in accordance with the provisions of the Federal Property and Administrative Services Act of 1949, as amended [40 U.S.C. 471 et seq.];

(b) Employment of personnel

appoint officers and employees, including attorneys, for the Agency in accordance with the provisions of title 5 governing appointment in the competitive service, and fix their compensation in accordance with chapter 51 and with subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates,

except that the Director may, to the extent the Director determines necessary to the discharge of his responsibilities, appoint and fix the compensation of employees possessing specialized technical expertise without regard to the provisions of title 5 governing appointments in the competitive service and the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, if the Director ensures that—

(1) any employee who is appointed under this exception is not paid at a rate—

(A) in excess of the rate payable for positions of equivalent difficulty or responsibility, or

(B) exceeding the maximum rate payable for grade 15 of the General Schedule; and

(2) the number of employees appointed under this exception shall not exceed 10 percent of the Agency's full-time-equivalent ceiling.¹

(c) Detail of other agency personnel without prejudice to status or advancement

enter into agreements with other Government agencies, including the military departments through the Secretary of Defense, under which officers or employees of such agencies may be detailed to the Agency for the performance of service pursuant to this chapter without prejudice to the status or advancement of such officers or employees within their own agencies;

(d) Experts and consultants; stenographic reporting services; compensation and travel expenses; limitation on period of employment; renewal of employment contracts

procure services of experts and consultants or organizations thereof, including stenographic reporting services, as authorized by section 3109 of title 5 and to pay in connection therewith travel expenses of individuals, including transportation and per diem in lieu of subsistence while away from their homes or regular places of business, as authorized by section 5703 of such title: *Provided*, That no such individual shall be employed for more than 130 days in any fiscal year unless the President certifies that employment of such individual in excess of such number of days is necessary in the national interest: *And provided further*, That such contracts may be renewed annually;

(e) Employment of outstanding personnel

employ individuals of outstanding ability without compensation in accordance with the provisions of section 2160(b) of the Appendix to title 50 and regulations issued thereunder;

(f) Establishment of advisory boards; compensation and expenses

establish advisory boards to advise with and make recommendations to the Director on United States arms control and disarmament policy and activities. The members of such boards may receive the compensation and reimbursement for expenses specified for consultants by subsection (d) of this section;

(g) Travel and subsistence expenses from private sources; reimbursement

permit, under such terms and conditions as he may prescribe, any officer or employee of the Agency, in connection with the attendance by such officer or employee at meetings or in performing advisory services concerned with the functions or activities of the Agency, to accept payment, in cash or in kind, from any private agency or organization, or from any individual affiliated with such agency or organization, for travel and subsistence expenses, such payment to be retained by such officer or employee to cover the cost thereof or to be deposited to the credit of the appropriation from which the cost thereof is paid;

(h) Oaths and sworn statements

administer oaths and take sworn statements in the course of an investigation made pursuant to the Director's responsibilities under this chapter;

(i) Delegation of functions

delegate, as appropriate, to the Deputy Director or other officers of the Agency, any authority conferred upon the Director by the provisions of this chapter; and

(j) Rules and regulations

make, promulgate, issue, rescind, and amend such rules and regulations as may be necessary or desirable to the exercise of any authority conferred upon the Director by the provisions of this chapter.

(Pub. L. 87-297, title IV, §41, Sept. 26, 1961, 75 Stat. 635; Pub. L. 93-332, §1(a), July 8, 1974, 88 Stat. 289; Pub. L. 95-108, §5, Aug. 17, 1977, 91 Stat. 872; Pub. L. 102-228, title IV, §401(b), Dec. 12, 1991, 105 Stat. 1698; Pub. L. 103-236, title VII, §715, Apr. 30, 1994, 108 Stat. 498.)

REFERENCES IN TEXT

The Federal Property and Administrative Services Act of 1949, as amended, referred to in subsec. (a), is act June 30, 1949, ch. 288, 63 Stat. 377, as amended. The excess property provisions of that Act are classified to chapter 10 (§471 et seq.) of Title 40, Public Buildings, Property, and Works. For complete classification of this Act to the Code, see Short Title note set out under section 471 of Title 40 and Tables.

The provisions of title 5 governing appointment to the competitive service, referred to in subsec. (b), are classified to section 3301 et seq. of Title 5, Government Organization and Employees.

The General Schedule, referred to in subsec. (b), is set out under section 5332 of Title 5.

AMENDMENTS

1994—Subsec. (b). Pub. L. 103-236 substituted “except that the Director may, to the extent the Director determines necessary to the discharge of his responsibilities, appoint and fix the compensation of employees possessing specialized technical expertise without regard to the provisions of title 5 governing appointments in the competitive service and the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, if the Director ensures that—” for “except that during the 2-year period beginning on August 17, 1977, the Director may, to the extent he deems necessary to the discharge of his responsibilities, appoint and fix the compensation of officers and employees for the Agency without regard to such provisions, subject to the fol-

¹ So in original. The period probably should be a semicolon.

lowing requirements:”, added pars. (1) and (2), and struck out former pars. (1) to (3) which read as follows:

“(1) an officer or employee whose compensation is fixed under the foregoing exception may not be paid a salary at a rate in excess of the rate payable under such chapter 51 and such subchapter III for positions of equivalent difficulty or responsibility except for (A) those officers and employees whose compensation is fixed by law, and (B) scientific and technical personnel who may be compensated at a rate not to exceed the rate in effect for grade GS-18 of the General Schedule;

“(2) the Director shall make adequate provision for administrative review of any determination to suspend or dismiss any officer or employee appointed under the foregoing exception; and

“(3) an officer or employee of the Agency serving under a career or career conditional appointment on August 17, 1977, may not be involuntarily deprived, while employed by the Agency, of any rights normally granted such officer or employee in the competitive service;”.

1991—Subsecs. (h) to (j). Pub. L. 102-228 added subsec. (h) and redesignated former subsecs. (h) and (i) as (i) and (j), respectively.

1977—Subsec. (b). Pub. L. 95-108, §5(a), incorporated existing provisions into introductory paragraph, and as so incorporated, revised terminology to reflect current classification of civil service laws, etc., and inserted provisions authorizing the Director to appoint and fix compensation of officers and employees of the agency, without regard to the provisions of title 5, during a two-year period beginning Aug. 17, 1977, and added pars. (1) to (3).

Subsecs. (g) to (i). Pub. L. 95-108, §5(b), added subsec. (g) and redesignated former subsecs. (g) and (h) as (h) and (i), respectively.

1974—Subsec. (d). Pub. L. 93-332 substituted “as authorized by section 3109 of title 5” for “as authorized by section 55a of title 5, at rates not to exceed \$100 per diem for individuals”, “section 5703 of such title” for “section 73b-2 of title 5” and “130 days” for “one hundred days”.

DELEGATION OF AUTHORITY TO MAKE CERTIFICATIONS UNDER SECTION 41(d) OF THE ARMS CONTROL AND DISARMAMENT ACT

Memorandum of the President of the United States, Aug. 18, 1990, 55 F.R. 37693, provided:

Memorandum for the Director of the United States Arms Control and Disarmament Agency

By virtue of the authority vested in me as President by the Constitution and laws of the United States, including section 301 of title 3 of the United States Code, you are hereby delegated the authority set forth in section 41(d) of the Arms Control and Disarmament Act (22 U.S.C. 2581(d)) to certify that the employment of persons referred to in that section in excess of the number of days set forth in that section is necessary in the national interest.

You are authorized and directed to publish this memorandum in the Federal Register.

GEORGE BUSH.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2566, 2584, 2585 of this title.

§ 2582. Foreign Service personnel

(a) Delegation of authority by Secretary of State to Director

The Secretary of State may authorize the Director to exercise, with respect to members of the Foreign Service appointed or employed for the Agency—

(1) the authority available to the Secretary under the Foreign Service Act of 1980 [22 U.S.C. 3901 et seq.], and

(2) the authority available to the Secretary under any other provisions of law pertaining specifically or applicable generally to members of the Foreign Service.

(b) Extension or renewal of limited appointments of Foreign Service members

Limited appointments of members of the Foreign Service for the Agency may be extended or renewed, notwithstanding section 309 of the Foreign Service Act of 1980 [22 U.S.C. 3949], so long as the service of the individual under such appointment does not exceed ten consecutive years without a break in service of at least one year.

(Pub. L. 87-297, title IV, §42, Sept. 26, 1961, 75 Stat. 636; Pub. L. 96-465, title II, §2204(a), Oct. 17, 1980, 94 Stat. 2159.)

REFERENCES IN TEXT

The Foreign Service Act of 1980, referred to in subsec. (a)(1), is Pub. L. 96-465, Oct. 17, 1980, 94 Stat. 2071, which is classified principally to chapter 52 (§3901 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 3901 of this title and Tables.

AMENDMENTS

1980—Pub. L. 96-465 designated existing provisions as subsec. (a), among other changes, substituted reference to members of the Foreign Service for reference to Foreign Service Reserve officers and Foreign Service Staff officers and employees and reference to the Foreign Service Act of 1980 for reference to Foreign Service Act of 1946, and struck out provisions relating to the authority of Board of Foreign Service pursuant to the Foreign Service Act of 1946, and added subsec. (b).

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-465 effective Feb. 15, 1981, except as otherwise provided, see section 2403 of Pub. L. 96-465, set out as an Effective Date note under section 3901 of this title.

§ 2583. Contracts or expenditures

The President may, in advance, exempt actions of the Director from the provisions of law relating to contracts or expenditures of Government funds whenever he determines that such action is essential in the interest of United States arms control and disarmament and security policy.

(Pub. L. 87-297, title IV, §43, Sept. 26, 1961, 75 Stat. 636.)

§ 2584. Conflict of interest and dual compensation exemption

The members of the General Advisory Committee created by section 2566 of this title, and the members of the advisory boards, the consultants, and the individuals of outstanding ability employed without compensation, all of which are provided in section 2581 of this title, may serve as such without regard to the provisions of section 281, 283, 284, or 1914¹ of title 18, or of section 190¹ of the Revised Statutes (5 U.S.C. 99), or of any other Federal law imposing restrictions, requirements, or penalties in relation to the employment of individuals, the performance of services, or the payment or receipt of compensation in connection with any claim,

¹ See References in Text note below.

proceeding or matter involving the United States Government, except insofar as such provisions of law may prohibit any such individual from receiving compensation from a source other than a nonprofit educational institution in respect of any particular matter in which the Agency is directly interested. Nor shall such service be considered as employment or holding of office or position bringing such individual within the provisions of sections 3323(b) and 8344 of title 5, or any other Federal law limiting the reemployment of retired officers or employees or governing the simultaneous receipt of compensation and retired pay or annuities, subject to section 5532 of title 5.

(Pub. L. 87-297, title IV, §44, Sept. 26, 1961, 75 Stat. 636; Pub. L. 88-448, title IV, §401(d), Aug. 19, 1964, 78 Stat. 490.)

REFERENCES IN TEXT

Sections 281 and 283 of title 18, referred to in text, were repealed by Pub. L. 87-849, §2, Oct. 23, 1962, 76 Stat. 1126, except as they may apply to retired officers of the armed forces of the United States, and were supplanted by sections 203 and 205 of Title 18, Crimes and Criminal Procedure. For further details, see "Exemptions" note set out under section 203 of Title 18.

Sections 284 and 1914 of title 18, referred to in text, were repealed by Pub. L. 87-849, §2, Oct. 23, 1962, 76 Stat. 1126, and were supplanted by sections 207 and 209 of Title 18.

Section 190 of the Revised Statutes (5 U.S.C. 99), referred to in text, was repealed by Pub. L. 87-849, §3, Oct. 23, 1962, 76 Stat. 1126. See section 207 of Title 18.

CODIFICATION

"Sections 3323(b) and 8344 of title 5" and "section 5532 of title 5" substituted in text for "section 13 of the Civil Service Retirement Act (5 U.S.C. 2263)" and "section 201 of the Dual Compensation Act" [5 U.S.C. 3102], respectively, on authority of section 7(b) of Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 631, section 1 of which enacted Title 5, Government Organization and Employees.

AMENDMENTS

1964—Pub. L. 88-448 struck out provisions which stated that such service shall not be considered as employment or holding of office or position bringing such individual within the provisions of section 59a of title 5, and inserted ", subject to section 3102 of title 5".

EFFECTIVE DATE OF 1964 AMENDMENT

Amendment by Pub. L. 88-448 effective on first day of first month which begins later than ninetieth day following Aug. 19, 1964, see section 403 of Pub. L. 88-448.

TERMINATION OF ADVISORY COMMITTEES AND BOARDS

Advisory committees and boards, in existence on Jan. 5, 1973, to terminate not later than the expiration of the 2-year period following Jan. 5, 1973, unless, in the case of a committee or board established by the President or an officer of the Federal Government, such committee or board is renewed by appropriate action prior to the expiration of such 2-year period, or in the case of a committee or board established by the Congress, its duration is otherwise provided by law. See sections 3(2) and 14 of Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, 776, set out in the Appendix to Title 5, Government Organization and Employees.

§ 2585. Security requirements

(a) Establishment of security and loyalty requirements, restrictions, and safeguards; investigation of personnel; standards of clearance

The Director shall establish such security and loyalty requirements, restrictions, and safe-

guards as he deems necessary in the interest of the national security and to carry out the provisions of this chapter. Except as provided in subsection (d) of this section, the Director shall arrange with the Director of the Office of Personnel Management for the conduct of full-field background security and loyalty investigations of all the Agency's officers, employees, consultants, persons detailed from other Government agencies, members of its General Advisory Committee, advisory boards, contractors, and subcontractors, and their officers and employees, actual or prospective. In the case of persons detailed from other Government agencies or employed directly from other Government agencies, the Director may accept the results of full-field background security and loyalty investigations conducted by such agencies as the basis for the determination required by this subsection that the person is not a security risk or of doubtful loyalty. In the event the investigation discloses information indicating that the person investigated may be or may become a security risk, or may be of doubtful loyalty, the report of the investigation shall be turned over to the Federal Bureau of Investigation for a full-field investigation. The final results of all such investigations shall be turned over to the Director for final determination. Except as provided in subsection (d) of this section, no person shall be permitted to enter on duty as such an officer, employee, consultant, or member of advisory committee or board, or pursuant to any such detail, and no contractor or subcontractor, or officer or employee thereof shall be permitted to have access to any classified information, until he shall have been investigated in accordance with this subsection and the report of such investigations made to the Director, and the Director shall have determined that such person is not a security risk or of doubtful loyalty. Standards applicable with respect to the security clearance of persons within any category referred to in this subsection shall not be less stringent, and the investigation of such persons for such purposes shall not be less intensive or complete, than in the case of such clearance of persons in a corresponding category under the security procedures of the Government agency or agencies having the highest security restrictions with respect to persons in such category.

(b) Acceptance of investigation and clearance granted by other Government agencies to contractor personnel; access to confidential information

In the case of contractors or subcontractors and their officers or employees, actual or prospective, the Director may accept, in lieu of the investigation prescribed in subsection (a) of this section, a report of investigation conducted by a Government agency, other than the Director of the Office of Personnel Management or the Federal Bureau of Investigation, when it is determined by the Director that the completed investigation meets the standards established in subsection (a) of this section: *Provided*, That security clearance had been granted to the individual concerned by another Government agency based upon such investigation and report. The Director may also grant access for information

classified no higher than “confidential” to contractors or subcontractors and their officers and employees, actual or prospective, on the basis of reports on less than full-field investigations: *Provided*, That such investigations shall each include a current national agency check. Notwithstanding the foregoing and the provisions of subsection (a) of this section, the Director may also grant access to classified information to contractors or subcontractors and their officers and employees, actual or prospective, on the basis of a security clearance granted by the Department of Defense, or any agency thereof, to the individual concerned; except that any access to Restricted Data shall be subject to the provisions of subsection (c) of this section.

(c) Atomic Energy Commission Restricted Data; access; personnel security procedures and standards of Commission and Agency; interim clearance; exchanges

The Atomic Energy Commission may authorize any of its employees, or employees of any contractor, prospective contractor, licensee, or prospective licensee of the Atomic Energy Commission or any other person authorized to have access to Restricted Data by the Atomic Energy Commission under section 2165 of title 42, to permit the Director or any officer, employee, consultant, person detailed from other Government agencies, member of the General Advisory Committee or of an advisory board established pursuant to section 2581(f) of this title, contractor, subcontractor, prospective contractor, or prospective subcontractor, or officer or employee of such contractor, subcontractor, prospective contractor, or prospective subcontractor, to have access to Restricted Data which is required in the performance of his duties and so certified by the Director, but only if (1) the Atomic Energy Commission has determined, in accordance with the established personnel security procedures and standards of the Commission, that permitting such individual to have access to such Restricted Data will not endanger the common defense and security, and (2) the Atomic Energy Commission finds that the established personnel and other security procedures and standards of the Agency are adequate and in reasonable conformity to the standards established by the Atomic Energy Commission under section 2165 of title 42, including those for interim clearance in subsection (b) thereof. Any individual granted access to such Restricted Data pursuant to this subsection may exchange such data with any individual who (A) is an officer or employee of the Department of Defense, or any department or agency thereof, or a member of the Armed Forces, or an officer or employee of the National Aeronautics and Space Administration, or a contractor or subcontractor of any such department, agency, or armed force, or an officer or employee of any such contractor or subcontractor, and (B) has been authorized to have access to Restricted Data under the provisions of sections 2163 or 2455 of title 42.

(d) Waiver of required investigation and determination with respect to consultants; procedure

The investigations and determination required under subsection (a) of this section may be

waived by the Director in the case of any consultant who will not be permitted to have access to classified information if the Director determines and certifies in writing that such waiver is in the best interests of the United States.

(Pub. L. 87-297, title IV, §45, Sept. 26, 1961, 75 Stat. 637; Pub. L. 88-186, §2, Nov. 26, 1963, 77 Stat. 341; Pub. L. 94-141, title I, §147, Nov. 29, 1975, 89 Stat. 759; 1978 Reorg. Plan No. 2, §102, eff. Jan. 1, 1979, 43 F.R. 36037, 92 Stat. 3783; Pub. L. 97-339, §3, Oct. 15, 1982, 96 Stat. 1635; Pub. L. 103-236, title VII, §716, Apr. 30, 1994, 108 Stat. 498.)

AMENDMENTS

1994—Subsec. (a). Pub. L. 103-236 in third sentence inserted “or employed directly from other Government agencies” after “persons detailed from other Government agencies” and substituted “by such agencies” for “by the Department of Defense or the Department of State”.

1982—Subsec. (a). Pub. L. 97-339 inserted provision relating to acceptance by the Director, in the case of persons detailed from other agencies, of the results of full-field background security and loyalty investigations conducted by the Department of Defense or Department of State.

1975—Subsec. (a). Pub. L. 94-141, §147(a)(1), (2), substituted “Except as provided in subsection (d) of this section, the Director shall arrange with the Civil Service Commission” for “The Director shall arrange with the Civil Service Commissioner” and “Except as provided in subsection (d) of this section, no person” for “No person”.

Subsec. (b). Pub. L. 94-141, §147(b), inserted provisions that notwithstanding security requirements of subsec. (a) of this section, the Director may grant access to classified information to individuals with a security clearance from Department of Defense subject only to provisions of subsec. (c) of this section.

Subsec. (d). Pub. L. 94-141, §147(a)(3), added subsec. (d).

1963—Subsecs. (b), (c). Pub. L. 88-186 added subsec. (b) and redesignated former subsec. (b) as (c).

TRANSFER OF FUNCTIONS

“Director of the Office of Personnel Management” substituted for “Civil Service Commission” in subsecs. (a) and (b), pursuant to Reorg. Plan No. 2 of 1978, §102, 43 F.R. 36037, 92 Stat. 3783, set out under section 1101 of Title 5, Government Organization and Employees, which transferred functions vested by statute in Civil Service Commission to Director of Office of Personnel Management (except as otherwise specified), effective Jan. 1, 1979, as provided by section 1-102 of Ex. Ord. No. 12107, Dec. 28, 1978, 44 F.R. 1055, set out under section 1101 of Title 5.

Atomic Energy Commission abolished and functions transferred by sections 5814 and 5841 of Title 42, The Public Health and Welfare. See, also, Transfer of Functions notes set out under those sections.

TERMINATION OF ADVISORY COMMITTEES AND BOARDS

Advisory committees and boards, in existence on Jan. 5, 1973, to terminate not later than the expiration of the 2-year period following Jan. 5, 1973, unless, in the case of a committee or board established by the President or an officer of the Federal Government, such committee or board is renewed by appropriate action prior to the expiration of such 2-year period, or in the case of a committee or board established by the Congress, its duration is otherwise provided by law. See sections 3(2) and 14 of Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, 776, set out in the Appendix to Title 5, Government Organization and Employees.

§ 2586. Comptroller General audit

No moneys appropriated for the purpose of this chapter shall be available for payment

under any contract with the Director, negotiated without advertising, except contracts with any foreign government, international organization or any agency thereof, unless such contract includes a clause to the effect that the Comptroller General of the United States or any of his duly authorized representatives shall, until the expiration of three years after final payment, have access to and the right to examine any directly pertinent books, documents, papers, and records of the contractor or any of his subcontractors engaged in the performance of, and involving transactions related to such contracts or subcontracts: *Provided, however*, That no moneys so appropriated shall be available for payment under such contract which includes any provisions precluding an audit by the General Accounting Office of any transaction under such contract: *And provided further*, That nothing in this section shall preclude the earlier disposal of contractor and subcontractor records in accordance with records disposal schedules agreed upon between the Director and the General Accounting Office.

(Pub. L. 87-297, title IV, §46, Sept. 26, 1961, 75 Stat. 638.)

§ 2587. Transfer of activities and facilities to Agency

(a) Transfer of United States Disarmament Administration

The United States Disarmament Administration, together with its records, property, personnel, and funds, is transferred to the Agency. The appropriations and unexpended balances of appropriations transferred pursuant to this subsection shall be available for expenditure for any and all objects of expenditure authorized by this chapter, without regard to the requirements of apportionment under subchapter II of chapter 15 of title 31.

(b) Transfer of activities, facilities, etc., to Director; report to Congress; approval

The President, by Executive order, may transfer to the Director any activities or facilities of any Government agency which relate primarily to arms control and disarmament. In connection with any such transfer, the President may under this section or other applicable authority, provide for appropriate transfers of records, property, civilian personnel, and funds. No transfer shall be made under this subsection until (1) a full and complete report concerning the nature and effect of such proposed transfer has been transmitted by the President to the Congress, and (2) the first period of sixty calendar days of regular session of the Congress following the date of receipt of such report by the Congress has expired without adoption by either House of the Congress of a resolution stating that such House does not favor such transfer. The procedures prescribed in sections 908 to 912 of title 5 shall apply to any such resolution.

(Pub. L. 87-297, title IV, §47, Sept. 26, 1961, 75 Stat. 638.)

CODIFICATION

In subsec. (a), "subchapter II of chapter 15 of title 31" substituted for "section 665 of title 31" on authority of

Pub. L. 97-258, §4(b), Sept. 13, 1982, 96 Stat. 1067, the first section of which enacted Title 31, Money and Finance.

In subsec. (b), "sections 908-912 of title 5" substituted for "title II of the Reorganization Act of 1949 [5 U.S.C. 133z-10 to 133z-15]" on authority of Pub. L. 89-554, §7(b), Sept. 6, 1966, 80 Stat. 631, the first section of which enacted Title 5, Government Organization and Employees, and the general amendment of chapter 9 (§901 et seq.) of Title 5 by Pub. L. 95-17, Apr. 6, 1977, 91 Stat. 29.

§ 2588. Use of funds

Appropriations made to the Director for the purposes of this chapter, and transfers of funds to him by other Government agencies for such purposes, shall be available to him to exercise any authority granted him by this chapter, including, without limitation, expenses of printing and binding without regard to the provisions of section 501 of title 44; purchase or hire of one passenger motor vehicle for the official use of the Director; entertainment and official courtesies to the extent authorized by appropriation; expenditures for training and study; expenditures in connection with participation in international conferences for the purposes of this chapter; and expenses in connection with travel of personnel outside the United States, including transportation expenses of dependents, household goods, and personal effects (including any such travel or transportation any part of which begins in one fiscal year pursuant to travel orders issued in that fiscal year, but which is completed after the end of that fiscal year), and expenses authorized by the Foreign Service Act of 1980 [22 U.S.C. 3901 et seq.], not otherwise provided for.

(Pub. L. 87-297, title IV, §48, Sept. 26, 1961, 75 Stat. 638; Pub. L. 96-465, title II, §2204(b), Oct. 17, 1980, 94 Stat. 2159; Pub. L. 99-550, §2(c), Oct. 27, 1986, 100 Stat. 3070; Pub. L. 101-216, title I, §106, Dec. 11, 1989, 103 Stat. 1854.)

REFERENCES IN TEXT

The Foreign Service Act of 1980, referred to in text, is Pub. L. 96-465, Oct. 17, 1980, 94 Stat. 2071, which is classified principally to chapter 52 (§3901 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 3901 of this title and Tables.

CODIFICATION

"Section 501 of title 44" substituted in text for "section 11 of the Act of March 1, 1919 (44 U.S.C. 111)" on authority of section 2(b) of Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1238, section 1 of which enacted Title 44, Public Printing and Documents.

AMENDMENTS

1989—Pub. L. 101-216 inserted "(including any such travel or transportation any part of which begins in one fiscal year pursuant to travel orders issued in that fiscal year, but which is completed after the end of that fiscal year)" after "personal effects".

1986—Pub. L. 99-550 struck out "without regard to the limitations contained in section 78(c) of title 5 of the United States Code" after "official use of the Director".

1980—Pub. L. 96-465 substituted "Foreign Service Act of 1980" for "Foreign Service Act of 1946, as amended".

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-465 effective Feb. 15, 1981, except as otherwise provided, see section 2403 of Pub. L.

96-465, set out as an Effective Date note under section 3901 of this title.

§§ 2589, 2590. Repealed. Pub. L. 103-236, title VII, § 717(a)(1), Apr. 30, 1994, 108 Stat. 498

Section 2589, Pub. L. 87-297, title IV, § 49, Sept. 26, 1961, 75 Stat. 639; Pub. L. 88-186, §§ 1, 4, Nov. 26, 1963, 77 Stat. 341, 342; Pub. L. 89-27, May 27, 1965, 79 Stat. 118; Pub. L. 90-314, May 23, 1968, 82 Stat. 129; Pub. L. 91-246, May 12, 1970, 84 Stat. 207; Pub. L. 92-352, title III, § 301, July 13, 1972, 86 Stat. 494; Pub. L. 93-332, § 1(b), July 8, 1974, 88 Stat. 289; Pub. L. 94-141, title I, §§ 141, 148, Nov. 29, 1975, 89 Stat. 757, 760; Pub. L. 95-108, § 6, Aug. 17, 1977, 91 Stat. 873; Pub. L. 95-338, §§ 2, 3, Aug. 8, 1978, 92 Stat. 458, 459; Pub. L. 96-66, § 2(a), Sept. 21, 1979, 93 Stat. 414; Pub. L. 97-339, § 2(a), Oct. 15, 1982, 96 Stat. 1635; Pub. L. 98-202, § 1, Dec. 2, 1983, 97 Stat. 1381; Pub. L. 99-93, title VII, §§ 701, 702, Aug. 16, 1985, 99 Stat. 444; Pub. L. 100-213, § 2, Dec. 24, 1987, 101 Stat. 1444; Pub. L. 101-216, title I, § 101, Dec. 11, 1989, 103 Stat. 1853; Pub. L. 102-228, title IV, § 401(a), Dec. 12, 1991, 105 Stat. 1698; Pub. L. 103-236, title I, § 106(b), Apr. 30, 1994, 108 Stat. 391, authorized appropriations to carry out purposes of this chapter.

Section 2590, Pub. L. 87-297, title IV, § 50, Sept. 26, 1961, 75 Stat. 639; Pub. L. 94-141, title I, § 149, Nov. 29, 1975, 89 Stat. 760, required submission of reports to Congress on Agency activities.

§ 2591. Specialists fluent in Russian or other languages of the independent states of the former Soviet Union

The Director is authorized to create up to eight additional permanent personnel positions at both junior and more senior levels for specialists in the foreign and military policies of the independent states of the former Union,¹ arms control, or strategic affairs of the former Soviet Union, who also demonstrate fluency in the Russian language or another language of the independent states of the former Soviet Union.

(Pub. L. 87-297, title IV, § 49, formerly § 51, as added Pub. L. 98-202, § 4, Dec. 2, 1983, 97 Stat. 1382; amended Pub. L. 103-199, title IV, § 401(b), Dec. 17, 1993, 107 Stat. 2324; renumbered § 49 and amended Pub. L. 103-236, title VII, §§ 717(a)(2), 719(g), Apr. 30, 1994, 108 Stat. 498, 502.)

PRIOR PROVISIONS

A prior section 49 of Pub. L. 87-297 was classified to section 2589 of this title prior to repeal by Pub. L. 103-236.

AMENDMENTS

1994—Pub. L. 103-236, § 719(g)(2), inserted “of the former Soviet Union” after “affairs”.

Pub. L. 103-236, § 719(g)(1), which directed amendment of section by striking “Soviet”, was executed by striking “Soviet” after “military policies of the independent states of the former”.

1993—Pub. L. 103-199 in section catchline substituted “Specialists fluent in Russian or other languages of the independent states of the former Soviet Union” for “Specialists fluent in Russian language” and in text substituted “the foreign and military policies of the independent states of the former Soviet Union” for “Soviet foreign and military policies” and inserted at end “or another language of the independent states of the former Soviet Union”.

DEFINITIONS

Independent states of the former Soviet Union has the meaning given in section 5801 of this title, see section 3 of Pub. L. 103-199, set out as a note under section 5801 of this title.

¹ So in original. Probably should be “former Soviet Union.”.

§ 2592. Repealed. Pub. L. 103-236, title VII, § 704(3), Apr. 30, 1994, 108 Stat. 492

Section, Pub. L. 87-297, title IV, § 52, as added Pub. L. 99-93, title VII, § 703, Aug. 16, 1985, 99 Stat. 444; amended Pub. L. 100-213, § 5, Dec. 24, 1987, 101 Stat. 1446; Pub. L. 103-199, title IV, § 401(c), Dec. 17, 1993, 107 Stat. 2324, related to reports on adherence to and compliance with arms control agreements.

§§ 2592a, 2592b. Repealed. Pub. L. 103-199, title IV, § 403(a)(1), (b)(1), Dec. 17, 1993, 107 Stat. 2325

Section 2592a, Pub. L. 99-145, title X, § 1002, Nov. 8, 1985, 99 Stat. 705; Pub. L. 100-456, div. A, title IX, § 905(a), Sept. 29, 1988, 102 Stat. 2032, related to submission by President of annual report to Congress on Soviet compliance with arms control commitments.

Section 2592b, Pub. L. 100-456, div. A, title IX, § 906, Sept. 29, 1988, 102 Stat. 2033, related to submission by President of annual report to Congress on arms control strategy of the United States.

§ 2593. ACDA Inspector General

(a) Establishment and duties

There shall be an Office of the Inspector General at the Agency headed by the Inspector General of the Agency who shall have the duties, responsibilities, and authorities specified in the Inspector General Act of 1978.

(b) Duality of appointment

An individual appointed to the position of Inspector General of the Department of State shall, by virtue of such appointment, also hold the position of Inspector General of the Agency.

(c) Utilization of staff

The Inspector General of the Agency shall utilize personnel of the Office of the Inspector General of the Department of State in performing the duties of the Inspector General of the Agency, and shall not appoint any individuals to positions within the Agency.

(d) References

For purposes of this section, references in the Inspector General Act of 1978 to the establishment involved, to the head of the establishment, and to an Inspector General shall be deemed to be references to the Agency, the Director of the Agency, and Inspector General of the Agency, respectively, except to the extent inconsistent with this section.

(Pub. L. 87-297, title IV, § 50, formerly § 53, as added Pub. L. 100-213, § 6(a), Dec. 24, 1987, 101 Stat. 1446; renumbered § 50 Pub. L. 103-236, title VII, § 717(a)(2), Apr. 30, 1994, 108 Stat. 498.)

REFERENCES IN TEXT

The Inspector General Act of 1978, referred to in subsecs. (a) and (d), is Pub. L. 95-452, Oct. 12, 1978, 92 Stat. 1101, as amended, which is set out in the Appendix to Title 5, Government Organization and Employees.

PRIOR PROVISIONS

A prior section 50 of Pub. L. 87-297 was classified to section 2590 of this title prior to repeal by Pub. L. 103-236.

§ 2593a. Annual report to Congress

(a) In general

Not later than January 31 of each year, the President shall submit to the Speaker of the

House of Representatives and to the chairman of the Committee on Foreign Relations of the Senate a report prepared by the Director, in consultation with the Secretary of State, the Secretary of Defense, the Secretary of Energy, the Chairman of the Joint Chiefs of Staff, and the Director of Central Intelligence, on the status of United States policy and actions with respect to arms control, nonproliferation, and disarmament. Such report shall include—

(1) a detailed statement concerning the arms control and disarmament objectives of the executive branch of Government for the forthcoming year;

(2) a detailed statement concerning the nonproliferation objectives of the executive branch of Government for the forthcoming year;

(3) a detailed assessment of the status of any ongoing arms control or disarmament negotiations, including a comprehensive description of negotiations or other activities during the preceding year and an appraisal of the status and prospects for the forthcoming year;

(4) a detailed assessment of the status of any ongoing nonproliferation negotiations or other activities, including a comprehensive description of the negotiations or other activities during the preceding year and an appraisal of the status and prospects for the forthcoming year;

(5) a detailed assessment of adherence of the United States to obligations undertaken in arms control, nonproliferation, and disarmament agreements, including information on the policies and organization of each relevant agency or department of the United States to ensure adherence to such obligations, a description of national security programs with a direct bearing on questions of adherence to such obligations and of steps being taken to ensure adherence, and a compilation of any substantive questions raised during the preceding year and any corrective action taken;

(6) a detailed assessment of the adherence of other nations to obligations undertaken in all arms control, nonproliferation, and disarmament agreements to which the United States is a participating state, including information on actions taken by each nation with regard to the size, structure, and disposition of its military forces in order to comply with arms control, nonproliferation, or disarmament agreements, and shall include, in the case of each agreement about which compliance questions exist—

(A) a description of each significant issue raised and efforts made and contemplated with the other participating state to seek resolution of the difficulty;

(B) an assessment of damage, if any, to the United States security and other interests; and

(C) recommendations as to any steps that should be considered to redress any damage to United States national security and to reduce compliance problems; and

(7) a discussion of any material noncompliance by foreign governments with their binding commitments to the United States with respect to the prevention of the spread of nu-

clear explosive devices (as defined in section 6305(4) of this title) by non-nuclear-weapon states (as defined in section 6305(5) of this title) or the acquisition by such states of unsafeguarded special nuclear material (as defined in section 6305(8) of this title), including—

(A) a net assessment of the aggregate military significance of all such violations;

(B) a statement of the compliance policy of the United States with respect to violations of those commitments; and

(C) what actions, if any, the President has taken or proposes to take to bring any nation committing such a violation into compliance with those commitments.

(b) Classification of report

The report required by this section shall be submitted in unclassified form, with classified annexes, as appropriate.

(c) Reporting consecutive noncompliance

If the President in consecutive reports submitted to the Congress under this section reports that any designated nation is not in full compliance with its binding nonproliferation commitments to the United States, then the President shall include in the second such report an assessment of what actions are necessary to compensate for such violations.

(Pub. L. 87-297, title IV, §51, as added and amended Pub. L. 103-236, title VII, §717(a)(3), title VIII, §828(a), Apr. 30, 1994, 108 Stat. 498, 520.)

PRIOR PROVISIONS

A prior section 51 of Pub. L. 87-297 was renumbered section 49 and is classified to section 2591 of this title.

AMENDMENTS

1994—Subsec. (a)(5) to (7). Pub. L. 103-236, §828(a)(1)-(3), struck out “and” at end of par. (5), substituted “; and” for period at end of par. (6), and added par. (7).

Subsec. (c). Pub. L. 103-236, §828(a)(4), added subsec. (c).

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by section 828(a) 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.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2577 of this title.

§ 2593b. Public annual report on world military expenditures and arms transfers

Not later than December 31 of each year, the Director shall publish an unclassified report on world military expenditures and arms transfers. Such report shall provide detailed, comprehensive, and statistical information regarding military expenditures, arms transfers, armed forces, and related economic data for each country of the world. In addition, such report shall include pertinent in-depth analyses as well as highlights with respect to arms transfers and proliferation trends and initiatives affecting such developments.

(Pub. L. 87-297, title IV, §52, as added Pub. L. 103-236, title VII, §717(a)(3), Apr. 30, 1994, 108 Stat. 499.)

PRIOR PROVISIONS

A prior section 52 of Pub. L. 87-297 was classified to section 2592 of this title prior to repeal by Pub. L. 103-236.

§ 2593c. 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 year, any funds appropriated for the 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) of this section 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 Agency.

(Pub. L. 87-297, title IV, §53, as added Pub. L. 103-236, title VII, §718(a), Apr. 30, 1994, 108 Stat. 500.)

PRIOR PROVISIONS

A prior section 53 of Pub. L. 87-297 was renumbered section 50 and is classified to section 2593 of this title.

§ 2593d. Transfers and reprogrammings

(a) Transfer of funds

Funds appropriated for the purpose of carrying out this chapter may be allocated or transferred to any agency for such purpose. Such funds shall be available for obligation and expenditure in accordance with the authorities of this chapter or in accordance with the authorities governing the activities of the agencies to which such funds are allocated or transferred.

(b) Limitation

Not more than 12 percent of any appropriation made for the purpose of carrying out this chapter shall be obligated or reserved during the last month of the fiscal year.

(c) 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 chapter (other than funds to carry out subchapter 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.

(d) Limitation on end-of-year reprogrammings

Funds appropriated to carry out this chapter (other than funds to carry out subchapter 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.

(Pub. L. 87-297, title IV, §54, as added Pub. L. 103-236, title VII, §718(a), Apr. 30, 1994, 108 Stat. 500.)

CHANGE OF NAME

Committee on Foreign Affairs of House of Representatives treated as referring to Committee on International Relations of House of Representatives by section 1(a) of Pub. L. 104-14, set out as a note preceding section 21 of Title 2, The Congress.

SUBCHAPTER V—ON-SITE INSPECTION ACTIVITIES

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in section 2593d of this title.

§ 2595. Findings

The Congress finds that—

(1) under this chapter, the United States Arms Control and Disarmament Agency is charged with the “formulation and implementation of United States arms control and disarmament policy in a manner which will promote the national security”;

(2) as defined in this chapter, the terms “arms control” and “disarmament” mean “the identification, verification, inspection, limitation, control, reduction, or elimination, of armed forces and armaments of all kinds under international agreement to establish an effective system of international control”;

(3) the On-Site Inspection Agency was established in 1988 pursuant to the INF Treaty to implement, on behalf of the United States, the inspection provisions of the INF Treaty;

(4) on-site inspection activities under the INF Treaty include—

(A) inspections in Russia, Ukraine, Kazakhstan, Belarus, Turkmenistan, Uzbekistan, the Czech Republic, and Germany,

(B) escort duties for teams visiting the United States and the Basing Countries,

(C) establishment and operation of the Portal Monitoring Facility in Russia, and

(D) support for the inspectors at the Portal Monitoring Facility in Utah;

(5) the On-Site Inspection Agency has additional responsibilities to those specified in paragraph (4), including the monitoring of nuclear tests pursuant to the Threshold Test Ban Treaty and the Peaceful Nuclear Explosions Treaty and the monitoring of the inspection provisions of such additional arms control agreements as the President may direct;

(6) the personnel of the On-Site Inspection Agency include civilian technical experts, civilian support personnel, and members of the Armed Forces; and

(7) the senior officials of the On-Site Inspection Agency include representatives from the United States Arms Control and Disarmament Agency and the Department of State.

(Pub. L. 87-297, title V, § 61, as added Pub. L. 101-216, title II, § 201, Dec. 11, 1989, 103 Stat. 1855; amended Pub. L. 102-228, title IV, § 402(a)(1), Dec. 12, 1991, 105 Stat. 1699; Pub. L. 103-199, title IV, § 401(d), Dec. 17, 1993, 107 Stat. 2324.)

AMENDMENTS

1993—Par. (4)(A). Pub. L. 103-199, § 401(d)(1), substituted “Russia, Ukraine, Kazakhstan, Belarus, Turkmenistan, Uzbekistan, the Czech Republic, and Germany” for “the Soviet Union, Czechoslovakia, and the German Democratic Republic”.

Par. (4)(B). Pub. L. 103-199, § 401(d)(2), struck out “Soviet” before “teams”.

Par. (4)(C). Pub. L. 103-199, § 401(d)(3), substituted “Russia” for “the Soviet Union”.

Par. (4)(D). Pub. L. 103-199, § 401(d)(4), struck out “Soviet” before “inspectors”.

1991—Pars. (5) to (7). Pub. L. 102-228 added par. (5) and redesignated former pars. (5) and (6) as (6) and (7), respectively.

ACCOUNTING FOR REIMBURSABLE EXPENSES INCURRED BY DEPARTMENT OF DEFENSE ON BEHALF OF SOVIET UNION OR SUCCESSOR ENTITIES IN MONITORING INF TREATY

Pub. L. 103-139, title VIII, § 8033, Nov. 11, 1993, 107 Stat. 1447, provided that: “During the current fiscal year and thereafter, of the funds appropriated, reimbursable expenses incurred by the Department of Defense on behalf of the Soviet Union or its successor entities in monitoring United States implementation of the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Elimination of Their Intermediate-Range or Shorter-Range Missiles (‘INF Treaty’), concluded December 8, 1987, may be treated as orders received and obligation authority for the applicable appropriation, account, or fund increased accordingly. Likewise, any reimbursements received for such costs may be credited to the same appropriation, account, or fund to which the expenses were charged: *Provided*, That reimbursements which are not received within one hundred and eighty days after submission of an appropriate request for payment shall be subject to interest at the current rate established pursuant to section 2(b)(1)(B) of the Export-

Import Bank Act of 1945 (59 Stat. 526) [12 U.S.C. 635(b)(1)(B)]. Interest shall begin to accrue on the one hundred and eighty-first day following submission of an appropriate request for payment: *Provided further*, That funds appropriated in this Act [see Tables for classification] may be used to reimburse United States military personnel for reasonable costs of subsistence, at rates to be determined by the Secretary of Defense, incurred while accompanying Soviet Inspection Team members or inspection team members of the successor entities of the Soviet Union engaged in activities related to the INF Treaty: *Provided further*, That this provision includes only the in-country period (referred to in the INF Treaty) and is effective whether such duty is performed at, near, or away from an individual’s permanent duty station.”

Similar provisions were contained in the following prior appropriation acts:

Pub. L. 102-396, title IX, § 9045, Oct. 6, 1992, 106 Stat. 1912.

Pub. L. 102-172, title VIII, § 8045, Nov. 26, 1991, 105 Stat. 1182.

Pub. L. 101-511, title VIII, § 8049, Nov. 5, 1990, 104 Stat. 1885.

Pub. L. 101-165, title IX, § 9062, Nov. 21, 1989, 103 Stat. 1142.

Pub. L. 100-463, title VIII, § 8138, Oct. 1, 1988, 102 Stat. 2270-46.

UNITED STATES PROGRAM FOR ON-SITE INSPECTIONS UNDER ARMS CONTROL AGREEMENTS

Pub. L. 101-189, div. A, title X, § 1014, Nov. 29, 1989, 103 Stat. 1547, provided that:

“(a) FINDINGS CONCERNING ON-SITE INSPECTION PERSONNEL.—Congress makes the following findings:

“(1) The United States is currently engaged in multilateral and bilateral negotiations seeking to achieve treaties or agreements to reduce or eliminate various types of military weapons and to make certain reductions in military personnel levels. These negotiations include negotiations for (A) reductions in strategic forces, conventional armaments, and military personnel levels, (B) regimes for monitoring nuclear testing, and (C) the complete elimination of chemical weapons.

“(2) Requirements for monitoring these possible treaties or agreements will be extensive and will place severe stress on the monitoring capabilities of United States national technical means.

“(3) In the case of the INF Treaty, the United States and the Soviet Union negotiated, and are currently using, on-site inspection procedures to complement and support monitoring by national technical means. Similar on-site inspection procedures are being negotiated for inclusion in possible future treaties and agreements referred to in paragraph (1).

“(4) During initial implementation of the provisions of the INF Treaty, the United States was not fully prepared for the personnel requirements for the conduct of on-site inspections. The Director of Central Intelligence has stated that on-site inspection requirements for any strategic arms reduction treaty or agreement will be far more extensive than those for the INF Treaty. The number of locations within the Soviet Union that would possibly be subject to on-site inspections under a START agreement have been estimated to be approximately 2,500 (compared to 120 for the INF Treaty).

“(5) On-site inspection procedures are likely to be an integral part of any future arms control treaty or agreement.

“(6) Personnel requirements will be extensive for such on-site inspection procedures, both in terms of numbers of personnel and technical and linguistic skills. Since verification requirements for the INF Treaty are already placing severe stress on current personnel resources, the requirements for verification under START and other possible future treaties and agreements may quickly exceed the current number of verification personnel having necessary technical and language skills.

“(7) There is a clear need for a database of the names of individuals who are members of the Armed Forces or civilian employees of the United States Government, or of other citizens and nationals of the United States, who are qualified (by reason of technical or language skills) to participate in on-site inspections under an arms control treaty or agreement.

“(8) The organization best suited to establish such a database is the On-Site Inspection Agency (OSIA) of the Department of Defense, which was created by the President to implement (for the United States) the on-site inspection provisions of the INF Treaty.

“(b) STATUS OF THE OSIA.—(1) Congress finds that—

“(A) the Director of the OSIA (currently a brigadier general of the Army) is appointed by the Secretary of Defense with the concurrence of the Secretary of State and the approval of the President;

“(B) the Secretary of Defense provides to the Director appropriate policy guidance formulated by the interagency arms control mechanism established by the President;

“(C) most of the personnel of the OSIA are members of the Armed Forces (who are trained and paid by the military departments within the Department of Defense) and include linguists, weapons specialists, and foreign area specialists;

“(D) the Department of Defense provides the OSIA with substantially all of its administrative and logistic support (including military air transportation for inspections in the Soviet Union and Eastern Europe); and

“(E) the facilities in Europe and the United States at which OSIA personnel escort personnel of the Soviet Union conducting inspections under the on-site inspection terms of the INF Treaty are under the jurisdiction of the Department of Defense (or under the jurisdiction of entities that are contractors with the Department of Defense).

“(2) In light of the findings in paragraph (1) and the report submitted pursuant to section 909 of Public Law 100-456 [div. A, title IX, Sept. 29, 1988, 102 Stat. 2036] entitled ‘Report to the Congress on U.S. Monitoring and Verification Activities Related to the INF Treaty’ (submitted on July 27, 1989), Congress hereby determines that by locating the On-Site Inspection Agency within the Department of Defense for the purposes of administrative and logistic support and operational guidance, and integrating on-site inspection responsibilities under the INF Treaty with existing organizational activities of that Department, the President has been able to ensure that sensitive national security assets are protected and that obligations of the United States under that treaty are fulfilled in an efficient and cost-effective manner.

“(c) ESTABLISHMENT OF PERSONNEL DATABASE.—(1) In light of the findings in subsection (a), the Director of the On-Site Inspection Agency shall establish a database consisting of the names of individuals who could be assigned or detailed (in the case of Government personnel) or employed (in the case of non-Government personnel) to participate in the conduct of on-site inspections under any future arms control treaty or agreement that includes provisions for such inspections.

“(2) The database should be composed of the names of individuals with skills (including linguistic and technical skills) necessary for the conduct of on-site inspections.

“(d) INF TREATY DEFINED.—For purposes of this section, the term ‘INF Treaty’ means the Treaty Between the United States and the Union of Soviet Socialist Republics on the Elimination of Their Intermediate-Range and Shorter-Range Missiles, signed in Washington, DC, on December 8, 1987.”

§ 2595a. Policy coordination concerning implementation of on-site inspection provisions

(a) Interagency coordination

OSIA should receive policy guidance which is formulated through an interagency mechanism established by the President.

(b) Role of Secretary of Defense

The Secretary of Defense should provide to OSIA appropriate policy guidance formulated through the interagency mechanism described in subsection (a) of this section and operational direction, consistent with section 113(b) of title 10.

(c) Role of Director

The Director should provide to the interagency mechanism described in subsection (a) of this section appropriate recommendations for policy guidance to OSIA consistent with sections 2551(d),¹ 2562, and 2574(c) of this title.

(Pub. L. 87-297, title V, § 62, as added Pub. L. 101-216, title II, § 201, Dec. 11, 1989, 103 Stat. 1855.)

REFERENCES IN TEXT

Section 2551 of this title, referred to in subsec. (c), was amended by Pub. L. 103-236, title VII, § 703, Apr. 30, 1994, 108 Stat. 491, and, as so amended, no longer contains a par. (d). See section 2551(4) of this title.

§ 2595b. Authorizations of appropriations for On-Site Inspection Agency

There are authorized to be appropriated \$49,830,000 for fiscal year 1990 and \$48,831,000 for fiscal year 1991 for the expenses of the On-Site Inspection Agency in carrying out on-site inspection activities pursuant to the INF Treaty.

(Pub. L. 87-297, title V, § 63, as added Pub. L. 101-216, title II, § 201, Dec. 11, 1989, 103 Stat. 1856.)

§ 2595b-1. Improving congressional oversight of on-site inspection activities

(a) Report from President

Concurrent with the submission to the Congress of the request for authorization of appropriations for OSIA for fiscal year 1993, the President shall submit a report on OSIA to the Committee on Foreign Affairs of the House of Representatives, the Committee on Foreign Relations of the Senate, and the Committees on Armed Services of the House of Representatives and Senate. The report shall include a review of—

(1) the history of OSIA, including how, when, and under what auspices it was established, including the applicable texts of the relevant executive orders;

(2) the missions and tasks assigned to OSIA to date;

(3) any additional missions and tasks likely to be assigned to OSIA during fiscal year 1993;

(4) the budgetary history of OSIA; and

(5) the extent to which OSIA plays a role in arms control policy formulation and operational implementation.

(b) Review of certain reprogramming notifications

Any notification submitted to the Congress with respect to a proposed transfer, reprogram-

¹ See References in Text note below.

ming, or reallocation of funds from or within the budget of OSIA shall also be submitted to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate, and shall be subject to review by those committees.

(Pub. L. 87-297, title V, §64, as added Pub. L. 102-228, title IV, §402(b)(2), Dec. 12, 1991, 105 Stat. 1699.)

PRIOR PROVISIONS

A prior section 64 of Pub. L. 87-297 was renumbered section 65 by section 402(b)(1) of Pub. L. 102-228 and is classified to section 2595c of this title.

CHANGE OF NAME

Committee on Foreign Affairs of House of Representatives treated as referring to Committee on International Relations of House of Representatives and Committee on Armed Services of House of Representatives treated as referring to Committee on National Security of House of Representatives by section 1(a) of Pub. L. 104-14, set out as a note preceding section 21 of Title 2, The Congress.

§ 2595c. Definitions

As used in this subchapter—

(1) the term “INF Treaty” means the Treaty Between the United States and the Union of Soviet Socialist Republics on the Elimination of Their Intermediate-Range and Shorter-Range Missiles (signed at Washington, December 8, 1987);

(2) the term “OSIA” means the On-Site Inspection Agency established by the President, or such other agency as may be designated by the President to carry out the on-site inspection provisions of the INF Treaty;

(3) the term “Peaceful Nuclear Explosions Treaty” means the Treaty Between the United States of America and the Union of Soviet Socialist Republics on Underground Nuclear Explosions for Peaceful Purposes (signed at Washington and Moscow, May 28, 1976); and

(4) the term “Threshold Test Ban Treaty” means the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Limitation of Underground Nuclear Weapons Tests (signed at Moscow, July 3, 1974).

(Pub. L. 87-297, title V, §65, formerly §64, as added Pub. L. 101-216, title II, §201, Dec. 11, 1989, 103 Stat. 1856; renumbered §65 and amended Pub. L. 102-228, title IV, §402(a)(2), (b)(1), Dec. 12, 1991, 105 Stat. 1699.)

AMENDMENTS

1991—Pars. (3), (4). Pub. L. 102-228, §402(a)(2), added pars. (3) and (4).

CHAPTER 36—MIGRATION AND REFUGEE ASSISTANCE

Sec.

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- (a) United States membership in International Organization for Migration; contributions to Organization.
 - (b) Appropriations for assistance to refugees.
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- (d) Information to Congressional committees.
 - (e) Continued availability of certain funds.
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2602. Presidential authorization.
- (a) Authority of President to make loans, advances, grants, contracts, etc.; authority to use money, funds, property, services, etc.
 - (b) Performance of functions without regard to specified provisions of law.
2603. Delegation of powers.
2604. Allocation, transfer and availability of funds; separate appropriation accounts on Treasury books.
2605. Use of funds and personnel; savings provision.
- (a) Use of funds.
 - (b) Savings provision.
 - (c) Use of personnel.
2606. Audits of U.S. funds received by the United Nations High Commissioner for Refugees.
- (a) Program audits.
 - (b) First program audit.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 2275, 2318 of this title.

§ 2601. Refugees and migration

(a) United States membership in International Organization for Migration; contributions to Organization

The President is authorized to continue membership for the United States in the International Organization for Migration in accordance with its constitution approved in Venice, Italy, on October 19, 1953, as amended in Geneva, Switzerland, on May 20, 1987. For the purpose of assisting in the movement of refugees and migrants and to enhance the economic progress of the developing countries by providing for a coordinated supply of selected manpower, there are authorized to be appropriated such amounts as may be necessary from time to time for the payment by the United States of its contributions to the Organization and all necessary salaries and expenses incident to United States participation in the Organization.

(b) Appropriations for assistance to refugees

There are authorized to be appropriated such amounts as may be necessary from time to time—

(1) for contributions to the activities of the United Nations High Commissioner for Refugees for assistance to refugees under his mandate or persons on behalf of whom he is exercising his good offices, and for contributions to the International Organization for Migration, the International Committee of the Red Cross, and to other relevant international organizations; and

(2) for assistance to or on behalf of refugees who are outside the United States designated by the President (by class, group, or designation of their respective countries of origin or areas of residence) when the President determines that such assistance will contribute to the foreign policy interests of the United States.