partly owned corporation, or instrumentality, commission, or establishment of the United States Government.

(g) The word "transportation" in sections 2504(b), 2504(m), and 2505(2) of this title includes transportation of not to exceed three hundred pounds per person of unaccompanied necessary personal and household effects.


REFERENCES IN TEXT
This chapter, referred to in subsec. (e), was in the original "this Act", meaning Pub. L. 87–293, Sept. 22, 1961, 75 Stat. 612, as amended, known as the Peace Corps Act. For complete classification of this Act to the Code, see Short Title note set out under section 2501 of this title.

PRIOR PROVISIONS
A prior section 26 of Pub. L. 87–293 was renumbered section 27 and is classified to section 2523 of this title.

AMENDMENTS
1966—Subsec. (b). Pub. L. 89–572 struck out territories from definition of "United States".

§ 2523. Separability
If any provision of this chapter or the application of any provision to any circumstances or persons shall be held invalid, the validity of the remainder of this chapter and the applicability of such provision to other circumstances or persons shall not be affected thereby.


REFERENCES IN TEXT
This chapter, referred to in text, was in the original "this Act", meaning Pub. L. 87–293, Sept. 22, 1961, 75 Stat. 612, as amended, known as the Peace Corps Act. For complete classification of this Act to the Code, see Short Title note set out under section 2501 of this title and Tables.

PRIOR PROVISIONS
A prior section 26 of Pub. L. 87–293 was renumbered section 27 and is classified to section 2523 of this title.

CHAPTER 35—ARMS CONTROL AND DISARMAMENT

SUBCHAPTER I—GENERAL PROVISIONS

Sec.
2551. Congressional statement of purpose.
2552. Definitions.

SUBCHAPTER II—SPECIAL REPRESENTATIVES AND VISITING SCHOLARS

2561 to 2566. Repealed.
2567. Presidential Special Representatives.
2568. Program for visiting scholars.

SUBCHAPTER III—FUNCTIONS

2571. Research, development and other studies.

AMENDMENTS


Pub. L. 105–277, §1223(1)(B), struck out second undesignated par. which read as follows: "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."

Pub. L. 105–277, §1223(1)(C), in last undesignated par., in introductory provisions, substituted "The Secretary of State for "This organization", substituted "The Secretary shall have" for "It shall have", and struck out "and the Secretary of State" after "the President", in subpar. (1) inserted "nonproliferation, "after "arms control", redesignated subpar. (3) as (2) and struck out former subpar. (2) which read as follows: "When directed by the President, the preparation for, and management of, United States participation in international negotiations and implementation fora in the nonproliferation field.", redesignated subpar. (4) as (3) and struck out ",", as appropriate, before "direction of," and redesignated subpar. (5) as (4).


Pub. L. 103–236, §703, substituted subpars. (1) to (5) for former subpars. (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.

EFFECTIVE DATE OF 1998 AMENDMENT


SHORT TITLE OF 1999 AMENDMENT


"SEC. 1261. SHORT TITLE.

"This subtitle may be cited as the 'International Arms Sales Code of Conduct Act of 1999'."

INTERNATIONAL ARMS SALES CODE OF CONDUCT


"SEC. 1262. INTERNATIONAL ARMS SALES CODE OF CONDUCT.

"(a) NEGOTIATIONS.—The President shall attempt to achieve the foreign policy goal of an international arms sales code of conduct. The President shall take the necessary steps to begin negotiations within appropriate international fora not later than 120 days after the date of the enactment of this Act [Nov. 29, 1999].

"The purpose of these negotiations shall be to establish an international regime to promote global transparency with respect to arms transfers, including participation by countries in the United Nations Register of Conventional Arms, and to limit, restrict, or prohibit arms transfers to countries that do not observe certain fundamental values of human liberty, peace, and international stability.
“(b) Criteria.—The President shall consider the following criteria in the negotiations referred to in subsection (a).

"(1) Promotes democracy.—The government of the country—

"(A) was chosen by and permits free and fair elections;

"(B) promotes civilian control of the military and security forces and has civilian institutions controlling the policy, operation, and spending of all law enforcement and security institutions, as well as the armed forces;

"(C) promotes the rule of law and provides its nationals the same rights that they would be afforded under the United States Constitution if they were United States citizens; and

"(D) promotes the strengthening of political, legislative, and civil institutions of democracy, as well as autonomous institutions to monitor the conduct of public officials and to combat corruption.

"(2) Respects human rights.—The government of the country—

"(A) does not persistently engage in gross violations of internationally recognized human rights, including—

"(i) extrajudicial or arbitrary executions;

"(ii) disappearances;

"(iii) torture or other severe mistreatment;

"(iv) prolonged arbitrary imprisonment;

"(v) systematic official discrimination on the basis of race, ethnicity, religion, gender, national origin, or political affiliation; and

"(vi) grave breaches of international laws of war or equivalent violations of the laws of war in internal armed conflicts;

"(B) vigorously investigates, disciplines, and prosecutes those responsible for gross violations of internationally recognized human rights;

"(C) permits access on a regular basis to political prisoners by international humanitarian organizations;

"(D) promotes the independence of the judiciary and other official bodies that oversee the protection of human rights;

"(E) does not impede the free functioning of domestic and international human rights organizations; and

"(F) provides access on a regular basis to humanitarian organizations in situations of conflict or famine.

"(3) Not engaged in certain acts of armed aggression.—The government of the country is not engaged in acts of armed aggression in violation of international law;

"(4) Not supporting terrorism.—The government of the country does not provide support for international terrorism.

"(5) Not contributing to proliferation of weapons of mass destruction.—The government of the country does not contribute to the proliferation of weapons of mass destruction.

"(6) Regional location of country.—The country is not located in a region in which arms transfers would exacerbate regional arms races or international tensions that present a danger to international peace and stability.

"(c) Reports to Congress.—

"(1) Report relating to negotiations.—Not later than 6 months after the commencement of the negotiations under subsection (a), and not later than the end of every 6-month period thereafter until an agreement described in subsection (a) is concluded, the President shall report to the Committee on International Relations [now Committee on Foreign Affairs] of the House of Representatives and the Committee on Foreign Relations of the Senate on the progress made during these negotiations.

"(2) Human rights reports.—In the report required in sections 116(d) and 5023(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151n(b) and 2304(b)), the Secretary of State shall describe the extent to which the practices of each country evaluated meet the criteria in paragraphs (1)(A) and (2) of subsection (a)."

Congressional Declarations: Purposes of 1994 Amendment

Section 702 of Pub. L. 103–236 stated congressional declarations and purposes of amendments by part A of title VII of Pub. L. 103–236 (see Short Title of 1994 Amendment note above) to strengthen United States Arms Control and Disarmament Agency, and to improve congressional oversight of arms control, non-proliferation, and disarmament activities of United States Arms Control and Disarmament Agency, and of Agency’s operating budget.

Report on Revitalization of ACDA

Section 717(b) of Pub. L. 103–236 provided that not later than Dec. 31, 1995, Director of United States Arms Control and Disarmament Agency was to submit to Congress a detailed report describing actions undertaken to revitalize United States Arms Control and Disarmament Agency.

Soviet Weapons Destruction


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

"(a) In General.—Notwithstanding any other provision of law, the President 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 2308 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) REMBURSEMENT 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 the manner established under part B.

“(d) CHARGES AGAINST FUNDS.—The value of any material from existing stocks and inventories of the Department, 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) REMBURSEMENT 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. DOLLAR EMERGENCY SUPPLEMENTAL APPOINTMENTS.

“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


CONVENTIONAL ARMS TRADE


“(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.


EXECUTIVE ORDER NO. 12946

Ex. Ord. No. 12946, Jan. 29, 1995, 60 F.R. 4829, which established within Department of Defense the President’s Advisory Board on Arms Proliferation Policy, was revoked by Ex. Ord. No. 13062, § 3(c), Sept. 29, 1997, 62 F.R. 51756, formerly set out as a note under section 14 of the Federal Advisory Committee Act in the Appendix to Title 5, Government Organization and Employees.

§ 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.


AMENDMENTS

1998—Subsec. (c). Pub. L. 105–277, §1223(2), struck out subsec. (c) which read as follows: "The term 'Agency' means the United States Arms Control and Disarmament Agency."

Effective Date of 1998 Amendment


SUBCHAPTER II—SPECIAL REPRESENTATIVES AND VISITING SCHOLARS


Effective Date of Repeal

Repeal effective Apr. 1, 1999, see section 1201 of Pub. L. 105–277, set out as an Effective Date note under section 6511 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. 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. The Department of State shall be the Government agency responsible for providing administrative support, including funding, staff, and office space, to all Presidential Special Representatives.


AMENDMENTS

1998—Pub. L. 105–277, §1223(4), struck out “One such Representative may serve in the Agency as Chief Science Advisor,” after “rank of ambassador,” and “acting through the Director” after “Secretary of State,” and substituted “Department of State” for “Agency”.

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 1998 Amendment


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).”

§ 2568. Program for visiting scholars

A program for visiting scholars in the fields of arms control, nonproliferation, and disarmament shall be established by the Secretary of State 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 Department of State’s activities an opportunity for active participation in the arms control, nonproliferation, and disarmament activities of the Department of State and to gain for the Department of State 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.
§ 2571. Research, development and other studies

The Secretary of State is authorized and directed to exercise his powers in this subchapter in such manner as to ensure the acquisition of a fund of theoretical and practical knowledge concerning disarmament and nonproliferation. To this end, the Secretary of State is authorized and directed, under the direction of the President, (1) to ensure 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 carrying out his responsibilities under this chapter, the Secretary of State shall, to the maximum extent feasible, make full use of available facilities, Government and private. The authority of the Secretary under this chapter with respect to research, development, and other studies concerning arms control, nonproliferation, and disarmament shall be limited to participation in the following:

(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 armaments 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

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1 So in original. Probably should be followed by a comma.
view to a better understanding of how the basic structure of a lasting peace may be established; and

(m) Other related problems

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


AMENDMENTS

1998—Pub. L. 105–277, §1223(6)(A)–(E), in introductory provisions, inserted “this subchapter in” after “powers in”, substituted “Secretary of State” for “Director”, wherever appearing, and struck out “and ve dare” in two places, struck out “in accordance with procedures established under section 2575 of this title” after “other Government agencies”, and substituted “The authority of the Secretary under this chapter with respect to research, development, and other studies concerning arms control, nonproliferation, and disarmament shall be limited to participation in the following:” for “The authority of the Director with respect to research, development, and other studies shall be limited to participation in the following insofar as they relate to arms control, nonproliferation, and disarmament:”.


1963—Pub. L. 88–186 inserted “and of all aspects of antisatellite activities”.


Effective Date of 1998 Amendment


§ 2573. Policy formulation

(a) Formulation

The Secretary of State shall prepare for the President, 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.

(c) Statutory construction

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.


AMENDMENTS

1998—Subsec. (a). Pub. L. 105–277, §1223(8), substituted “Secretary of State” for “Director” and struck out “the Secretary of State,” after “the President.”

Subsec. (c). Pub. L. 105–277, §2602, added subsec. (c). 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."

1996—Title 18 reenacted provision precluding construction of this chapter to authorize the regulation of the possession of firearms by an individual.

**Effective Date of 1998 Amendment**


§ 2574. Negotiation management

(a) Responsibilities

The Secretary of State, under the direction of the President, 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, nonproliferation, and disarmament. 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 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) Authority

The Secretary of State is authorized—

(1) 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

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


**Amendments**


Pub. L. 105–277, §1223(9)(A)(iv), which directed amendment of subsec. (a) by striking “and shall have primary responsibility, whenever directed by the President, for the preparation, conduct, and management of the United States participation in international negotiations and implementation fora in the field of nonproliferation” before period at end of first sentence, was executed by striking language which did not include the word “the” before “United States” to reflect the probable intent of Congress.

Pub. L. 105–277, §1223(9)(A)(i), (ii), in first sentence, substituted “The Secretary of State” for “The Director” and struck out “and the Secretary of State” after “the President.”

Pub. L. 105–277, §1223(9)(A)(iii), which directed the insertion of “, nonproliferation,” after “fields of arms control,” was executed by making the insertion after “field of arms control” to reflect the probable intent of Congress.

Subsec. (b). Pub. L. 105–277, §1223(9)(D), in introductory provisions, substituted “Secretary of State” for “Director”, redesignated pars. (2) and (3) as (1) and (2), respectively, and struck out former par. (1) which read as follows: “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:”—

Pub. L. 105–277, §1223(9)(C), redesignated subsec. (c) as (b).

Pub. L. 105–277, §1223(9)(B), struck out subsec. (b) which read as follows: “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 on arms control, nonproliferation, and disarmament matters for dissemination abroad.”

Subsec. (c). Pub. L. 105–277, §1223(9)(C), redesignated subsec. (c) as (b).

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.

**Effective Date of 1998 Amendment**


**Effective Date of Repeal**

Repeal effective Apr. 1, 1999, see section 1201 of Pub. L. 105–277, set out as an Effective Date note under section 6511 of this title.

§ 2576. Arms control information

In order to assist the Secretary of State 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, deployment, or modernization with respect to nu-
clear 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 Secretary of State believes may have a significant impact on arms control, nonproliferation, and disarmament policy or negotiations,

shall, on a continuing basis, provide the Secretary of State with full and timely access to detailed information with respect to the nature, scope, and purpose of such proposal.


AMENDMENTS

1998—Pub. L. 105–277, §1223(10), substituted “Secretary of State” for “Director” wherever appearing and, in concluding provisions, struck out “& in accordance with the procedures established pursuant to section 2575 of this title,” after “detailed information.”

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.

EFFECTIVE DATE OF 1998 AMENDMENT


§ 2577. Verification of compliance

(a) In general

In order to ensure that arms control, nonproliferation, and disarmament agreements can be verified, the Secretary of State 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 Secretary of State 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 degradation 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 Department of State 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) Assessments upon request

Upon the request of the chairman or ranking minority member of the Committee on Foreign Relations of the Senate or the Committee on International Relations of the House of Representatives, in case of an arms control, nonproliferation, or disarmament proposal presented to a foreign country by the United States or presented to the United States by a foreign country, the Secretary of State shall submit a report to the Committee on the degree to which elements of the proposal are capable of being verified.

(c) Standard for verification of compliance

In making determinations under paragraphs (1) and (2) of subsection (a) of this section, the Secretary of State 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.

(d) 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 personnel employed in the verification of compliance with arms control, nonproliferation, and disarmament agreements.


AMENDMENTS


Subsecs. (b) to (d). Pub. L. 106–113, §1000(a)(7) [title XI, §1115(b)], added subsec. (b) and redesignated former subsecs. (b) and (c) as (c) and (d), respectively. Language in section 1000(a)(7) [title XI, §1115(b) directing redesignation of subsec. (d) as (e) could not be executed. See 1998 Amendment note below.

1998—Subsec. (a). Pub. L. 105–277, §1223(11)(A), substituted “Secretary of State” for “Director” in intro-
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.

PUBLICATION:


§ 2578a. 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).

(3) 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.

SUBCHAPTER IV—ADDITIONAL GENERAL PROVISIONS

§ 2581. General authority of Secretary of State

In addition to any authorities otherwise available, the Secretary of State in the performance of functions under this chapter is authorized to—

(a) Utilization of other Federal agencies; transfers of 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 Department of State as may appear desirable. Any Government agency is authorized, not withstanding any other provision of law, to transfer to or to receive from the Secretary of State, 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 chapters 1 to 11 of title 40 and division C (except sections 3302, 3307(e), 3501(b), 3509, 3906, 4710, and 4711) of subtitle I of title 41;

(b) Employment of personnel

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 Secretary of State ensures that—

(1) any employee who is appointed under this subsection 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 subsection shall not exceed 10 percent of the Department of State’s full-time-equivalent positions allocated to carry out the purpose of this chapter.

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 Department of State 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 scientific and policy advisory board; compensation and expenses

establish a scientific and policy advisory board to advise with and make recommendations to the Secretary of State on United States arms control, nonproliferation, and disarmament policy and activities. A majority of the board shall be composed of individuals who have a demonstrated knowledge and technical expertise with respect to arms control, nonproliferation, and disarmament matters and who have distinguished themselves in any of the fields of physics, chemistry, mathematics, biology, or engineering, including weapons engineering. The members of the board may receive the compensation and reimbursement for expenses specified for consultants by subsection (d) of this section;

(g) Oaths and sworn statements

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

(h) Delegation of functions

delegate, as appropriate, to the Under Secretary for Arms Control and International Security or other officers of the Department of State, any authority conferred upon the Secretary of State by the provisions of this chapter; and

(i) 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 Secretary of State by the provisions of this chapter.


1 So in original. The period probably should be a semicolon.
The General Schedule, referred to in subsec. (b), is set out under section 5332 of Title 5.

**AMENDMENTS**

1998—Pub. L. 105–277, § 1223(13)(A), substituted "in addition to any authorities otherwise available, the Secretary of State in the performance of functions under this chapter" for "in the performance of his functions, the Director" in introductory provisions. Subsec. (a). Pub. L. 105–277, § 1223(13)(B), (C), substituted "Department of State" for "Agency" and "Secretary of State" for "Director", and struck out "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," after "may appear desirable."

Subsec. (b). Pub. L. 105–277, § 1223(13)(B, (D)), substituted "Secretary of State" for "Agency" and "Director" for "Secretary of State" and struck out "Director and (i), respectively."

Subsec. (c). Pub. L. 105–277, § 1223(13)(B), substituted "Department of State" for "Agency" and "Secretary of State" for "Director" and struck out "Secretary for Arms Control and International Security" and "Department of State" for "Agency", and "Secretary of State" for "Director".


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 following 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 exceptions 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 an administrative review of any determination to suspend or dismiss an officer or employee appointed under the preceding 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 guaranteed such officer or employee in the competitive service:"

1991—Subsecs. (h) to (j). Pub. L. 102–228 added subsec. (h) and redesignated former subsec. (h) 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) and redesignated former subsec. (g) 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 3103 of such title' for 'section 73b–2 of title 5', and '130 days' for "one hundred days".

**EFFECTIVE DATE OF 1998 AMENDMENT**

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. 37963, 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.

[For abolition, transfer of functions, and treatment of references to United States Arms Control and Disarmament Agency, see section 6511 et seq. of this title.]


Effective Date of Repeal

Repeal effective Apr. 1, 1999, see section 1201 of Pub. L. 105–277, set out as an Effective Date note under section 6511 of this title.

§ 2584. Dual compensation exemption

Members of advisory boards and consultants may serve as such without regard to any 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 5332 of title 5. This section shall apply only to individuals carrying out activities related to arms control, nonproliferation, and disarmament.


Codification


Amendments

1966—Pub. L. 105–277, in section catchline, struck out “Conflict of interest and” before “dual compensation”, in first sentence, substituted “Members of advisory boards and consultants may serve as such without re-
gard to any” for “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 261, 283, 284, or 1914 of title 18, or of section 190 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, 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 3344 of title 5, or any other”, and inserted at end “This section shall apply only to individuals carrying out activities related to arms control, nonproliferation, and disarmament.”

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 1998 Amendment


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.


See Codification note below.


Effective Date of Repeal

Repeal effective Apr. 1, 1999, see section 1201 of Pub. L. 105–277, set out as an Effective Date note under section 6511 of this title.

§ 2590a. Annual report to Congress

(a) In general

Not later than April 15 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 Secretary of State with the concurrence of the Director of Central Intelligence and in consultation with the Secretary of Defense, the Secretary of Energy, and the Chairman of the Joint Chiefs of Staff 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, nonproliferation, and disarmament objectives of the executive branch of Government for the forthcoming year;

(2) a detailed assessment of the status of any ongoing arms control, nonproliferation, 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;

(3) 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;

(4) a detailed assessment of the adherence of other nations to obligations undertaken in all arms control, nonproliferation, and disarmament agreements, including the Missile Technology Control Regime, 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 or commitments, and shall include, in the case of each agreement or commitment 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;
(5) 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 nuclear explosive devices (as defined in section 6305(2) 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; and

(6) a specific identification, to the maximum extent practicable in unclassified form, of each and every question that exists with respect to compliance by other countries with arms control, nonproliferation, and disarmament agreements with the United States.

(b) Classification of report

The report required by this section shall be submitted in unclassified form, with classified annexes, as appropriate. The portions of this report described in paragraphs (4) and (5) of subsection (a) of this section shall summarize in detail, at least in classified annexes, the information, analysis, and conclusions relevant to possible noncompliance by other nations that are provided by United States intelligence agencies.

(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.

(d) Additional requirement

Each report required by this section shall include a discussion of each significant issue described in subsection (a)(6) of this section that was contained in a previous report issued under this section during 1995, or after December 31, 1995, until the question or concern has been resolved and such resolution has been reported in detail to the appropriate committees of Congress (as defined in section 1102(1) of the Arms Control, Non-Proliferation, and Security Assistance Act of 1999).

Section 1102(1) of the Arms Control, Non-Proliferation, and Security Assistance Act of 1999, referred to in subsec. (d), is section 1000(a)(7) [div. B, title XI, §1102(1)] of Pub. L. 106–113, which is set out as a note under section 2652c of this title.

AMENDMENTS


1999—Subsec. (a)(4). Pub. L. 106–113, §1000(a)(7) [title XI, §1113(a)(1)(A)–(C)], in introductory provisions, inserted “or commitments, including the Missile Technology Control Regime,” before “to which”, “or commitments” before “, and shall”, and “or commitment” before “about which”.


Subsec. (a)(2). Pub. L. 105–277, §1229(a)(1)(A)–(D), redesignated par. (3) as (2) and struck out former par. (2) which read as follows: “a detailed statement concerning the nonproliferation objectives of the executive branch of Government for the forthcoming year;”.


Subsec. (a)(4). Pub. L. 105–277, §1229(a)(1)(A)(ii)–(v), redesignated par. (6) as (4) and struck out former par. (4) which read as follows: “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;”.

Subsec. (a)(5) to (7). Pub. L. 105–277, §1229(a)(1)(A)(vi), redesignated pars. (5) to (7) as (3) to (5), respectively.

Subsec. (b). Pub. L. 105–277, §1229(a)(1)(B), inserted at end “The portions of this report described in paragraphs (4) and (5) of subsection (a) of this section shall summarize in detail, at least in classified annexes, the information, analysis, and conclusions relevant to possible noncompliance by other nations that are provided by United States intelligence agencies.”.

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).


CHANGE OF NAME

Reference to the Director of Central Intelligence or the Director of the Central Intelligence Agency in the Director's capacity as the head of the intelligence community deemed to be a reference to the Director of National Intelligence. Reference to the Director of Central Intelligence or the Director of the Central Intelligence Agency in the Director's capacity as the head of the Central Intelligence Agency deemed to be a reference to the Director of the Central Intelligence Agency. See section 1081(a), (b) of Pub. L. 108–458, set out as a note under section 401 of Title 50, War and National Defense.

EFFECTIVE DATE OF 1998 AMENDMENT

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

Not later than December 31 of each year, the Secretary of State 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.


AMENDMENTS


§ 2595. Findings

The Congress finds that—

(1) under this chapter, the Department of State 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) 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;

(3) 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;

(4) the On-Site Inspection Agency has additional responsibilities to those specified in paragraph (3), 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;

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

(6) the senior officials of the On-Site Inspection Agency include representatives from the Department of State.


AMENDMENTS

as follows: “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’”.

Par. (3). Pub. L. 105–277, §1223(17)(C), redesignated par. (4) as (3). Former par. (3) redesignated (2).
Par. (4). Pub. L. 105–277, §1223(17)(C), (D), redesignated (5) as (4) and struck out “paragraph (3)” for “paragraph (4)”.

Par. (6). (7). Pub. L. 105–277, §1223(17)(C), (E), redesignated par. (7) as (6) and struck out “United States Arms Control and Disarmament Agency and the” before “Department of State”. Former par. (6) redesignated (5).

Effective Date of 1998 Amendment

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, §8063, Nov. 11, 1993, 107 Stat. 1447, provided that: “During the current fiscal year and thereafter, of the funds appropriated, reimbursement, of arms control and disarmament of armed forces and armaments of all kinds under international agreement to establish an effective system of international control”:

Par. (3). Pub. L. 105–277, §1223(17)(C), redesignated par. (4) as (3). Former par. (3) redesignated (2).
Par. (4). Pub. L. 105–277, §1223(17)(C), (D), redesignated (5) as (4) and struck out “paragraph (3)” for “paragraph (4)”.

Par. (6). (7). Pub. L. 105–277, §1223(17)(C), (E), redesignated par. (7) as (6) and struck out “United States Arms Control and Disarmament Agency and the” before “Department of State”. Former par. (6) redesignated (5).

Effective Date of 1998 Amendment

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, §8063, 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. 655b(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:

“(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 Secretary of State
The Secretary of State should provide to the interagency mechanism described in subsection (a) of this section appropriate recommendations for policy guidance to OSIA consistent with sections 2551(3) and 2574(b) of this title.


AMENDMENTS

1998—Subsec. (c). Pub. L. 105–277, § 1223(18), in heading substituted “Secretary of State” for “Director” and in text substituted “Secretary of State” for “Director” and “2551(3) and 2574(b)” for “2551(d), 2562, and 2574(c)”.

Effective Date of 1998 Amendment


Effective Date of Repeal
Repeal effective Apr. 1, 1999, see section 1201 of Pub. L. 105–277, set out as an Effective Date note under section 6511 of this title.

§ 2595b–1. Review of certain reprogramming notifications

Any notification submitted to the Congress with respect to a proposed transfer, reprogramming, or reallocation of funds from or within the budget of OSIA shall also be submitted to the Committee on International Relations of the Senate, and shall be subject to review by those committees.


AMENDMENTS

1998—Pub. L. 105–277, § 1223(19) substituted section catchline for former section catchline “Improving congressional oversight of on-site inspection activities”, struck out subsec. (b) designation and heading, substituted “International Relations” for “Foreign Affairs”, and struck out heading and text of subsec. (a). Text read as follows: “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 to OSIA to the Committee on International Relations 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.”
CHANGE OF NAME
Committee on International Relations of House of Representatives changed to Committee on Foreign Affairs of House of Representatives by House Resolution No. 6, One Hundred Tenth Congress, Jan. 5, 2007.

EFFECTIVE DATE OF 1998 AMENDMENT

§ 2595c. Definitions
As used in this subchapter—
(1) the term "INF Treaty" means the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Elimination of Their Intermediate-Range and Shorter-Range Missiles (signed at Washington, December 8, 1987); and
(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).

Amendments

EFFECTIVE DATE OF 1998 AMENDMENT

CHAPTER 36—MIGRATION AND REFUGEE ASSISTANCE

§ 2601. Refugees and migration

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

(1) The President is authorized to continue membership for the United States in the International Organization for Migration in accordance with the constitution of such organization approved in Venice, Italy, on October 19, 1953, as amended in Geneva, Switzerland, on November 24, 1998, upon entry into force of such amendments.

(2) For the purpose of assisting in the movement of refugees and migrants, there are authorized to be appropriated to the President such amounts as may be necessary from time to time for payment by the United States of its contributions to the International Organization for Migration and all necessary salaries and expenses incidental to United States participation in such 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.

(c) United States Emergency Refugee and Migration Assistance Fund; appropriations

(1) Whenever the President determines it to be important to the national interest he is authorized to furnish on such terms and conditions as he may determine assistance under this chapter for the purpose of meeting unexpected urgent refugee and migration needs.

(2) There is established a United States Emergency Refugee and Migration Assistance Fund to carry out the purposes of this section. There is authorized to be appropriated to the President from time to time such amounts as may be necessary for the fund to carry out the purposes of this section, except that no amount of funds may be appropriated which, when added to amounts previously appropriated but not yet obligated, would cause such amounts to exceed $100,000,000. Amounts appropriated hereunder shall remain available until expended.

(3) Whenever the President requests appropriations pursuant to this authorization he shall justify such requests to the Committee on Foreign Relations of the Senate and to the Speaker of the House of Representatives, as well as to the Committees on Appropriations.

(d) Information to Congressional committees

The President shall keep the appropriate committees of Congress currently informed of the use of funds and the exercise of functions authorized in this chapter.

(e) Continued availability of certain funds

Unexpended balances of funds made available under authority of the Mutual Security Act of