

“(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, 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.

(Pub. L. 87-297, title I, §103, formerly §3, Sept. 26, 1961, 75 Stat. 631; renumbered §103 and amended Pub. L. 105-277, div. G, subdiv. A, title XII, §1223(2), (21), Oct. 21, 1998, 112 Stat. 2681-769, 2681-772.)

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

Amendment by Pub. L. 105-277 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.

SUBCHAPTER II—SPECIAL REPRESENTATIVES AND VISITING SCHOLARS

§ 2561 to 2566. Repealed. Pub. L. 105-277, div. G, subdiv. A, title XII, § 1222, Oct. 21, 1998, 112 Stat. 2681-768

Section 2561, Pub. L. 87-297, title II, §21, Sept. 26, 1961, 75 Stat. 632, related to establishment of United States Arms Control and Disarmament Agency.

Section 2562, 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, related to appointment and duties of Director.

Section 2563, 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, related to appointment and powers and duties of Deputy Director.

Section 2564, 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, related to number, appointment, and powers and duties of Assistant Directors.

Section 2565, 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, related to establishment of bureaus, offices, and divisions within Agency.

Section 2566, 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, related to appointment, function, and term of Scientific and Policy Advisory Committee.

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.

(Pub. L. 87-297, title II, §201, formerly §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; renumbered §201 and amended Pub. L. 105-277, div. G, subdiv. A, title XII, §1223(4), (21), Oct. 21, 1998, 112 Stat. 2681-769, 2681-772.)

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

Amendment by Pub. L. 105-277 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.

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.