

recommendations concerning United States arms control and disarmament policy: *Provided, however*, That no action shall be taken under this chapter or any other law that will obligate the United States to disarm or to reduce or to limit the Armed Forces or armaments of the United States, except pursuant to the treaty making power of the President under the Constitution or unless authorized by further affirmative legislation by the Congress of the United States. Nothing contained in this chapter shall be construed to authorize any policy or action by any Government agency which would interfere with, restrict, or prohibit the acquisition, possession, or use of firearms by an individual for the lawful purpose of personal defense, sport, recreation, education, or training.”

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

#### EFFECTIVE DATE OF 1998 AMENDMENT

Amendment by section 1223(8), (21) of 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.

### § 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.

(Pub. L. 87-297, title III, § 304, formerly § 34, Sept. 26, 1961, 75 Stat. 634; Pub. L. 103-236, title VII, § 710, Apr. 30, 1994, 108 Stat. 494; renumbered § 304 and amended Pub. L. 105-277, div. G, subdiv. A, title XII, § 1223(9), (21), Oct. 21, 1998, 112 Stat. 2681-769, 2681-772.)

#### AMENDMENTS

1998—Subsec. (a). Pub. L. 105-277, § 1223(9)(A)(v), (vi), made technical amendment to reference in original act which appears in text as reference to section 2567 of this title, and struck out “the” after “serve as” in second sentence.

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 non-

proliferation” 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 and policy 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

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.

### § 2575. Repealed. Pub. L. 105-277, div. G, subdiv. A, title XII, § 1222, Oct. 21, 1998, 112 Stat. 2681-768

Section, Pub. L. 87-297, title III, § 35, Sept. 26, 1961, 75 Stat. 635; Pub. L. 103-236, title VII, § 719(d), Apr. 30, 1994, 108 Stat. 501, related to coordination of Government agencies and resolution of policy differences.

#### 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.

(Pub. L. 87-297, title III, §305, formerly §36, as added Pub. L. 94-141, title I, §146, Nov. 29, 1975, 89 Stat. 758; amended Pub. L. 95-338, §1, Aug. 8, 1978, 92 Stat. 458; Pub. L. 103-236, title VII, §§704(1), 719(e), Apr. 30, 1994, 108 Stat. 492, 501; renumbered §305 and amended Pub. L. 105-277, div. G, subdiv. A, title XII, §1223(10), (21), Oct. 21, 1998, 112 Stat. 2681-770, 2681-772.)

#### 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

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.

### § 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 persons employed in the verification of compliance with arms control, nonproliferation, and disarmament agreements.

(Pub. L. 87-297, title III, §306, formerly §37, as added Pub. L. 95-108, §4, Aug. 17, 1977, 91 Stat. 871; amended Pub. L. 103-236, title VII, §712, Apr. 30, 1994, 108 Stat. 495; renumbered §306 and amended Pub. L. 105-277, div. G, subdiv. A, title XII, §1223(11), (21), Oct. 21, 1998, 112 Stat. 2681-770, 2681-772; Pub. L. 106-113, div. B, §1000(a)(7) [div. B, title XI, §1115], Nov. 29, 1999, 113 Stat. 1536, 1501A-489.)

#### AMENDMENTS

1999—Subsec. (a). Pub. L. 106-113, §1000(a)(7) [title XI, §1115(a)], struck out “adequately” before “verified” in introductory provisions.

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-