

§ 2593a. Annual report to Congress**(a) In general**

Not later than April 15 of each year, the President shall submit to the appropriate congressional committees 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 or commitments, 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(4) of this title) by non-nuclear-weapon states (as defined in section 6305(5) of this title) or the acquisition by such states of un-

safeguarded 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) 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 appropriate congressional committees 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) 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).

(e) Congressional briefing

Not later than May 15 of each year, the President shall provide to the appropriate congressional committees a briefing on the most-recent report required by this section.

(f) Appropriate congressional committees defined

In this section, the term “appropriate congressional committees” means—

(1) the Committee on Foreign Relations, the Committee on Armed Services, and the Select Committee on Intelligence of the Senate; and

(2) the Committee on Foreign Affairs, the Committee on Armed Services, and the Permanent Select Committee on Intelligence of the House of Representatives.

(Pub. L. 87-297, title IV, §403, formerly §51, as added and amended Pub. L. 103-236, title VII,

§ 717(a)(3), title VIII, § 828(a), Apr. 30, 1994, 108 Stat. 498, 520; renumbered § 403 and amended, Pub. L. 105-277, div. G, subdiv. A, title XII, § 1223(15), (21), Oct. 21, 1998, 112 Stat. 2681-771, 2681-772; Pub. L. 106-113, div. B, § 1000(a)(7) [div. B, title XI, § 1113], Nov. 29, 1999, 113 Stat. 1536, 1501A-487; Pub. L. 107-228, div. B, title XI, § 1103, Sept. 30, 2002, 116 Stat. 1426; Pub. L. 113-66, div. A, title XII, § 1247, Dec. 26, 2013, 127 Stat. 924.)

REFERENCES IN TEXT

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

2013—Subsec. (a). Pub. L. 113-66, § 1247(a)(1), substituted “the appropriate congressional committees” for “the Speaker of the House of Representatives and to the chairman of the Committee on Foreign Relations of the Senate” in introductory provisions.

Subsec. (c). Pub. L. 113-66, § 1247(a)(2), substituted “appropriate congressional committees” for “Congress”.

Subsec. (e). Pub. L. 113-66, § 1247(b)(2), added subsec. (e). Former subsec. (e) redesignated (f).

Pub. L. 113-66, § 1247(a)(3), added subsec. (e).

Subsec. (f). Pub. L. 113-66, § 1247(b)(1), redesignated subsec. (e) as (f).

2002—Subsec. (a). Pub. L. 107-228 substituted “April 15” for “January 31” in introductory provisions.

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)(6). Pub. L. 106-113, § 1000(a)(7) [title XI, § 1113(a)(1)(D), (2), (3)], added par. (6).

Subsec. (d). Pub. L. 106-113, § 1000(a)(7) [title XI, § 1113(b)], added subsec. (d).

1998—Subsec. (a). Pub. L. 105-277, § 1223(15)(A)(ii), (iii), in introductory provisions, substituted “Secretary of State with the concurrence of the Director of Central Intelligence and in consultation with” for “Director, in consultation with the Secretary of State,” and “and the Chairman of the Joint Chiefs of Staff” for “the Chairman of the Joint Chiefs of Staff, and the Director of Central Intelligence”.

Subsec. (a)(1). Pub. L. 105-277, § 1223(15)(A)(i), inserted “, nonproliferation,” after “arms control”.

Subsec. (a)(2). Pub. L. 105-277, § 1223(15)(A)(iv), (v), 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)(3). Pub. L. 105-277, § 1223(15)(A)(v), redesignated par. (5) as (3). Former par. (3) redesignated (2).

Pub. L. 105-277, § 1223(15)(A)(i), inserted “, nonproliferation,” after “arms control”.

Subsec. (a)(4). Pub. L. 105-277, § 1223(15)(A)(iv), (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, § 1223(15)(A)(v), redesignated pars. (5) to (7) as (3) to (5), respectively.

Subsec. (b). Pub. L. 105-277, § 1223(15)(B), inserted at end “The portions of this report described in paragraphs (4) and (5) of subsection (a) shall summarize in detail, at least in classified annexes, the information, analysis, and conclusions relevant to possible non-compliance 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).

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

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 3001 of Title 50, War and National Defense.

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 1994 AMENDMENT

Amendment by section 828(a) of Pub. L. 103-236 effective 60 days after Apr. 30, 1994, see section 831 of Pub. L. 103-236, set out as an Effective Date note under section 6301 of this title.

DELEGATION OF FUNCTIONS

For delegation of congressional reporting functions of President under this section, see section 1 of Ex. Ord. No. 13313, July 31, 2003, 68 F.R. 46073, set out as a note under section 301 of Title 3, The President.

REPORT ON NON-COMPLIANCE BY THE RUSSIAN FEDERATION WITH ITS OBLIGATIONS UNDER THE INF TREATY

Pub. L. 113-291, div. A, title XII, § 1244, Dec. 19, 2014, 128 Stat. 3564, provided that:

“(a) FINDINGS.—Congress makes the following findings:

“(1) It was the object and purpose of the INF Treaty to eliminate the production or deployment of ground launched ballistic and cruise missiles with a range of between 500 and 5,500 kilometers, which was accomplished in 1992.

“(2) The July 2014 Department of State annual report on ‘Adherence to and Compliance with Arms Control, Nonproliferation, and Disarmament Agreements and Commitments’ stated that ‘The United States has determined that the Russian Federation is in violation of its obligations under the INF Treaty not to possess, produce, or flight-test a ground-launched cruise missile (GLCM) with a range capability of 500km to 5,500km, or to possess or produce launchers of such missiles.’

“(3) In a letter to the Senate Armed Services Committee dated October 23, 2014, General Martin Dempsey, Chairman of the Joint Chiefs of Staff, wrote ‘these violations are a serious challenge to the security of the United States and our allies. These actions, particularly when placed in the broader context of Russian regional aggression, must be met with a strategic response.’

“(b) SENSE OF CONGRESS.—It is the sense of Congress that—

“(1) the Russian Federation’s actions in violation of its obligations under the INF Treaty adversely affect the national security of the United States and its allies, including the members of the North Atlantic Treaty Organization (NATO) and those in East Asia;

“(2) the Government of the Russian Federation is responsible for this violation and also for returning to compliance with the INF Treaty;

“(3) it is in the national security interests of the United States and its allies for the INF Treaty to re-

main in effect and for the Russian Federation to return to full and verifiable compliance with all its obligations under the INF Treaty; and

“(4) as identified in section 1061 of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113-66; 127 Stat. 865), the President should take appropriate actions to resolve the issues relating to noncompliance by the Russian Federation with its obligations under the INF Treaty.

“(c) REPORT REQUIRED.—

“(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act [Dec. 19, 2014], the President shall submit to the appropriate congressional committees a report on noncompliance by the Russian Federation with its obligations under the INF Treaty.

“(2) ELEMENTS.—The report required under paragraph (1) shall include the following:

“(A) An assessment of the effect of Russian noncompliance on the national security interests of the United States and its allies, including the North Atlantic Treaty Organization, and those in East Asia.

“(B) A description of the President’s plan to resolve issues related to Russian noncompliance, including—

“(i) actions that have been taken, and what further actions are planned or warranted by the United States;

“(ii) plans to address Russian noncompliance diplomatically with the Russian Federation to resolve concerns about such noncompliance and bring Russia back into full compliance with the INF Treaty;

“(iii) an assessment of possible steps (including verification measures) that would permit confidence that the Russian Federation has returned to full compliance; and

“(iv) the status of any United States efforts to develop coordinated or cooperative responses with allies.

“(C) An assessment of whether Russian noncompliance threatens the viability of the INF Treaty, whether such noncompliance constitutes a material breach of the INF Treaty, and whether it is in the interests of the United States to remain a party to the INF Treaty if such noncompliance continues.

“(3) FORM.—The report required under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

“(d) BRIEFINGS REQUIRED.—At the time of the submission of the report required under subsection (c), and every six months thereafter until the date on which the Russian Federation is in compliance with its obligations under the INF Treaty, the Secretary of State, jointly with the Secretary of Defense and the heads of such other departments or agencies as appropriate, shall provide to the appropriate congressional committees a briefing on the status of United States efforts to resolve its concerns relating to noncompliance by the Russian Federation with its obligations under the INF Treaty.

“(e) NOTIFICATION.—In the event the President determines that the Russian Federation has deployed, or intends to deploy, systems that violate the INF Treaty, the President shall promptly notify the appropriate congressional committees of such determination and any plans to respond to such deployments.

“(f) DEFINITIONS.—In this section:

“(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ‘appropriate congressional committees’ means—

“(A) the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives];

“(B) the Committee on Foreign Relations and the Select Committee on Intelligence of the Senate; and

“(C) the Committee on Foreign Affairs and the Permanent Select Committee on Intelligence of the House of Representatives.

“(2) INF TREATY.—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, commonly referred to as the Intermediate-Range Nuclear Forces (INF) Treaty, signed at Washington December 8, 1987, and entered into force June 1, 1988.”

NOTIFICATION AND REVIEW OF POTENTIALLY SIGNIFICANT ARMS CONTROL NONCOMPLIANCE

Pub. L. 113-291, div. A, title XII, §1267, Dec. 19, 2014, 128 Stat. 3584, provided that:

“(a) NOTICE TO PRESIDENT.—If the Secretary of Defense, after consultation with the Secretary of State and the Director of National Intelligence, has substantial reason to believe that there is a case of foreign activity that would pose a significant threat to United States national security interests and that may be inconsistent with an arms control treaty to which the United States is a party, and such case is not included in, or is significantly different from a case included in, the most-recent annual report submitted to Congress pursuant to section 403 of the Arms Control and Disarmament Act (22 U.S.C. 2593a), the Secretary of Defense shall notify the President of such belief of the Secretary.

“(b) REFERRAL TO SECRETARY OF STATE.—If the President receives a notification from the Secretary of Defense under subsection (a), the President shall promptly refer the matter to the Secretary of State to arrange for an inter-agency review of the case in order to provide for an assessment of whether the case constitutes a significant case of non-compliance with an arms control treaty to which the United States is a party.

“(c) NOTICE TO CONGRESS.—Not later than 60 days after the date on which the President makes a referral under subsection (b), the Secretary of State shall submit to the appropriate committees of Congress the results of the assessment of the case with respect to which the referral was made under subsection (b).

“(d) DEFINITION.—In this section, the term ‘appropriate congressional committees’ means—

“(1) the Committee on Armed Services, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate; and

“(2) the Committee on Armed Services, the Committee on Foreign Affairs, and the Permanent Select Committee on Intelligence of the House of Representatives.”

REQUIREMENT FOR TRANSMITTAL OF SUMMARIES

Pub. L. 106-113, div. B, §1000(a)(7) [div. B, title XI, §1118], Nov. 29, 1999, 113 Stat. 1536, 1501A-489, provided that: “Whenever a United States delegation engaging in negotiations on arms control, nonproliferation, or disarmament submits to the Secretary of State a summary of the activities of the delegation or the status of those negotiations, a copy of each such summary shall be further transmitted by the Secretary of State to the Committee on Foreign Relations of the Senate and to the Committee on International Relations [now Committee on Foreign Affairs] of the House of Representatives promptly.”

TRANSMISSION OF EXECUTIVE BRANCH REPORTS PROVIDING CONGRESS WITH CLASSIFIED SUMMARIES OF ARMS CONTROL DEVELOPMENTS

Pub. L. 105-261, div. A, title XV, §1502, Oct. 17, 1998, 112 Stat. 2171, as amended by Pub. L. 106-65, div. A, title X, §1067(3), Oct. 5, 1999, 113 Stat. 774, provided that:

“(a) REPORTING REQUIREMENT.—The Director of the Arms Control and Disarmament Agency (or the Secretary of State, if the Arms Control and Disarmament Agency becomes an element of the Department of State) shall transmit to the Committee on Armed Services of the House of Representatives on a periodic basis reports containing classified summaries of arms control developments.

“(b) CONTENTS OF REPORTS.—The reports required by subsection (a) shall include information reflecting the activities of forums established to consider issues relating to treaty implementation and treaty compliance.”

§ 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.

(Pub. L. 87–297, title IV, § 404, formerly § 52, as added Pub. L. 103–236, title VII, § 717(a)(3), Apr. 30, 1994, 108 Stat. 499; renumbered § 404 and amended Pub. L. 105–277, div. G, subdiv. A, title XII, § 1223(16), (21), Oct. 21, 1998, 112 Stat. 2681–772.)

AMENDMENTS

1998—Pub. L. 105–277, § 1223(16), substituted “Secretary of State” for “Director” in first sentence.

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.

§§ 2593c, 2593d. Repealed. Pub. L. 105–277, div. G, subdiv. A, title XII, § 1222, Oct. 21, 1998, 112 Stat. 2681–768

Section 2593c, Pub. L. 87–297, title IV, § 53, as added Pub. L. 103–236, title VII, § 718(a), Apr. 30, 1994, 108 Stat. 500, related to requirement for authorization of appropriations.

Section 2593d, Pub. L. 87–297, title IV, § 54, as added Pub. L. 103–236, title VII, § 718(a), Apr. 30, 1994, 108 Stat. 500, related to transfers and reprogrammings of funds.

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.

SUBCHAPTER V—ON-SITE INSPECTION ACTIVITIES

§ 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.

(Pub. L. 87–297, title V, § 501, formerly § 61, as added Pub. L. 101–216, title II, § 201, Dec. 11, 1989, 103 Stat. 1855; amended Pub. L. 102–228, title IV, § 402(a)(1), Dec. 12, 1991, 105 Stat. 1699; Pub. L. 103–199, title IV, § 401(d), Dec. 17, 1993, 107 Stat. 2324; renumbered and amended Pub. L. 105–277, div. G, subdiv. A, title XII, § 1223(17), (21), Oct. 21, 1998, 112 Stat. 2681–772.)

AMENDMENTS

1998—Par. (1). Pub. L. 105–277, § 1223(17)(A), substituted “Department of State” for “United States Arms Control and Disarmament Agency”.

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

Par. (5). Pub. L. 105–277, § 1223(17)(C), redesignated par. (6) as (5). Former par. (5) redesignated (4).

Pars. (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).

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

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

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

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

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