

“(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 2953c, 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.

**§ 2593e. Measures against persons involved in activities that violate arms control treaties or agreements with the United States**

**(a) Reports on persons that violate treaties or agreements**

**(1) In general**

Not later than 30 days after the submittal to Congress of an annual report on the status of United States policy and actions with respect to arms control, nonproliferation, and disarmament pursuant to section 2593a of this title, the Secretary of the Treasury shall sub-

mit to the appropriate congressional committees a report, consistent with the protection of intelligence sources and methods, identifying every person with respect to whom there is credible information indicating that—

(A) the person—

(i)(I) is an individual who is a citizen, national, or permanent resident of a country described in paragraph (2); or

(II) is an entity organized under the laws of a country described in paragraph (2); and

(ii) has engaged in any activity that contributed to or is a significant factor in the President's or the Secretary of State's determination that such country is not in full compliance with its obligations as further described in paragraph (2); or

(B) the person has provided material support for such non-compliance to a person described in subparagraph (A).

### (2) Country described

A country described in this paragraph is a country (other than a country described in paragraph (3)) that the President or the Secretary of State has determined, in the most recent annual report described in paragraph (1), to be not in full compliance with its obligations undertaken in all arms control, non-proliferation, and disarmament agreements or commitments to which the United States is a participating state.

### (3) Excluded countries

The following countries are not described for purposes of paragraph (2):

(A) The United States.

(B) Any country determined by the Director of National Intelligence to be closely cooperating in intelligence matters with the United States in the period covered by the most recent annual report described in paragraph (1), regardless of the extent of the compliance of such country with the obligations described in paragraph (2) during such period.

### (b) Imposition of measures

Except as provided in subsections (d), (e), and (f), the President shall impose the measures described in subsection (c) with respect to each person identified in a report under subsection (a).

### (c) Measures described

#### (1) In general

The measures to be imposed with respect to a person under subsection (b) are the head of any executive agency (as defined in section 133 of title 41) may not enter into, renew, or extend a contract for the procurement of goods or services with the person.

#### (2) Exception for major routes of supply

The requirement to impose measures under paragraph (1) shall not apply with respect to any contract for the procurement of goods or services along a major route of supply to a zone of active combat or major contingency operation.

### (3) Requirement to revise regulations

#### (A) In general

Not later than 90 days after December 23, 2016, the Federal Acquisition Regulation, the Defense Federal Acquisition Regulation Supplement, and the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards shall be revised to implement paragraph (1).

#### (B) Certifications

The revisions to the Federal Acquisition Regulation under subparagraph (A) shall include a requirement for a certification from each person that is a prospective contractor that the person, and any person owned or controlled by the person, does not engage in any activity described in subsection (a)(1)(A)(ii).

#### (C) Remedies

If the head of an executive agency determines that a person has submitted a false certification under subparagraph (B) on or after the date on which the applicable revision of the Federal Acquisition Regulation required by this paragraph becomes effective—

(i) the head of that executive agency shall terminate a contract with such person or debar or suspend such person from eligibility for Federal contracts for a period of not less than 2 years;

(ii) any such debarment or suspension shall be subject to the procedures that apply to debarment and suspension under the Federal Acquisition Regulation under subpart 9.4 of part 9 of title 48, Code of Federal Regulations; and

(iii) the Administrator of General Services shall include on the List of Parties Excluded from Federal Procurement and Nonprocurement Programs maintained by the Administrator under part 9 of the Federal Acquisition Regulation each person that is debarred, suspended, or proposed for debarment or suspension by the head of an executive agency on the basis of a determination of a false certification under subparagraph (B).

### (d) Waiver for lack of knowing violation

#### (1) In general

The President may waive the application of measures on a case-by-case basis under subsection (b) with respect to a person if the President—

(A) determines that—

(i)(I) in the case of a person described in subsection (a)(1)(A), the person did not knowingly engage in any activity described in such subsection;

(II) in the case of a person described in subsection (a)(1)(B), the person conducted or facilitated a transaction or transactions with, or provided financial services to, a person described in subsection (a)(1)(A) that did not knowingly engage in any activity described in such subsection; and

(III) in the case of a person described in subsection (a)(1)(A) or (a)(1)(B), the person

has terminated the activity for which otherwise covered by such subsection or has provided verifiable assurances that the person will terminate such activity; and

(ii) the waiver is in the national security interest of the United States; and

(B) submits to the appropriate congressional committees a report on the determination and the reasons for the determination.

**(2) Form of report**

The report required by paragraph (1)(B) shall be submitted in unclassified form, but may include a classified annex.

**(e) Waiver to prevent disclosure of intelligence sources and methods**

The President may waive the application of measures on a case-by-case basis under subsection (b) with respect to a person if the President—

(1) determines that the waiver is necessary to prevent the disclosure of intelligence sources or methods; and

(2) submits to the appropriate congressional committees a report, consistent with the protection of intelligence sources and methods, on the determination and the reasons for the determination.

**(f) Timing of imposition**

**(1) In general**

Except as provided in paragraph (2), the President shall immediately impose measures under subsection (b) against a person described in subsection (a)(1) upon the submittal to Congress of the report identifying the person pursuant to subsection (a)(1) unless the President determines and certifies to the appropriate congressional committees that the government of the country concerned has taken specific and effective actions, including, as appropriate, the imposition of appropriate penalties, to terminate the involvement of the person in the activities that resulted in the identification of the person in the report.

**(2) Delay**

**(A) In general**

The President may delay the imposition of measures against a person for up to 120 days after the date of the submittal to Congress of the report identifying the person pursuant to subsection (a)(1) if the President initiates consultations with the government concerned with respect to the taking of actions described in paragraph (1).

**(B) Additional delay**

The President may delay the imposition of measures for up to an additional 120 days after the delay authorized by subparagraph (A) if the President determines and certifies to the appropriate congressional committees that the government concerned is in the process of taking the actions described in paragraph (1).

**(3) Report**

Not later than 60 days after the submittal to Congress of the report identifying a person

pursuant to subsection (a)(1), the President shall submit to the appropriate congressional committees a report on the status of consultations, if any, with the government concerned under this subsection, and the basis for any determination under paragraph (1).

**(g) Termination**

**(1) Termination through compliance of country with arms control and other agreements**

The measures imposed with respect to a person under subsection (b) shall terminate on the date on which the President submits to Congress a subsequent annual report pursuant to section 2593a of this title that does not contain a determination of the President that the country described in subsection (a)(2) with respect to which the measures were imposed with respect to the person is a country that is not in full compliance with its obligations undertaken in all arms control, nonproliferation, and disarmament agreements or commitments to which the United States is a participating state.

**(2) Termination through cessation by person of violating activities**

In addition to termination provided for by paragraph (1), the measures imposed with respect to a person under subsection (b) in connection with a particular activity shall terminate upon a determination of the President that the person has ceased such activity. The termination of measures imposed with respect to a person in connection with a particular activity pursuant to this paragraph shall not result in the termination of any measures imposed with respect to the person in connection with any other activity for which measures were imposed under subsection (b).

**(h) Appropriate congressional committees defined**

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

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

(2) the Committee on Armed Services, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate.

(Pub. L. 114-328, div. A, title XII, §1290, Dec. 23, 2016, 130 Stat. 2555.)

CODIFICATION

Section was enacted as part of the National Defense Authorization Act for Fiscal Year 2017, and not as part of the Arms Control and Disarmament Act which comprises this chapter.

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