

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

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, subd. 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.

#### 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.

#### 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, § 8033, 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. 635(b)(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:

Pub. L. 102-396, title IX, § 9045, Oct. 6, 1992, 106 Stat. 1912.

Pub. L. 102-172, title VIII, § 8045, Nov. 26, 1991, 105 Stat. 1182.

Pub. L. 101-511, title VIII, § 8049, Nov. 5, 1990, 104 Stat. 1885.

Pub. L. 101-165, title IX, § 9062, Nov. 21, 1989, 103 Stat. 1142.

Pub. L. 100-463, title VIII, § 8138, Oct. 1, 1988, 102 Stat. 2270-46.

#### UNITED STATES PROGRAM FOR ON-SITE INSPECTIONS UNDER ARMS CONTROL AGREEMENTS

Pub. L. 101-189, div. A, title X, § 1014, Nov. 29, 1989, 103 Stat. 1547, provided that:

“(a) FINDINGS CONCERNING ON-SITE INSPECTION PERSONNEL.—Congress makes the following findings:

“(1) The United States is currently engaged in multilateral and bilateral negotiations seeking to achieve treaties or agreements to reduce or eliminate various types of military weapons and to make certain reductions in military personnel levels. These negotiations include negotiations for (A) reductions in strategic forces, conventional armaments, and military personnel levels, (B) regimes for monitoring nuclear testing, and (C) the complete elimination of chemical weapons.

“(2) Requirements for monitoring these possible treaties or agreements will be extensive and will place severe stress on the monitoring capabilities of United States national technical means.

“(3) In the case of the INF Treaty, the United States and the Soviet Union negotiated, and are cur-

rently using, on-site inspection procedures to complement and support monitoring by national technical means. Similar on-site inspection procedures are being negotiated for inclusion in possible future treaties and agreements referred to in paragraph (1).

“(4) During initial implementation of the provisions of the INF Treaty, the United States was not fully prepared for the personnel requirements for the conduct of on-site inspections. The Director of Central Intelligence has stated that on-site inspection requirements for any strategic arms reduction treaty or agreement will be far more extensive than those for the INF Treaty. The number of locations within the Soviet Union that would possibly be subject to on-site inspections under a START agreement have been estimated to be approximately 2,500 (compared to 120 for the INF Treaty).

“(5) On-site inspection procedures are likely to be an integral part of any future arms control treaty or agreement.

“(6) Personnel requirements will be extensive for such on-site inspection procedures, both in terms of numbers of personnel and technical and linguistic skills. Since verification requirements for the INF Treaty are already placing severe stress on current personnel resources, the requirements for verification under START and other possible future treaties and agreements may quickly exceed the current number of verification personnel having necessary technical and language skills.

“(7) There is a clear need for a database of the names of individuals who are members of the Armed Forces or civilian employees of the United States Government, or of other citizens and nationals of the United States, who are qualified (by reason of technical or language skills) to participate in on-site inspections under an arms control treaty or agreement.

“(8) The organization best suited to establish such a database is the On-Site Inspection Agency (OSIA) of the Department of Defense, which was created by the President to implement (for the United States) the on-site inspection provisions of the INF Treaty.

“(b) STATUS OF THE OSIA.—(1) Congress finds that—

“(A) the Director of the OSIA (currently a brigadier general of the Army) is appointed by the Secretary of Defense with the concurrence of the Secretary of State and the approval of the President;

“(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) 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) appropriate recommendations for policy guidance to OSIA consistent with sections 2551(3) and 2574(b) of this title.

(Pub. L. 87-297, title V, § 502, formerly § 62, as added Pub. L. 101-216, title II, § 201, Dec. 11, 1989, 103 Stat. 1855; renumbered § 502 and amended Pub. L. 105-277, div. G, subdiv. A, title XII, § 1223(18), (21), Oct. 21, 1998, 112 Stat. 2681-772.)

#### 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

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.

### § 2595b. 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 V, § 63, as added Pub. L. 101-216, title II, § 201, Dec. 11, 1989, 103 Stat. 1856, authorized appropriations for On-Site Inspection Agency for fiscal years 1990 and 1991.

#### 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.