

Statutory Notes and Related Subsidiaries

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), 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.)

Editorial Notes

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 introductory provisions and par. (1) and substituted “Department of State” for “Agency” in par. (3).

Subsec. (b). Pub. L. 105-277, §1223(11)(A), substituted “Secretary of State” for “Director”.

Subsec. (d). Pub. L. 105-277, §1223(11)(B), struck out heading and text of subsec. (d). Text read as follows: “In order to ensure adherence of the United States to obligations or commitments undertaken in arms control, nonproliferation, and disarmament agreements, and in order for the Director to make the assessment required by section 2593a(a)(5) of this title, the Director, or the Director’s designee, shall participate in all interagency groups or organizations within the executive branch of Government that assess, analyze, or review United States planned or ongoing policies, programs, or actions that have a direct bearing on United States adherence to obligations undertaken in arms control, nonproliferation, or disarmament agreements.”

1994—Pub. L. 103-236 substituted “Verification of compliance” for “Verification of Arms Control Agreements” as section catchline and amended text generally. Prior to amendment, text consisted of subsecs. (a) to (c) requiring the Director to report to Congress relating to verification of arms control proposals and agreements.

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CHANGE OF NAME

Committee on International Relations of House of Representatives changed to Committee on Foreign Affairs of House of Representatives by House Resolution No. 6, One Hundred Tenth Congress, Jan. 5, 2007.

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.

§ 2577a. Arms control verification**(a) Establishment of working group**

The President should establish a working group—

(1) to examine verification approaches to a strategic arms reduction agreement and other arms control agreements; and

(2) to assess the relevance for such agreements of the verification provisions of 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 at Washington, December 8, 1987).

(b) Information and data base

(1) The Agency shall allocate sufficient resources to develop and maintain a comprehen-

sive information and data base on verification concepts, research, technologies, and systems. The Agency shall collect, maintain, analyze, and disseminate information pertaining to arms control verification and monitoring, including information regarding—

(A) all current United States bilateral and multilateral arms treaties; and

(B) proposed, prospective, and potential bilateral or multilateral arms treaties in the areas of nuclear, conventional, chemical, and space weapons.

(2) The Agency shall seek to improve United States verification and monitoring activities through the monitoring and support of relevant research and analysis.

(3) The Agency shall provide detailed information on the activities pursuant to this section in its annual report to the Congress.

(Pub. L. 101-216, title I, §105, Dec. 11, 1989, 103 Stat. 1854.)

Editorial Notes

CODIFICATION

Section was enacted as part of the Arms Control and Disarmament Amendments Act of 1989, and not as part of the Arms Control and Disarmament Act which comprises this chapter.

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TRANSFER OF FUNCTIONS

“Agency”, referred to in subsec. (b), meaning the United States Arms Control and Disarmament Agency, abolished and functions transferred to Secretary of State, see sections 6511 and 6512 of this title.

§ 2578. Negotiating records

(a) Preparation of records

The Secretary of State shall establish and maintain records for each arms control, nonproliferation, and disarmament agreement to which the United States is a party and which was under negotiation or in force on or after January 1, 1990, which shall include classified and unclassified materials such as instructions and guidance, position papers, reporting cables and memoranda of conversation, working papers, draft texts of the agreement, diplomatic notes, notes verbal, and other internal and external correspondence.

(b) Negotiating and implementation records

In particular, the Secretary of State shall establish and maintain a negotiating and implementation record for each such agreement, which shall be comprehensive and detailed, and shall document all communications between the parties with respect to such agreement. Such records shall be maintained both in hard copy and magnetic media.

(Pub. L. 87-297, title III, §307, formerly §38, as added Pub. L. 103-236, title VII, §713(a), Apr. 30, 1994, 108 Stat. 496; renumbered §307 and amended Pub. L. 105-277, div. G, subdiv. A, title XII, §1223(12), (21), Oct. 21, 1998, 112 Stat. 2681-770, 2681-772.)

Editorial Notes

PRIOR PROVISIONS

A prior section 2578, Pub. L. 87-297, title III, §38, as added Pub. L. 100-213, §3(b), Dec. 24, 1987, 101 Stat. 1445; amended Pub. L. 103-199, title IV, §401(a), Dec. 17, 1993, 107 Stat. 2324, related to reports on activities of Standing Consultative Commission, prior to repeal by Pub. L. 103-236, title VII, §704(2), Apr. 30, 1994, 108 Stat. 492.

AMENDMENTS

1998—Subsecs. (a), (b). Pub. L. 105-277, §1223(12)(A), substituted “Secretary of State” for “Director”.

Subsec. (c). Pub. L. 105-277, §1223(12)(B), struck out heading and text of subsec. (c). Text read as follows: “In order to implement effectively this section, the Director shall ensure that Agency personnel participate throughout the negotiation and implementation phases of all arms control, nonproliferation, and disarmament agreements.”

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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.

§ 2579. Omitted

Editorial Notes

CODIFICATION

Section, Pub. L. 87-297, title III, §308, formerly §39, as added Pub. L. 100-213, §4, Dec. 24, 1987, 101 Stat. 1445; amended Pub. L. 103-236, title VII, §719(f), Apr. 30, 1994, 108 Stat. 502; renumbered §308 and amended Pub. L. 105-277, div. G, subdiv. A, title XII, §1223(21), Oct. 21, 1998, 112 Stat. 2681-772, which required the Director of the United States Arms Control and Disarmament Agency (whose functions were transferred to the Secretary of State under section 6512 of this title) to provide an annual report to Congress on studies relating to arms control, nonproliferation, and disarmament issues, terminated, effective May 15, 2000, pursuant to section 3003 of Pub. L. 104-66, as amended, set out as a note under section 1113 of Title 31, Money and Finance. See, also, page 155 of House Document No. 103-7.

SUBCHAPTER IV—ADDITIONAL GENERAL PROVISIONS

§ 2581. General authority of Secretary of State

In addition to any authorities otherwise available, the Secretary of State in the performance of functions under this chapter is authorized to—

(a) Utilization of other Federal agencies; transfers of supplies, equipment, and surplus property

utilize or employ the services, personnel, equipment, or facilities of any other Government agency, with the consent of the agency concerned, to perform such functions on behalf of the Department of State as may appear desirable. Any Government agency is authorized, notwithstanding any other provision of law, to transfer to or to receive from the Secretary of State, without reimbursement, supplies and equipment other than administrative supplies or equipment. Transfer or receipt of excess property shall be in accordance with the provisions of chapters 1 to 11 of title 40 and division C (except sections 3302, 3307(e), 3501(b), 3509, 3906, 4710, and 4711) of subtitle I of title 41;