

TITLE 22 - FOREIGN RELATIONS AND INTERCOURSE
CHAPTER 35 - ARMS CONTROL AND DISARMAMENT
SUBCHAPTER I - GENERAL PROVISIONS

§ 2551. Congressional statement of purpose

An ultimate goal of the United States is a world which is free from the scourge of war and the dangers and burdens of armaments; in which the use of force has been subordinated to the rule of law; and in which international adjustments to a changing world are achieved peacefully. It is the purpose of this chapter to provide impetus toward this goal by addressing the problem of reduction and control of armaments looking toward ultimate world disarmament.

The Secretary of State must have the capacity to provide the essential scientific, economic, political, military, psychological, and technological information upon which realistic arms control, nonproliferation, and disarmament policy must be based. The Secretary shall have the authority, under the direction of the President, to carry out the following primary functions:

- (1) The preparation for and management of United States participation in international negotiations and implementation fora in the arms control, nonproliferation, and disarmament field.
- (2) The conduct, support, and coordination of research for arms control, nonproliferation, and disarmament policy formulation.
- (3) The preparation for, operation of, or direction of, United States participation in such control systems as may become part of United States arms control, nonproliferation, and disarmament activities.
- (4) The dissemination and coordination of public information concerning arms control, nonproliferation, and disarmament.

(Pub. L. 87–297, title I, § 102, formerly § 2, Sept. 26, 1961, 75 Stat. 631; Pub. L. 94–141, title I, § 144, Nov. 29, 1975, 89 Stat. 758; Pub. L. 103–236, title VII, §§ 703, 719 (a), Apr. 30, 1994, 108 Stat. 491, 501; renumbered § 102 and amended Pub. L. 105–277, div. G, subdiv. A, title XII, § 1223(1), (21), Oct. 21, 1998, 112 Stat. 2681–768, 2681–772.)

Amendments

1998—Pub. L. 105–277, § 1223(1)(A), in first undesignated par., substituted “addressing” for “creating a new agency of peace to deal with”.

Pub. L. 105–277, § 1223(1)(B), struck out second undesignated par. which read as follows: “Arms control, nonproliferation, and disarmament policy, being an important aspect of foreign policy, must be consistent with national security policy as a whole. The formulation and implementation of United States arms control, nonproliferation, and disarmament policy in a manner which will promote the national security can best be insured by a central organization charged by statute with primary responsibility for this field. This organization must have such a position within the Government that it can provide the President, the Secretary of State, other officials of the executive branch, and the Congress with recommendations concerning United States arms control, nonproliferation, and disarmament policy, and can assess the effect of these recommendations upon our foreign policies, our national security policies, and our economy.”

Pub. L. 105–277, § 1223(1)(C), in last undesignated par., in introductory provisions, substituted “The Secretary of State” for “This organization”, substituted “The Secretary shall have” for “It shall have”, and struck out “and the Secretary of State” after “the President”, in subpar. (1) inserted “, nonproliferation,” after “arms control”, redesignated subpar. (3) as (2) and struck out former subpar. (2) which read as follows: “When directed by the President, the preparation for, and management of, United States participation in international negotiations and implementation fora in the nonproliferation field.”, redesignated subpar. (4) as (3) and struck out “, as appropriate,” before “direction of”, and redesignated subpar. (5) as (4).

1994—Pub. L. 103–236, § 719(a), inserted “, nonproliferation,” after “Arms control” in second undesignated par. and after “arms control” wherever appearing in second and third undesignated pars.

Pub. L. 103–236, § 703, substituted subpars. (1) to (5) for former subpars. (a) to (d) which read as follows:

NB: This unofficial compilation of the U.S. Code is current as of Jan. 4, 2012 (see <http://www.law.cornell.edu/uscode/uscprint.html>).

“(a) The conduct, support, and coordination of research for arms control and disarmament policy formulation;

“(b) The preparation for and management of United States participation in international negotiations in the arms control and disarmament field;

“(c) The dissemination and coordination of public information concerning arms control and disarmament; and

“(d) The preparation for, operation of, or as appropriate, direction of United States participation in such control systems as may become part of United States arms control and disarmament activities.”

1975—Pub. L. 94–141 substituted “It shall have the authority, under the direction of the President and the Secretary of State,” for “It must be able”.

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.

Short Title of 1999 Amendment

Pub. L. 106–113, div. B, § 1000(a)(7) [div. B, title XI, § 1101], Nov. 29, 1999, 113 Stat. 1536, 1501A–485, provided that: “This title [enacting sections 2652c and 2797b–2 of this title and section 1526 of Title 50, War and National Defense, amending sections 2577, 2593a, 2797b, 2797b–1, 2797c, and 3282 of this title, enacting provisions set out as notes under sections 2593a, 2652c, 3282, 5601, 5853, and 6723 of this title and section 7704 of Title 42, The Public Health and Welfare, and amending provisions set out as a note under section 2155 of Title 42] may be cited as the ‘Arms Control and Nonproliferation Act of 1999’.”

Short Title of 1994 Amendment

Section 701(a) of Pub. L. 103–236 provided that: “This part [part A (§§ 701–719) of title VII of Pub. L. 103–236, enacting sections 2578 and 2593a to 2593d of this title, amending this section, sections 2562, 2565 to 2568, 2571, 2573 to 2577, 2579, 2581, 2585, 2591, 2593, 2791, 2797, and 2797b of this title, section 5315 of Title 5, Government Organization and Employees, and section 2139a of Title 42, The Public Health and Welfare, repealing sections 2578, 2589, 2590, and 2592 of this title, enacting provisions set out as notes under this section, and repealing provisions set out as notes under this section] may be cited as the ‘Arms Control and Nonproliferation Act of 1994’.”

Short Title of 1989 Amendment

Pub. L. 101–216, § 1, Dec. 11, 1989, 103 Stat. 1853, provided that: “This Act [enacting sections 2577a and 2595 to 2595c of this title, amending sections 2563, 2567, 2588, and 2589 of this title, and enacting provisions set out as notes under sections 2565 and 2567 of this title] may be cited as the ‘Arms Control and Disarmament Amendments Act of 1989’.”

Short Title of 1987 Amendment

Pub. L. 100–213, § 1, Dec. 24, 1987, 101 Stat. 1444, provided that: “This Act [enacting sections 2578, 2579, and 2593 of this title, amending sections 2589 and 2592 of this title, and enacting provisions set out as a note under section 2578 of this title] may be cited as the ‘Arms Control and Disarmament Amendments Act of 1987’.”

Short Title of 1982 Amendment

Pub. L. 97–339, § 1, Oct. 15, 1982, 96 Stat. 1635, provided: “That this Act [amending sections 2571, 2585, and 2589 of this title] may be cited as the ‘Arms Control and Disarmament Amendments Act of 1982’.”

Short Title of 1977 Amendment

Pub. L. 95–108, § 1, Aug. 17, 1977, 91 Stat. 871, provided that: “This Act [enacting sections 2567 and 2577 of this title and amending sections 2571, 2581, and 2589 of this title and section 5315 of Title 5, Government Organization and Employees] may be cited as the ‘Arms Control and Disarmament Act Amendments of 1977’.”

Short Title

Pub. L. 87–297, title I, § 101, formerly § 1, Sept. 26, 1961, 75 Stat. 631, as renumbered § 101 by Pub. L. 105–277, div. G, subdiv. A, title XII, § 1223(21), Oct. 21, 1998, 112 Stat. 2681–772, provided that: “This Act [enacting this chapter] may be cited as the ‘Arms Control and Disarmament Act’.”

NB: This unofficial compilation of the U.S. Code is current as of Jan. 4, 2012 (see <http://www.law.cornell.edu/uscode/uscprint.html>).

International Arms Sales Code of Conduct

Pub. L. 106–113, div. B, § 1000(a)(7) [div. B, title XII, subtitle F], Nov. 29, 1999, 113 Stat. 1536, 1501A–508, provided that:

“SEC. 1261. SHORT TITLE.

“This subtitle may be cited as the ‘International Arms Sales Code of Conduct Act of 1999’.

“SEC. 1262. INTERNATIONAL ARMS SALES CODE OF CONDUCT.

“(a) Negotiations.—The President shall attempt to achieve the foreign policy goal of an international arms sales code of conduct. The President shall take the necessary steps to begin negotiations within appropriate international fora not later than 120 days after the date of the enactment of this Act [Nov. 29, 1999]. The purpose of these negotiations shall be to establish an international regime to promote global transparency with respect to arms transfers, including participation by countries in the United Nations Register of Conventional Arms, and to limit, restrict, or prohibit arms transfers to countries that do not observe certain fundamental values of human liberty, peace, and international stability.

“(b) Criteria.—The President shall consider the following criteria in the negotiations referred to in subsection (a):

“(1) Promotes democracy.—The government of the country—

“(A) was chosen by and permits free and fair elections;

“(B) promotes civilian control of the military and security forces and has civilian institutions controlling the policy, operation, and spending of all law enforcement and security institutions, as well as the armed forces;

“(C) promotes the rule of law and provides its nationals the same rights that they would be afforded under the United States Constitution if they were United States citizens; and

“(D) promotes the strengthening of political, legislative, and civil institutions of democracy, as well as autonomous institutions to monitor the conduct of public officials and to combat corruption.

“(2) Respects human rights.—The government of the country—

“(A) does not persistently engage in gross violations of internationally recognized human rights, including—

“(i) extrajudicial or arbitrary executions;

“(ii) disappearances;

“(iii) torture or severe mistreatment;

“(iv) prolonged arbitrary imprisonment;

“(v) systematic official discrimination on the basis of race, ethnicity, religion, gender, national origin, or political affiliation; and

“(vi) grave breaches of international laws of war or equivalent violations of the laws of war in internal armed conflicts;

“(B) vigorously investigates, disciplines, and prosecutes those responsible for gross violations of internationally recognized human rights;

“(C) permits access on a regular basis to political prisoners by international humanitarian organizations;

“(D) promotes the independence of the judiciary and other official bodies that oversee the protection of human rights;

“(E) does not impede the free functioning of domestic and international human rights organizations; and

“(F) provides access on a regular basis to humanitarian organizations in situations of conflict or famine.

“(3) Not engaged in certain acts of armed aggression.—The government of the country is not engaged in acts of armed aggression in violation of international law.

“(4) Not supporting terrorism.—The government of the country does not provide support for international terrorism.

“(5) Not contributing to proliferation of weapons of mass destruction.—The government of the country does not contribute to the proliferation of weapons of mass destruction.

“(6) Regional location of country.—The country is not located in a region in which arms transfers would exacerbate regional arms races or international tensions that present a danger to international peace and stability.

“(c) Reports to Congress.—

“(1) Report relating to negotiations.—Not later than 6 months after the commencement of the negotiations under subsection (a), and not later than the end of every 6-month period thereafter until an agreement described in subsection (a) is concluded, the President shall report to the Committee on International Relations [now Committee on Foreign

NB: This unofficial compilation of the U.S. Code is current as of Jan. 4, 2012 (see <http://www.law.cornell.edu/uscode/uscprint.html>).

Affairs] of the House of Representatives and the Committee on Foreign Relations of the Senate on the progress made during these negotiations.

“(2) Human rights reports.—In the report required in sections 116(d) and 502B(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151n (b) and 2304 (b)), the Secretary of State shall describe the extent to which the practices of each country evaluated meet the criteria in paragraphs (1)(A) and (2) of subsection (a).”

Congressional Declarations; Purposes of 1994 Amendment

Section 702 of Pub. L. 103–236 stated congressional declarations and purposes of amendments by part A of title VII of Pub. L. 103–236 (see Short Title of 1994 Amendment note above) to strengthen United States Arms Control and Disarmament Agency, and to improve congressional oversight of arms control, nonproliferation, and disarmament activities of United States Arms Control and Disarmament Agency, and of Agency’s operating budget.

Report on Revitalization of ACDA

Section 717(b) of Pub. L. 103–236 provided that not later than Dec. 31, 1995, Director of United States Arms Control and Disarmament Agency was to submit to Congress a detailed report describing actions undertaken to revitalize United States Arms Control and Disarmament Agency.

Soviet Weapons Destruction

Pub. L. 102–228, title II, Dec. 12, 1991, 105 Stat. 1693, as amended by Pub. L. 102–484, div. A, title XIV, § 1421(a)(2), (3), Oct. 23, 1992, 106 Stat. 2565; Pub. L. 103–236, title I, § 139(17), Apr. 30, 1994, 108 Stat. 398; Pub. L. 104–106, div. A, title XII, § 1204, Feb. 10, 1996, 110 Stat. 470; Pub. L. 110–53, title XVIII, § 1811(1), Aug. 3, 2007, 121 Stat. 492; Pub. L. 110–181, div. A, title XIII, § 1304(a)(1), Jan. 28, 2008, 122 Stat. 412, provided that:

“part a—short title

“SEC. 201. SHORT TITLE.

“This title may be cited as the ‘Soviet Nuclear Threat Reduction Act of 1991’.”

“part b—findings and program authority

“[SEC. 211. Repealed. Pub. L. 110–181, div. A, title XIII, § 1304(a)(1)(A), Jan. 28, 2008, 122 Stat. 412.]

“SEC. 212. AUTHORITY FOR PROGRAM TO FACILITATE SOVIET WEAPONS DESTRUCTION.

“(a) In General.—Notwithstanding any other provision of law, the President may establish a program as authorized in subsection (b) to assist Soviet weapons destruction. Funds for carrying out this program shall be provided as specified in part C.

“(b) Type of Program.—The program under this section shall be limited to cooperation among the United States, the Soviet Union, its republics, and any successor entities to (1) destroy nuclear weapons, chemical weapons, and other weapons, (2) transport, store, disable, and safeguard weapons in connection with their destruction, and (3) establish verifiable safeguards against the proliferation of such weapons. Such cooperation may involve assistance in planning and in resolving technical problems associated with weapons destruction and proliferation. Such cooperation may also involve the funding of critical short-term requirements related to weapons destruction and should, to the extent feasible, draw upon United States technology and United States technicians.

“part c—administrative and funding authorities

“SEC. 221. ADMINISTRATION OF NUCLEAR THREAT REDUCTION PROGRAMS.

“(a) Funding.—

“(1) Transfer authority.—The President may, to the extent provided in an appropriations Act or joint resolution, transfer to the appropriate defense accounts from amounts appropriated to the Department of Defense for fiscal years 1992 and 1993 for operation and maintenance or from balances in working capital accounts established under section 2208 of title 10, United States Code, not to exceed \$800,000,000 for use in reducing the Soviet military threat under part B.

“(2) Limitation.—Amounts for transfers under paragraph (1) may not be derived from amounts appropriated for any activity of the Department of Defense that the Secretary of Defense determines essential for the readiness of the Armed Forces, including amounts for—

“(A) training activities; and

“(B) depot maintenance activities.

NB: This unofficial compilation of the U.S. Code is current as of Jan. 4, 2012 (see <http://www.law.cornell.edu/uscode/uscprint.html>).

“(b) Department of Defense.—The Department of Defense shall serve as the executive agent for any program established under part B.

“(c) Reimbursement of Other Agencies.—The Secretary of Defense may reimburse other United States Government departments and agencies under this section for costs of participation, as directed by the President, only in a program established under part B.

“(d) Charges Against Funds.—The value of any material from existing stocks and inventories of the Department of Defense, or any other United States Government department or agency, that is used in providing assistance under part B to reduce the Soviet military threat may not be charged against funds available pursuant to subsection (a) to the extent that the material contributed is directed by the President to be contributed without subsequent replacement.

“(e) Determination by Director of OMB.—No amount may be obligated for the program under part B for fiscal year 1992 or fiscal year 1993 unless expenditures for that program for that fiscal year have been determined by the Director of the Office of Management and Budget to be counted against the defense category of the discretionary spending limits for that fiscal year (as defined in section 601(a)(2) of the Congressional Budget Act of 1974 [2 U.S.C. 665 (a)(2)]) for purposes of part C of the Balanced Budget and Emergency Deficit Control Act of 1985 [2 U.S.C. 900 et seq.].

“SEC. 222. REPAYMENT ARRANGEMENTS.

“(a) Reimbursement Arrangements.—Assistance provided under part B to the Soviet Union, any of its republics, or any successor entity shall be conditioned, to the extent that the President determines to be appropriate after consultation with the recipient government, upon the agreement of the recipient government to reimburse the United States Government for the cost of such assistance from natural resources or other materials available to the recipient government.

“(b) Natural Resources, Etc.—The President shall encourage the satisfaction of such reimbursement arrangements through the provision of natural resources, such as oil and petroleum products and critical and strategic materials, and industrial goods. Materials received by the United States Government pursuant to this section that are suitable for inclusion in the Strategic Petroleum Reserve or the National Defense Stockpile may be deposited in the reserve or stockpile without reimbursement. Other material and services received may be sold or traded on the domestic or international market with the proceeds to be deposited in the General Fund of the Treasury.

“SEC. 223. DIRE EMERGENCY SUPPLEMENTAL APPROPRIATIONS.

“It is the sense of the Senate that the committee of conference on House Joint Resolution 157 [enacted into law as Pub. L. 102–229] should consider providing the necessary authority in the conference agreement for the President to transfer funds pursuant to this title.

“part d—reporting requirements

“SEC. 231. PRIOR NOTICE OF OBLIGATIONS TO CONGRESS.

“Not less than 15 days before obligating any funds for a program under part B, the President shall transmit to the Congress a report on the proposed obligation. Each such report shall specify—

“(1) the account, budget activity, and particular program or programs from which the funds proposed to be obligated are to be derived and the amount of the proposed obligation; and

“(2) the activities and forms of assistance under part B for which the President plans to obligate such funds.”

[Memorandum of President of the United States, May 10, 1996, 61 F.R. 26033, delegated to Secretary of State authority and duty of President under section 211(c) of Pub. L. 102–228 set out above.]

Report on Fulfillment of Primary Functions

Pub. L. 102–228, title IV, § 401(c), Dec. 12, 1991, 105 Stat. 1699, directed Inspector General of Arms Control and Disarmament Agency to submit, not later than Dec. 15, 1992, to President, Speaker of House of Representatives, and chairman of Committee on Foreign Relations of Senate a report on Agency’s fulfillment of primary functions described in section 2551 of this title and directed President to submit comments on any recommendations contained in the report dealing with executive branch organization and direction, prior to repeal by Pub. L. 103–236, title I, § 139(18), Apr. 30, 1994, 108 Stat. 398.

Conventional Arms Trade

Pub. L. 93–559, § 51, Dec. 30, 1974, 88 Stat. 1817, as amended by Pub. L. 97–113, title VII, § 734(a)(8), Dec. 29, 1981, 95 Stat. 1560, provided that:

“(a) It is the sense of the Congress that the recent growth in international transfers of conventional arms to developing nations—

NB: This unofficial compilation of the U.S. Code is current as of Jan. 4, 2012 (see <http://www.law.cornell.edu/uscode/uscpri.html>).

“(1) is a cause for grave concern for the United States and other nations in that in particular areas of the world it increases the danger of potential violence among nations, and diverts scarce world resources from more peaceful uses; and

“(2) could be controlled progressively through negotiations and agreements among supplier and recipient nations.

“(b) Therefore, the President is urged to propose to the Geneva Conference of the Committee on Disarmament that it consider as a high priority agenda item discussions among participating nations of that Conference for the purposes of—

“(1) agreeing to workable limitations on conventional arms transfers; and

“(2) establishing a mechanism through which such limitations could be effectively monitored.

“(c) [Repealed. Pub. L. 97-113, title VII, § 734(a)(8), Dec. 29, 1981, 95 Stat. 1560.]”

Executive Order No. 12946

Ex. Ord. No. 12946, Jan. 20, 1995, 60 F.R. 4829, which established within Department of Defense the President’s Advisory Board on Arms Proliferation Policy, was revoked by Ex. Ord. No. 13062, § 3(c), Sept. 29, 1997, 62 F.R. 51756, formerly set out as a note under section 14 of the Federal Advisory Committee Act in the Appendix to Title 5, Government Organization and Employees.