

103D CONGRESS
1ST SESSION

S. 1182

To amend the Arms Control and Disarmament Act to strengthen the Arms Control and Disarmament Agency and to improve congressional oversight of the activities of the Agency.

IN THE SENATE OF THE UNITED STATES

JUNE 30, 1993

Mr. PELL (for himself and Mr. SIMON) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

A BILL

To amend the Arms Control and Disarmament Act to strengthen the Arms Control and Disarmament Agency and to improve congressional oversight of the activities of the Agency.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; REFERENCES IN ACT; TABLE OF**
4 **CONTENTS.**

5 (a) SHORT TITLE.—This Act may be cited as the
6 “Arms Control and Nonproliferation Act of 1993”.

7 (b) REFERENCES IN ACT.—Except as specifically
8 provided in this Act, whenever in this Act an amendment

1 or repeal is expressed as an amendment to or repeal of
 2 a provision, the reference shall be deemed to be made to
 3 the Arms Control and Disarmament Act.

4 (c) TABLE OF CONTENTS.—The table of contents for
 5 this Act is as follows:

- Sec. 1. Short title; references in Act; table of contents.
- Sec. 2. Congressional declarations; purpose.
- Sec. 3. Purposes.
- Sec. 4. Definitions.
- Sec. 5. Repeals.
- Sec. 6. Director.
- Sec. 7. Bureaus, offices, and divisions.
- Sec. 8. Presidential special representatives.
- Sec. 9. Policy formulation.
- Sec. 10. Negotiation management.
- Sec. 11. Report on measures to coordinate research and development.
- Sec. 12. Negotiating records.
- Sec. 13. Verification of compliance.
- Sec. 14. Role of ACDA with respect to dual-use exports.
- Sec. 15. Authorities with respect to nonproliferation matters.
- Sec. 16. Appointment and compensation of personnel.
- Sec. 17. Security requirements.
- Sec. 18. Annual report to Congress; authorization of appropriations.

6 **SEC. 2. CONGRESSIONAL DECLARATIONS; PURPOSE.**

7 (a) CONGRESSIONAL DECLARATIONS.—The Congress
 8 declares that—

9 (1) a fundamental goal of the United States,
 10 particularly in the wake of the highly turbulent and
 11 uncertain international situation fostered by the end
 12 of the Cold War, the disintegration of the Soviet
 13 Union and the resulting emergence of fifteen new
 14 independent states, and the revolutionary changes in
 15 the Eastern Europe, is to reduce and control the
 16 large numbers of nuclear and chemical weapons in
 17 the former Soviet Union and, more generally, to pre-

1 vent the proliferation of weapons of mass destruction
2 and of high-technology conventional armaments as
3 well as to prevent regional conflicts and conventional
4 arms races; and

5 (2) an ultimate goal of the United States con-
6 tinues to be a world in which the use of force is sub-
7 ordinated to the rule of law and international change
8 is achieved peacefully without the danger and bur-
9 den of destabilizing and costly armaments.

10 (b) PURPOSE.—The purpose of this Act is—

11 (1) to strengthen the United States Arms Con-
12 trol and Disarmament Agency; and

13 (2) to improve congressional oversight of the
14 arms control, nonproliferation, and disarmament ac-
15 tivities of the United States Arms Control and Dis-
16 armament Agency.

17 **SEC. 3. PURPOSES.**

18 Section 2 (22 U.S.C. 2551) is amended in the text
19 following the third undesignated paragraph by striking
20 paragraphs (a), (b), (c), and (d) and by inserting the fol-
21 lowing new paragraphs:

22 “(1) The formulation, conduct, support, and co-
23 ordination of United States arms control policy, ne-
24 gotiations, and implementation fora.

1 ment, political agreement or understanding, or coop-
2 erative security arrangement, such as a confidence-
3 and security-building measure;

4 “(3) the term ‘arms control’ means the limita-
5 tion, reduction, elimination, or verification (including
6 on-site inspection) of armed forces or armaments of
7 all types by agreement and includes all matters re-
8 lating to disarmament;

9 “(4) the term ‘Government agency’ means any
10 executive department, commission, agency, independ-
11 ent establishment, corporation wholly or partly
12 owned by the United States which is an instrumen-
13 tality of the United States, or any board, bureau, di-
14 vision, service, office, officer, authority, administra-
15 tion, or other establishment in the executive branch
16 of Government; and

17 “(5) the term ‘nonproliferation’ means any
18 agreement, program, policy, or action to prevent, im-
19 pede, limit, or discourage nations or subnational
20 groups from acquiring, developing, testing, produc-
21 ing, or exporting weapons of mass destruction and
22 their delivery systems, or advanced conventional
23 weapons or advanced military capabilities, as well as
24 any agreement, program, policy, or action to induce

1 nations or subnational groups not to retain such
2 weapons, capabilities, or delivery systems.”.

3 **SEC. 5. REPEALS.**

4 The following provisions of law are hereby repealed:

5 (1) Section 26 (22 U.S.C. 2566), relating to the
6 General Advisory Committee.

7 (2) Section 36 (22 U.S.C. 2578), relating to
8 arms control impact information and analysis.

9 (3) Section 38 (22 U.S.C. 2578), relating to re-
10 ports on Standing Consultative Commission activi-
11 ties.

12 (4) Section 52 (22 U.S.C. 2592), relating to re-
13 ports on adherence to and compliance with agree-
14 ments.

15 (5) Section 906 of the National Defense Au-
16 thorization Act, Fiscal Year 1989 (22 U.S.C.
17 2592b), relating to an annual report on arms control
18 strategy.

19 (6) Section 1002 of the Department of Defense
20 Authorization Act, 1986 (22 U.S.C. 2592a), relating
21 to an annual report on Soviet compliance with arms
22 control commitments.

23 **SEC. 6. DIRECTOR.**

24 Section 22 (22 U.S.C. 2562) is amended to read as
25 follows:

1 “DIRECTOR

2 “Sec. 22. (a) APPOINTMENT.—The Agency shall be
3 headed by a Director appointed by the President, by and
4 with the advice and consent of the Senate. No person serv-
5 ing on active duty as a commissioned officer of the Armed
6 Forces of the United States may be appointed Director.

7 “(b) DUTIES.—(1) The Director shall serve as the
8 principal adviser to the President and other executive
9 branch Government officials on matters relating to arms
10 control and nonproliferation. In carrying out his duties
11 under this Act, the Director shall have primary respon-
12 sibility within the Government for matters relating to
13 arms control and nonproliferation.

14 “(2) The Director shall attend all meetings of the Na-
15 tional Security Council involving weapons procurement,
16 arms sales, consideration of the defense budget, and all
17 arms control and nonproliferation matters.

18 “(3) The Director shall carry out his duties under
19 the direction of the President and subject to the foreign
20 policy guidance of the Secretary of State.”.

21 **SEC. 7. BUREAUS, OFFICES, AND DIVISIONS.**

22 Section 25 (22 U.S.C. 2565) is amended to read as
23 follows:

1 **“SEC. 25. BUREAUS, OFFICES, AND DIVISIONS.**

2 “The Director may establish within the Agency such
3 bureaus, offices, and divisions as he may determine to be
4 necessary to discharge his responsibilities pursuant to this
5 Act, including a bureau of intelligence and information
6 support and an office to perform legal services for the
7 Agency.”.

8 **SEC. 8. PRESIDENTIAL SPECIAL REPRESENTATIVES.**

9 (a) Sections 27 and 28 (22 U.S.C. 2567, 2568) are
10 redesignated as sections 26 and 27, respectively.

11 (b) Section 26 (as redesignated by subsection (a)) is
12 amended to read as follows:

13 “PRESIDENTIAL SPECIAL REPRESENTATIVES

14 “SEC. 26. The President may appoint, by and with
15 the advice and consent of the Senate, Special Representa-
16 tives of the President for Arms Control and Nonprolifera-
17 tion. Each Presidential Special Representative shall hold
18 the personal rank of ambassador. Presidential Special
19 Representatives shall perform their duties and exercise
20 their powers under direction of the President, acting
21 through the Director. The Agency shall be the Govern-
22 ment agency responsible for providing administrative sup-
23 port, including funding, staff, and office space, to all Pres-
24 idential Special Representatives.”.

1 **SEC. 9. POLICY FORMULATION.**

2 Section 33 (22 U.S.C. 2573) is amended to read as
3 follows:

4 “POLICY FORMULATION

5 “SEC. 33. (a) FORMULATION.—The Director shall
6 prepare for the President, and the heads of such other
7 Government agencies as the President may determine, rec-
8 ommendations and guidance concerning United States
9 arms control and nonproliferation policy.

10 “(b) PROHIBITION.—No action shall be taken pursu-
11 ant to this or any other Act that would obligate the United
12 States to reduce or limit the Armed Forces or armaments
13 of the United States in a militarily significant manner,
14 except pursuant to the treaty-making power of the Presi-
15 dent set forth in Article II, Section 2, Clause 2 of the
16 Constitution or unless authorized by the enactment of fur-
17 ther affirmative legislation by the Congress of the United
18 States.”.

19 **SEC. 10. NEGOTIATION MANAGEMENT.**

20 Section 34 (22 U.S.C. 2574) is amended to read as
21 follows:

22 “NEGOTIATION MANAGEMENT

23 “SEC. 34. The Director, under the direction of the
24 President, shall have primary responsibility for the prepa-
25 ration, conduct, and management of United States partici-
26 pation in all international negotiations and implementa-

1 tion fora in the fields of arms control and nonproliferation.

2 In furtherance of this responsibility—

3 “(1) the Director shall have primary respon-
4 sibility for the preparation, formulation, support, co-
5 ordination, and transmission of instructions and
6 guidance for all such negotiations and fora, and
7 shall manage interagency groups established within
8 the executive branch of Government to support such
9 negotiations and fora;

10 “(2) all United States Government representa-
11 tives, whether or not Special Representatives under
12 section 26, who are conducting negotiations or act-
13 ing pursuant to agreements in the fields of arms
14 control or nonproliferation shall perform their duties
15 and exercise their powers, under the direction of the
16 President, acting through the Director; and

17 “(3) Special Representatives of the President
18 for Nonproliferation, established pursuant to section
19 26, shall, acting under the direction of the President
20 and through the Director, serve as the United States
21 Government representatives to international organi-
22 zations relating to the field of nonproliferation, in-
23 cluding the International Atomic Energy Agency, the
24 Missile Technology Control Regime, the Nuclear
25 Suppliers Group, and the Australia Group with re-

1 control or nonproliferation agreement to which the United
2 States is a participating state and which was under nego-
3 tiation or in force on or after January 1, 1990.

4 “(b) CONTENTS OF RECORDS.—Each such negotiat-
5 ing and implementation record shall be comprehensive and
6 detailed, and shall include classified and unclassified mate-
7 rials such as instructions and guidance, position papers,
8 reporting cables and memoranda of conversation, working
9 papers, draft texts of the agreement, diplomatic notes,
10 notes verbal, and other internal and external correspond-
11 ence. Such records shall be maintained both in hard copy
12 and magnetic media. In order to implement effectively this
13 section, the Director shall ensure that Agency personnel
14 participate throughout the negotiation and implementa-
15 tion phases of all arms control and nonproliferation agree-
16 ments.”.

17 (b) REPORT REQUIRED.—Not later than January 31,
18 1994, the Director of the United States Arms Control and
19 Disarmament Agency shall submit to the Speaker of the
20 House of Representatives and to the chairman of the
21 Committee on Foreign Relations of the Senate a detailed
22 report describing the actions he has undertaken to imple-
23 ment section 36 of the Arms Control and Disarmament
24 Act.

1 **SEC. 13. VERIFICATION OF COMPLIANCE.**

2 Section 37 (22 U.S.C. 2577) is amended to read as
3 follows:

4 “VERIFICATION OF COMPLIANCE

5 “SEC. 37. (a) IN GENERAL.—In order to ensure that
6 arms control and nonproliferation agreements can be ade-
7 quately verified, the Director shall report to Congress, on
8 a timely basis, or upon request by an appropriate commit-
9 tee of the Congress—

10 “(1) in the case of any arms control or non-
11 proliferation agreement or treaty that has been con-
12 cluded by the United States, the determination of
13 the Director as to the degree to which the compo-
14 nents of such agreement or treaty can be verified;

15 “(2) in the case of any arms control or non-
16 proliferation agreement or treaty that has entered
17 into force, any significant degradation or alteration
18 in the capacity of the United States to verify compli-
19 ance of the components of such agreement or treaty;
20 and

21 “(3) the amount and percentage of research
22 funds expended by the Agency for the purpose of
23 analyzing issues relating to arms control and non-
24 proliferation verification.

25 “(b) STANDARD FOR VERIFICATION OF COMPLI-
26 ANCE.—In making determinations under paragraphs (1)

1 and (2) of subsection (a), the Director shall assume all
2 measures of concealment not expressly prohibited could be
3 employed and that standard practices could be altered so
4 as to impede verification.

5 “(c) RULE OF CONSTRUCTION.—Except as otherwise
6 provided for by law, nothing in this section may be con-
7 strued as requiring the disclosure of sensitive information
8 relating to intelligence sources or methods or persons em-
9 ployed in the verification of compliance with arms control
10 or nonproliferation agreements.

11 “(d) PARTICIPATION OF THE DIRECTOR.—In order
12 to ensure adherence of the United States to obligations
13 or commitments undertaken in arms control and non-
14 proliferation agreements, and in order for the Director to
15 make the assessment required by section 51(a)(6), the Di-
16 rector shall participate in all interagency groups or organi-
17 zations within the executive branch of Government that
18 assess, analyze, or review United States planned or ongo-
19 ing policies, programs, or actions that affect or could af-
20 fect United States adherence to obligations undertaken in
21 arms control or nonproliferation agreements.”.

22 **SEC. 14. ROLE OF ACDA WITH RESPECT TO DUAL-USE EX-**
23 **PORTS.**

24 Title III of the Arms Control and Disarmament Act
25 is amended—

1 (1) by redesignating section 39 as section 38;

2 and

3 (2) by adding at the end the following new sec-

4 tion:

5 “ROLE OF ACDA WITH RESPECT TO DUAL-USE EXPORTS

6 “SEC. 39. (a) EXPORT CONTROLS ON NATIONAL SE-
7 CURITY GROUNDS.—The Director, the Secretary of De-
8 fense, and the heads of the other appropriate departments
9 and agencies shall identify goods and technologies for in-
10 clusion on the national security control list established
11 pursuant to section 5(c)(1) of the Export Administration
12 Act of 1979 (50 U.S.C. App. 2404(c)(1)). No item shall
13 be added to, or removed from, such list without the con-
14 currence of the Director, the Secretary of Defense, and
15 the Secretary of Commerce. If the Director, the Secretary
16 of Defense, and the Secretary of Commerce are unable to
17 concur, the matter shall be referred to the President for
18 resolution.

19 “(b) REVIEW.—The Director shall have the right to
20 review any export license application relating to section
21 5 of such Act if the Director requests such review. No
22 application that the Director has requested to review shall
23 be granted or denied without the concurrence of the Direc-
24 tor. If concurrence is unable to be reached, the matter
25 shall be referred to the President for resolution.

1 “(c) INTERNATIONAL NEGOTIATIONS.—The Direc-
2 tor, in consultation with the Secretary of State, the Sec-
3 retary of Defense, the Secretary of Commerce, and the
4 heads of other appropriate departments and agencies shall
5 be responsible for conducting negotiations with other
6 countries regarding their cooperation in restricting the ex-
7 port of goods and technology, including negotiations with
8 respect to which goods and technology should be subject
9 to mutually agreed export restrictions and what conditions
10 should apply for exceptions from those restrictions.

11 “(d) EXPORT CONTROLS ON FOREIGN POLICY
12 GROUNDS.—The Director, the Secretary of State, and the
13 Secretary of Commerce shall identify goods and tech-
14 nologies for inclusion on the foreign policy control list es-
15 tablished pursuant to section 6 of such Act (50 U.S.C.
16 App. 2403(b)). No item shall be added to, or removed
17 from, such list without the concurrence of the Director,
18 Secretary of State, and the Secretary of Commerce. If the
19 Director, Secretary of State, and the Secretary of Com-
20 merce are unable to concur, the matter shall be referred
21 to the President for resolution.

22 “(e) REVIEW.—The Director shall have the right to
23 review any export license application relating to section
24 6 of such Act that the Director requests to review. No
25 application that the Director has requested to review shall

1 be granted or denied without the concurrence of the Direc-
2 tor. If concurrence is unable to be reached, the matter
3 shall be referred to the President for resolution.

4 “(f) INFORMATION FROM THE DEPARTMENT OF
5 COMMERCE.—The Secretary of Commerce shall furnish to
6 the Agency all information with respect to the foreign
7 availability of any goods or technology subject to export
8 controls pursuant to such Act. Such transfer of informa-
9 tion shall be accomplished in a timely manner by electronic
10 means at the expense of the Agency.

11 “(g) PROHIBITION ON DELEGATION OR TRANSFER
12 OF POWERS.—The President may not delegate or transfer
13 his power, authority, or discretion to overrule or modify
14 any recommendation or decision made by the Secretary
15 of Commerce, the Director, the Secretary of Defense, or
16 the Secretary of State pursuant to the provisions of such
17 Act.

18 “(h) SUPERSEDING EXISTING LAW.—The provisions
19 of this subsection supersede the provisions of the Export
20 Administration Act of 1979, and any regulation, rule, or
21 order issued thereunder, to the extent that those provi-
22 sions are inconsistent.”.

1 **SEC. 15. AUTHORITIES WITH RESPECT TO NONPROLIFERA-**
2 **TION MATTERS.**

3 (a) AMENDMENTS TO THE ARMS EXPORT CONTROL
4 ACT.—(1) Section 38(a)(2) of the Arms Export Control
5 Act (22 U.S.C. 2778(a)(2)) is amended to read as follows:

6 “(2) Decisions on issuing export licenses under this
7 section shall be made only with the concurrence of the Di-
8 rector of the United States Arms Control and Disar-
9 mament Agency, taking into account the Director’s assess-
10 ment as to whether the export of an article would contrib-
11 ute to an arms race, support international terrorism, in-
12 crease the possibility of outbreak or escalation of conflict,
13 or prejudice the development of bilateral or multilateral
14 arms control or nonproliferation agreements or other ar-
15 rangements.”.

16 (2) Section 42(a) of such Act (22 U.S.C. 2791(a))
17 is amended—

18 (A) by redesignating clauses (1), (2), and (3) as
19 clauses (A), (B), and (C), respectively;

20 (B) by inserting “(1)” immediately after “(a)”;
21 and

22 (C) by amending clause (C) to read as follows:

23 “(C) the assessment of the Director of the
24 United States Arms Control and Disarmament
25 Agency as to whether, and the extent to which, such
26 sale might contribute to an arms race, support inter-

1 national terrorism, increase the possibility of out-
2 break or escalation of conflict, or prejudice the de-
3 velopment of bilateral or multilateral arms control or
4 nonproliferation agreements or other arrange-
5 ments;” and

6 (D) by adding at the end the following:

7 “(2) Any proposed sale made pursuant to this Act
8 shall be approved only with the concurrence of the Direc-
9 tor of the United States Arms Control and Disarmament
10 Agency.”.

11 (3) Section 71(a) of such Act (22 U.S.C. 2797(a))
12 is amended by inserting “and the Director of the Arms
13 Control and Disarmament Agency jointly” after “The Sec-
14 retary of State”.

15 (4) Section 71(b)(1) of such Act (22 U.S.C.
16 2797(b)(1)) is amended by striking “A determination of
17 the Secretary of State” and inserting “A joint determina-
18 tion of the Secretary of State and the Director of the Unit-
19 ed States Arms Control and Disarmament Agency”.

20 (5) Section 71(b)(2) of such Act (22 U.S.C.
21 2797(b)(2)) is amended by inserting “and the Director of
22 the United States Arms Control and Disarmament Agen-
23 cy” after “The Secretary of State”.

24 (6) Section 71(c) of such Act (22 U.S.C. 2797(c))
25 is amended by striking “The Secretary of State shall” and

1 inserting “The Secretary of State and the Director of the
2 Arms Control and Disarmament Agency shall jointly”.

3 (7) Section 73(d) of such Act (22 U.S.C. 2797(d))
4 is amended by inserting “and the Director of the United
5 States Arms Control and Disarmament Agency” after
6 “The Secretary of State”.

7 (b) AMENDMENTS TO THE ATOMIC ENERGY ACT.—

8 (1) Section 51 of the Atomic Energy Act of 1954 (42
9 U.S.C. 2071) is amended by adding at the end thereof
10 the following new sentence: “For purposes of this section,
11 any determination that other material is special nuclear
12 material shall be made only with the concurrence of the
13 Director of the Arms Control and Disarmament Agency.”.

14 (2) Section 57 b. of such Act (42 U.S.C. 2077(b))
15 is amended by striking “and after consultation with the
16 Arms Control and Disarmament Agency,” and inserting
17 “and the Director of the United States Arms Control and
18 Disarmament Agency and after consultation with”.

19 (3) Section 109 a. of such Act (42 U.S.C. 2139(a))
20 is amended by inserting “with the concurrence of the Di-
21 rector of the Arms Control and Disarmament Agency,”
22 after “if the Commission”.

23 (4) Section 109 b. of such Act (42 U.S.C. 2139(b))
24 is amended in the first sentence by inserting “, with the

1 concurrence of the Director of the United States Arms
2 Control and Disarmament Agency” after “Commission”.

3 (5) Section 111 b.(1) of such Act (42 U.S.C.
4 2141(b)(1)) is amended by striking “and has consulted
5 with the Arms Control and Disarmament Agency, the Nu-
6 clear Regulatory Commission,” and inserting “and the Di-
7 rector of the United States Arms Control and Disar-
8 mament Agency and has consulted with the Nuclear Regu-
9 latory Commission”.

10 (6) Section 123 a. of such Act (42 U.S.C. 2153(a))
11 is amended in the undesignated paragraph following para-
12 graph (9)—

13 (A) in the second sentence, by striking out “ne-
14 gotiated by the Secretary of State” and inserting
15 “negotiated by the Director of the United States
16 Arms Control and Disarmament Agency”;

17 (B) in the second sentence, by striking out
18 “shall be submitted to the President jointly by the
19 Secretary of State and the Secretary of Energy ac-
20 companied by the views and recommendations of the
21 Secretary of State,” and inserting “shall be submit-
22 ted to the President jointly by the Director of the
23 United States Arms Control and Disarmament
24 Agency, the Secretary of State, and the Secretary of
25 Energy accompanied by the views and recommenda-

1 tions of the Director of the United States Arms
2 Control and Disarmament Agency, the Secretary of
3 State,”;

4 (C) in the third sentence, by inserting “jointly”
5 after “any proposed agreement for cooperation shall
6 be”;

7 (D) in the third sentence, by inserting “and the
8 Director of the United States Arms Control and
9 Disarmament Agency” after “by the Secretary of
10 Energy”; and

11 (E) in the third sentence, by inserting “and the
12 Director of the United States Arms Control and
13 Disarmament Agency” after “, by the Secretary of
14 Defense”.

15 (7) Section 126 a. (1) of such Act (42 U.S.C.
16 2155(a)(1)) is amended by inserting “, with the concur-
17 rence of the Director of the United States Arms Control
18 and Disarmament Agency,” after “the Commission has
19 been notified by the Secretary of State”.

20 (8) Section 131 a. (1) of such Act (42 U.S.C.
21 2160(a)(1)) is amended—

22 (A) in the first sentence, by inserting “the Di-
23 rector of the United States Arms Control and Disar-
24 mament Agency and” after “the Secretary of En-
25 ergy shall obtain the concurrence of”; and

1 (B) in the proviso, by striking “the Secretary of
2 State” and inserting “the Director of the United
3 States Arms Control and Disarmament Agency”.

4 (9) Section 131 b. (2) of such Act (42 U.S.C.
5 2160(b)(2)) is amended by inserting “the Director of the
6 United States Arms Control and Disarmament Agency
7 and” after “unless in his judgment, and that of”.

8 (10) Section 131 b. (3) of such Act (42 U.S.C.
9 2160(b)(3)) is amended by inserting “the Director of the
10 United States Arms Control and Disarmament Agency
11 and” after “to those which in this view, and that of”.

12 (11) Section 142 of such Act (42 U.S.C. 2162) is
13 amended by adding at the end thereof the following new
14 subsection:

15 “(g) All determinations under this section to remove
16 data from the Restricted Data category shall be made only
17 after consultation with, and upon the concurrence of, the
18 Director of the United States Arms Control and Disar-
19 mament Agency.”.

20 **SEC. 16. APPOINTMENT AND COMPENSATION OF PERSON-**
21 **NEL.**

22 Section 41(b) (22 U.S.C. 2581(b)) is amended by
23 striking all that follows “General Schedule pay rates,” and
24 inserting in lieu thereof “except that—

1 “(1) the Director may, to the extent the Direc-
2 tor determines necessary, appoint in the excepted
3 service, and fix the compensation of, employees pos-
4 sessing specialized technical expertise without regard
5 to provisions of title 5, United States Code, govern-
6 ing appointment or compensation of employees of
7 the United States,

8 “(2) an employee who is appointed under this
9 provision may not be paid a salary in excess of the
10 rate payable for positions of equivalent difficulty or
11 responsibility, and in no event, may be paid at a rate
12 exceeding the maximum rate in effect for level 15 of
13 the General Schedule, and

14 “(3) the number of employees appointed under
15 this paragraph shall not exceed ten percent of the
16 number of positions allowed under the Agency’s full-
17 time equivalent limitation.”.

18 **SEC. 17. SECURITY REQUIREMENTS.**

19 Section 45(a) (22 U.S.C. 2585) is amended in the
20 third sentence—

21 (1) by inserting “or employed directly from
22 other Government agencies” after “persons detailed
23 from other Government agencies”; and

1 (2) by striking “by the Department of Defense
2 or the Department of State” and inserting “by such
3 agencies”.

4 **SEC. 18. ANNUAL REPORT TO CONGRESS; AUTHORIZATION**
5 **OF APPROPRIATIONS.**

6 (a) IN GENERAL.—Title IV of the Arms Control and
7 Disarmament Act is amended—

8 (1) by striking sections 49 and 50;

9 (2) by redesignating sections 51 and 53 as sec-
10 tions 49 and 50, respectively;

11 (3) by inserting after section 50 (as redesign-
12 nated by paragraph (2)) the following new sections:

13 “ANNUAL REPORT TO CONGRESS

14 “SEC. 51. (a) IN GENERAL.—Not later than January
15 31 of each year, the President shall submit to the Speaker
16 of the House of Representatives and to the chairman of
17 the Committee on Foreign Relations of the Senate a re-
18 port prepared by the Director, in consultation with the
19 Secretary of State, the Secretary of Defense, the Secretary
20 of Energy, the Chairman of the Joint Chiefs of Staff, and
21 Director of Central Intelligence, on the status of United
22 States policy and actions with respect to arms control and
23 nonproliferation. Such report shall include—

24 “(1) a detailed statement concerning the arms
25 control objectives of the executive branch of Govern-
26 ment for the forthcoming year;

1 “(2) a detailed statement concerning the non-
2 proliferation objectives of the executive branch of
3 Government for the forthcoming year;

4 “(3) a detailed assessment of the status of any
5 ongoing arms control negotiations, including a com-
6 prehensive description of negotiations during the
7 preceding year and an appraisal of the status and
8 prospects for the forthcoming year;

9 “(4) a detailed assessment of the status of any
10 ongoing nonproliferation negotiations or other activi-
11 ties, including a comprehensive description of the ne-
12 gotiations or other activities during the preceding
13 year and an appraisal of the status and prospects
14 for the forthcoming year;

15 “(5) a detailed assessment of adherence of the
16 United States to obligations undertaken in arms
17 control and nonproliferation agreements, including
18 information on the policies and organization of each
19 relevant agency or department of the United States
20 to ensure adherence to such obligations, a descrip-
21 tion of national security programs with a direct
22 bearing on questions of adherence to such obliga-
23 tions and of steps being taken to ensure adherence,
24 and a compilation of any substantive questions

1 raised during the preceding year and any corrective
2 action taken; and

3 “(6) a detailed assessment of the adherence of
4 other nations to obligations undertaken in all arms
5 control and nonproliferation agreements to which the
6 United States is a participating state, including in-
7 formation on actions taken by each nation with re-
8 gard to the size, structure, and disposition of its
9 military forces in order to comply with arms control
10 or nonproliferation agreements, and shall include, in
11 the case of each agreement about which compliance
12 questions exist—

13 “(A) a description of each significant issue
14 raised and efforts made and contemplated with
15 the other participating state to seek resolution
16 of the difficulty;

17 “(B) an assessment of damage, if any, to
18 the United States security and other interests;
19 and

20 “(C) recommendations as to any steps that
21 should be considered to redress any damage to
22 United States national security and to reduce
23 compliance problems.

1 “(b) CLASSIFICATION OF THE REPORT.—The report
2 required by this section shall be submitted in unclassified
3 form, with classified annexes, as appropriate.

4 “AUTHORIZATION OF APPROPRIATIONS

5 “SEC. 52. (a) AUTHORIZATION OF APPROPRIA-
6 TIONS.—To carry out the purposes of this Act, there are
7 authorized to be appropriated—

8 “(1) \$62,500,000 for fiscal year 1994 and
9 \$64,375,000 for fiscal year 1995; and

10 “(2) such additional amounts as may be nec-
11 essary for each fiscal year for which an authoriza-
12 tion of appropriations is provided for in paragraph
13 (1) of this subsection for increases in salary, pay, re-
14 tirement, other employee benefits authorized by law,
15 and other nondiscretionary costs, and to offset ad-
16 verse fluctuations in foreign currency exchange
17 rates.

18 “(b) TRANSFER OF FUNDS.—Funds appropriated
19 pursuant to this section may be allocated or transferred
20 to any agency for carrying out the purposes of this Act.
21 Such funds shall be available for obligation and expendi-
22 ture in accordance with the authorities of this Act or in
23 accordance with the authorities governing the activities of
24 the agencies to which such funds are allocated or trans-
25 ferred.

1 “(c) LIMITATION.—Not more than 12 percent of any
2 appropriation made pursuant to this Act shall be obligated
3 or reserved during the last month of the fiscal year.”.

4 (b) EFFECTIVE DATE.—So much of the amendment
5 made by subsection (a) as inserts section 52 of the Arms
6 Control and Disarmament Act shall take effect on October
7 1, 1993.

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S 1182 IS—2

S 1182 IS—3