

Statutory Notes and Related Subsidiaries

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.

§ 2567. Presidential Special Representatives

The President may appoint, by and with the advice and consent of the Senate, Special Representatives of the President for arms control, nonproliferation, and disarmament matters. Each Presidential Special Representative shall hold the rank of ambassador. Presidential Special Representatives appointed under this section shall perform their duties and exercise their powers under the direction of the President and the Secretary of State. The Department of State shall be the Government agency responsible for providing administrative support, including funding, staff, and office space, to all Presidential Special Representatives.

(Pub. L. 87-297, title II, §201, formerly §27, as added Pub. L. 95-108, §2(a), Aug. 17, 1977, 91 Stat. 871; amended Pub. L. 98-202, §6(a), Dec. 2, 1983, 97 Stat. 1382; Pub. L. 101-216, title I, §103(a), Dec. 11, 1989, 103 Stat. 1853; Pub. L. 103-236, title VII, §708(a), Apr. 30, 1994, 108 Stat. 493; renumbered §201 and amended Pub. L. 105-277, div. G, subdiv. A, title XII, §1223(4), (21), Oct. 21, 1998, 112 Stat. 2681-769, 2681-772.)

Editorial Notes

AMENDMENTS

1998—Pub. L. 105-277, §1223(4), struck out “One such Representative may serve in the Agency as Chief Science Advisor.” after “rank of ambassador.” and “, acting through the Director” after “Secretary of State”, and substituted “Department of State” for “Agency”.

1994—Pub. L. 103-236 amended section generally. Prior to amendment, section read as follows: “The President may appoint, by and with the advice and consent of the Senate, two Special Representatives for Arms Control and Disarmament Negotiations, one of whom should serve as special representative for conventional arms control negotiations, and the other should serve as special representative and chief science advisor to the Director. The two Special Representatives shall perform their duties and exercise their powers under the direction of the President and the Secretary of State, acting through the Director.”

1989—Pub. L. 101-216 substituted “, one of whom should serve as special representative for conventional arms control negotiations, and the other should serve as special representative and chief science advisor to the Director. The two Special Representatives shall perform their duties and exercise their powers under the direction of the President and the Secretary of State, acting through the Director” for “who shall perform such duties and exercise such powers (under the direction of the President and the Secretary of State, acting through the Director) as the Director may prescribe with respect to international arms control and disarmament negotiations and matters relating thereto”.

1983—Pub. L. 98-202 substituted “two Special Representatives” for “a Special Representative”.

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.

EFFECTIVE DATE OF 1989 AMENDMENT

Pub. L. 101-216, title I, §103(b), Dec. 11, 1989, 103 Stat. 1853, provided that: “The amendment made by subsection (a) [amending this section] shall apply with respect to individuals who are appointed as Special Representatives on or after the date of enactment of this Act [Dec. 11, 1989].”

§ 2568. Program for visiting scholars

A program for visiting scholars in the fields of arms control, nonproliferation, and disarmament shall be established by the Secretary of State in order to obtain the services of scholars from the faculties of recognized institutions of higher learning. The purpose of the program will be to give specialists in the physical sciences and other disciplines relevant to the Department of State’s activities an opportunity for active participation in the arms control, nonproliferation, and disarmament activities of the Department of State and to gain for the Department of State the perspective and expertise such persons can offer. Each fellow in the program shall be appointed for a term of one year, except that such term may be extended for a 1-year period.

(Pub. L. 87-297, title II, §202, formerly §28, as added Pub. L. 98-202, §3, Dec. 2, 1983, 97 Stat. 1381; amended Pub. L. 103-236, title VII, §719(b), Apr. 30, 1994, 108 Stat. 501; renumbered §202 and amended Pub. L. 105-277, div. G, subdiv. A, title XII, §1223(5), (21), Oct. 21, 1998, 112 Stat. 2681-769, 2681-772.)

Editorial Notes

AMENDMENTS

1998—Pub. L. 105-277, §1223(5), substituted “Secretary of State” for “Director” and “Department of State’s” for “Agency’s”, substituted “Department of State” for “Agency” in two places, and struck out at end “Fellows shall be chosen by a board consisting of the Director, who shall be the chairperson, and all former Directors of the Agency.”

1994—Pub. L. 103-236 substituted “fields of arms control, nonproliferation, and disarmament” for “field of arms control and disarmament” in first sentence and inserted “, nonproliferation,” after “participation in the arms control” in second sentence.

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.

SUBCHAPTER III—FUNCTIONS

§ 2571. Research, development and other studies

The Secretary of State is authorized and directed to exercise his powers in this subchapter in such manner as to ensure the acquisition of a fund of theoretical and practical knowledge concerning disarmament and nonproliferation. To this end, the Secretary of State is authorized and directed, under the direction of the President, (1) to ensure the conduct of research, development, and other studies in the fields of arms control, nonproliferation, and disarmament; (2) to make arrangements (including contracts, agreements, and grants) for the con-

duct of research, development, and other studies in the fields of arms control, nonproliferation, and disarmament by private or public institutions or persons; and (3) to coordinate the research, development, and other studies conducted in the fields of arms control, nonproliferation, and disarmament by or for other Government agencies. In carrying out his responsibilities under this chapter, the Secretary of State shall, to the maximum extent feasible, make full use of available facilities, Government and private. The authority of the Secretary under this chapter with respect to research, development, and other studies concerning arms control, nonproliferation, and disarmament shall be limited to participation in the following:

(a) Control, reduction and elimination of armed forces and armaments

the detection, identification, inspection, monitoring, limitation, reduction, control, and elimination of armed forces and armaments, including thermonuclear, nuclear, missile, conventional, bacteriological, chemical, and radiological weapons;

(b) Weapon detection and identification tests

the techniques and systems of detecting, identifying, inspecting, and monitoring of tests of nuclear, thermonuclear, and other weapons;

(c) Analysis of national budgets and economic indicators

the analysis of national budgets, levels of industrial production, and economic indicators to determine the amounts spent by various countries for armaments¹ and of all aspects of anti-satellite activities;

(d) Space, earth's surface and underwater regions

the control, reduction, and elimination of armed forces and armaments in space, in areas on and beneath the earth's surface, and in underwater regions;

(e) Structure and operation of international control

the structure and operation of international control and other organizations useful for arms control, nonproliferation, and disarmament;

(f) Training of control system personnel

the training of scientists, technicians, and other personnel for manning the control systems which may be created by international arms control, nonproliferation, and disarmament agreements;

(g) Danger of war from accident, miscalculation, or surprise attack

the reduction and elimination of the danger of war resulting from accident, miscalculation, or possible surprise attack, including (but not limited to) improvements in the methods of communications between nations;

(h) Economic and political consequences of disarmament

the economic and political consequences of arms control, nonproliferation, and disarmament,

including the problems of readjustment arising in industry and the reallocation of national resources;

(i) Disarmament implications of foreign and national security policies of United States

the arms control, nonproliferation, and disarmament implications of foreign and national security policies of the United States with a view to a better understanding of the significance of such policies for the achievement of arms control, nonproliferation, and disarmament;

(j) National security and foreign policy implications of disarmament

the national security and foreign policy implications of arms control, nonproliferation, and disarmament proposals with a view to a better understanding of the effect of such proposals upon national security and foreign policy;

(k) Methods for maintenance of peace and security during stages of disarmament

methods for the maintenance of peace and security during different stages of arms control, nonproliferation, and disarmament;

(l) War prevention factors

the scientific, economic, political, legal, social, psychological, military, and technological factors related to the prevention of war with a view to a better understanding of how the basic structure of a lasting peace may be established; and

(m) Other related problems

such related problems as the Secretary of State may determine to be in need of research, development, or study in order to carry out the provisions of this chapter.

(Pub. L. 87-297, title III, §301, formerly §31, Sept. 26, 1961, 75 Stat. 633; Pub. L. 88-186, §5, Nov. 26, 1963, 77 Stat. 342; Pub. L. 95-108, §3, Aug. 17, 1977, 91 Stat. 871; Pub. L. 97-339, §4, Oct. 15, 1982, 96 Stat. 1636; Pub. L. 103-236, title VII, §719(c), Apr. 30, 1994, 108 Stat. 501; renumbered §301 and amended Pub. L. 105-277, div. G, subd. A, title XII, §1223(6), (21), Oct. 21, 1998, 112 Stat. 2681-769, 2681-772.)

Editorial Notes

AMENDMENTS

1998—Pub. L. 105-277, §1223(6)(A)–(E), in introductory provisions, inserted “this subchapter in” after “powers in”, substituted “Secretary of State” for “Director” wherever appearing and “ensure” for “insure” in two places, struck out “in accordance with procedures established under section 2575 of this title” after “other Government agencies”, and substituted “The authority of the Secretary under this chapter with respect to research, development, and other studies concerning arms control, nonproliferation, and disarmament shall be limited to participation in the following:” for “The authority of the Director with respect to research, development, and other studies shall be limited to participation in the following insofar as they relate to arms control, nonproliferation, and disarmament.”

Subsec. (l). Pub. L. 105-277, §1223(6)(F), inserted “and” at end.

Subsec. (m). Pub. L. 105-277, §1223(6)(B), substituted “Secretary of State” for “Director”.

1994—Pub. L. 103-236, in introductory provisions, substituted “fields of arms control, nonproliferation, and disarmament” for “field of arms control and disarmament”.

¹ So in original. Probably should be followed by a comma.

mament” in three places, in first sentence, inserted “and nonproliferation” after “disarmament”, and in fourth sentence, inserted “, nonproliferation,” after “arms control” wherever appearing.

1982—Subsec. (c). Pub. L. 97-339 inserted “and of all aspects of antisatellite activities”.

1977—Pub. L. 95-108 struck out “United States” before “private” in cl. (2) of opening par.

1963—Pub. L. 88-186 inserted “United States” before “private” in cl. (2) of opening par.

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.

REPORT ON INTERNATIONAL TRANSFER OF CONVENTIONAL ARMS

Pub. L. 92-352, title III, §302, July 13, 1972, 86 Stat. 495, directed Arms Control and Disarmament Agency, with cooperation of other agencies, to prepare a comprehensive report on international transfer of conventional arms and submit this report no later than one year after July 13, 1972, with an interim report submitted no later than six months after July 13, 1972.

§ 2572. Patents; availability to general public; protection of background rights

All research within the United States contracted for, sponsored, cosponsored, or authorized under authority of this chapter, shall be provided for in such manner that all information as to uses, products, processes, patents, and other developments resulting from such research developed by Government expenditure will (with such exceptions and limitations, if any, as the Secretary of State may find to be necessary in the public interest) be available to the general public. This section shall not be so construed as to deprive the owner of any background patent relating thereto of such rights as he may have thereunder.

(Pub. L. 87-297, title III, §302, formerly §32, Sept. 26, 1961, 75 Stat. 634; renumbered §302 and amended Pub. L. 105-277, div. G, subd. A, title XII, §1223(7), (21), Oct. 21, 1998, 112 Stat. 2681-769, 2681-772.)

Editorial Notes

AMENDMENTS

1998—Pub. L. 105-277, §1223(7), substituted “Secretary of State” for “Director” and “section” for “subsection”.

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.

§ 2573. Policy formulation

(a) Formulation

The Secretary of State shall prepare for the President, and the heads of such other Government agencies as the President may determine, recommendations and advice concerning United States arms control, nonproliferation, and disarmament policy.

(b) Prohibition

No action shall be taken pursuant to this chapter or any other Act that would obligate

the United States to reduce or limit the Armed Forces or armaments of the United States in a militarily significant manner, except pursuant to the treaty-making power of the President set forth in Article II, Section 2, Clause 2 of the Constitution or unless authorized by the enactment of further affirmative legislation by the Congress of the United States.

(c) Statutory construction

Nothing contained in this chapter shall be construed to authorize any policy or action by any Government agency which would interfere with, restrict, or prohibit the acquisition, possession, or use of firearms by an individual for the lawful purpose of personal defense, sport, recreation, education, or training.

(Pub. L. 87-297, title III, §303, formerly §33, Sept. 26, 1961, 75 Stat. 634; Pub. L. 88-186, §3, Nov. 26, 1963, 77 Stat. 342; Pub. L. 103-236, title VII, §709, Apr. 30, 1994, 108 Stat. 494; renumbered §303 and amended Pub. L. 105-277, div. G, subd. A, title XII, §1223(8), (21), subd. B, title XXVI, §2602, Oct. 21, 1998, 112 Stat. 2681-769, 2681-772, 2681-839.)

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in subsec. (c), was in the original “this chapter” and was translated as reading “this Act”, meaning Pub. L. 87-297, Sept. 26, 1961, 75 Stat. 631, known as the Arms Control and Disarmament Act, which is classified generally to this chapter, to reflect the probable intent of Congress.

AMENDMENTS

1998—Subsec. (a). Pub. L. 105-277, §1223(8), substituted “Secretary of State” for “Director” and struck out “the Secretary of State,” after “the President.”

Subsec. (c). Pub. L. 105-277, §2602, added subsec. (c).

1994—Pub. L. 103-236 amended section generally. Prior to amendment, section read as follows: “The Director is authorized and directed to prepare for the President, the Secretary of State, and the heads of such other Government agencies, as the President may determine, recommendations concerning United States arms control and disarmament policy: *Provided, however,* That no action shall be taken under this chapter or any other law that will obligate the United States to disarm or to reduce or to limit the Armed Forces or armaments of the United States, except pursuant to the treaty making power of the President under the Constitution or unless authorized by further affirmative legislation by the Congress of the United States. Nothing contained in this chapter shall be construed to authorize any policy or action by any Government agency which would interfere with, restrict, or prohibit the acquisition, possession, or use of firearms by an individual for the lawful purpose of personal defense, sport, recreation, education, or training.”

1963—Pub. L. 88-186 inserted provision precluding construction of this chapter to authorize the regulation of the possession of firearms by an individual.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1998 AMENDMENT

Amendment by section 1223(8), (21) of 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.

§ 2574. Negotiation management

(a) Responsibilities

The Secretary of State, under the direction of the President, shall have primary responsibility