

103^D CONGRESS
1ST SESSION

H. R. 2155

To improve the negotiation and implementation of arms control treaties.

IN THE HOUSE OF REPRESENTATIVES

MAY 19, 1993

Mr. LANTOS (for himself and Mr. BERMAN) introduced the following bill;
which was referred to the Committee on Foreign Affairs

A BILL

To improve the negotiation and implementation of arms
control treaties.

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. PURPOSES.**

4 The purposes of this Act are—

5 (1) to provide renewed impetus in improving
6 the United States Government's ability to manage
7 the complex process of negotiating and implementing
8 arms control treaties;

9 (2) to provide central leadership and coordina-
10 tion to United States nonproliferation policy; and

1 (3) to improve congressional oversight of the
2 operating budget of the United States Arms Control
3 and Disarmament Agency.

4 **SEC. 2. ACDA DIRECTOR.**

5 (a) DIRECTOR.—Section 22 of the Arms Control and
6 Disarmament Act (22 U.S.C. 2562) is amended to read
7 as follows:

8 **“SEC. 22. DIRECTOR.**

9 “(a) APPOINTMENT.—The Agency shall be headed by
10 a Director, who shall be appointed by the President, by
11 and with the advice and consent of the Senate. No person
12 serving on active duty as a commissioned officer of the
13 Armed Forces of the United States may be appointed
14 Director.

15 “(b) DUTIES.—The Director shall serve as the prin-
16 cipal adviser to the President and other executive branch
17 officials on matters relating to arms control, disarmament,
18 and nonproliferation. In carrying out his or her duties
19 under this Act, the Director, under the guidance of the
20 Secretary of State, shall have primary responsibility for
21 matters relating to arms control, disarmament, and non-
22 proliferation, as defined by this Act.”.

23 (b) PERMANENT MEMBERSHIP ON NATIONAL SECUR-
24 RITY COUNCIL.—Section 101(a) of the National Security
25 Act of 1947 (50 U.S.C. 402(a)) is amended—

1 (1) by redesignating paragraphs (5) through
2 (7) as paragraphs (6) through (8), respectively; and

3 (2) by inserting after paragraph (4) the follow-
4 ing new paragraph (5):

5 “(5) the Director of the United States Arms
6 Control and Disarmament Agency;”.

7 **SEC. 3. SPECIAL REPRESENTATIVES.**

8 (a) IN GENERAL.—Section 27 of the Arms Control
9 and Disarmament Act (22 U.S.C. 2567) is amended to
10 read as follows:

11 **“SEC. 27. SPECIAL REPRESENTATIVES.**

12 “(a) APPOINTMENT.—The President may appoint, by
13 and with the advice and consent of the Senate, Special
14 Representatives of the President for Arms Control and
15 Nonproliferation. Each Presidential Special Representa-
16 tive shall hold the personal rank of ambassador.

17 “(b) DUTIES.—Presidential Special Representatives
18 shall perform their duties and exercise their powers under
19 direction of the President, acting through the Director.
20 One such Special Representative shall serve as the United
21 States Governor to the Board of Governors of the Inter-
22 national Atomic Energy Agency.

23 “(c) ADMINISTRATIVE SUPPORT.—The Agency shall
24 be the Government agency responsible for providing ad-
25 ministrative support, including funding, staff, and office

1 space, to all Presidential Special Representatives ap-
2 pointed under this section.”.

3 (b) CONFORMING AMENDMENT.—Section 5315 of
4 title 5, United States Code, is amended by striking “Spe-
5 cial Representatives for Arms Control and Disarmament
6 Negotiations, United States Arms Control and Dis-
7 armament Agency (2).” and inserting “Special Represent-
8 atives of the President for Arms Control and Nonprolifera-
9 tion.”.

10 **SEC. 4. NEGOTIATION MANAGEMENT.**

11 Section 34 of the Arms Control and Disarmament
12 Act (22 U.S.C. 2574) is amended to read as follows:

13 **“SEC. 34. NEGOTIATIONS AND RELATED FUNCTIONS.**

14 “The Director shall have primary responsibility for
15 the preparation and management of United States partici-
16 pation in all international negotiations and implementa-
17 tion forums in the fields of arms control, disarmament,
18 and nonproliferation. To this end—

19 “(1) the Director shall have primary respon-
20 sibility for the preparation, formulation, support,
21 and transmission of instructions and guidance for all
22 such negotiations and forums, and shall manage
23 interagency groups established within the executive
24 branch to support such negotiations and forums; and

1 “(2) all United States Government representa-
2 tives conducting negotiations or acting pursuant to
3 agreements in the fields of arms control, dis-
4 armament, or nonproliferation shall perform their
5 duties and exercise their powers, under the direction
6 of the President, acting through the Director.”.

7 **SEC. 5. PARTICIPATION OF ACDA DIRECTOR IN CERTAIN**
8 **DELIBERATIONS.**

9 (a) ARMS EXPORT CONTROL ACT.—(1) Section
10 38(a)(2) of the Arms Export Control Act (22 U.S.C.
11 2778(a)(2)) is amended to read as follows:

12 “(2) Decisions on issuing export licenses under this
13 section shall be made in coordination with the Director
14 of the United States Arms Control and Disarmament
15 Agency, taking into account the Director’s assessment as
16 to whether the export of an article will contribute to an
17 arms race, aid in the development of weapons of mass de-
18 struction, support international terrorism, increase the
19 possibility of outbreak or escalation of conflict, or preju-
20 dice the development of bilateral or multilateral arms
21 control or nonproliferation agreements or other bilateral
22 arrangements.”.

23 (2) Section 42(a) of such Act (22 U.S.C. 2791(a))
24 is amended by striking out all that follows “(3)” in the
25 last sentence and inserting the following: “the assessment

1 of the Director of the United States Arms Control and
2 Disarmament Agency as to the extent to which such sale
3 might contribute to an arms race, aid in the development
4 of weapons of mass destruction, support international ter-
5 rorism, increase the possibility of outbreak or escalation
6 of conflict, or prejudice the development of bilateral or
7 multilateral arms control or nonproliferation agreements
8 or other arrangements. No decision shall be made over the
9 objection of the Director unless the Director has been in-
10 formed in writing of the reasons why the Director's opin-
11 ion was not deemed sufficient to deny the proposed sale,
12 and afforded a reasonable opportunity to appeal the pro-
13 posed decision.”.

14 (3) Section 71 of such Act (22 U.S.C. 2797) is
15 amended—

16 (A) in subsection (a) by inserting “, the Direc-
17 tor of the United States Arms Control and Disar-
18 mament Agency,” after “Secretary of Defense”;

19 (B) in subsection 7(b)(1) inserting “and the Di-
20 rector of the United States Arms Control and Disar-
21 mament Agency” after “Secretary of Defense”; and

22 (C) in subsection (b)(2)—

23 (i) by striking out “and the Secretary of
24 Commerce” and inserting in lieu thereof “, the
25 Secretary of Commerce, and the Director of the

1 United States Arms Control and Disarmament
2 Agency”; and

3 (ii) by striking the comma after “appli-
4 cant” and all that follows through “docu-
5 ments”.

6 (b) ATOMIC ENERGY ACT.—(1) Section 131 b. of the
7 Atomic Energy Act of 1954 (42 U.S.C. 2160(b)) is
8 amended—

9 (A) in paragraph (2) by inserting “and the Di-
10 rector of the United States Arms Control and Disar-
11 mament Agency” after “Secretary of State”; and

12 (B) in paragraph (3) by inserting “and the Di-
13 rector of the United States Arms Control and Disar-
14 mament Agency” after “Secretary of State”.

15 (2) Section 142 of such Act (42 U.S.C. 2162) is
16 amended by adding at the end thereof the following new
17 subsection:

18 “(f) All determinations under this section to remove
19 data from the Restricted Data category shall be made only
20 after consultation with the Director of the United States
21 Arms Control and Disarmament Agency. If the Commis-
22 sion, the Department of Defense, and the Director do not
23 agree, the determination shall be made by the President.”.

1 (c) NUCLEAR NON-PROLIFERATION ACT.—Section
2 309(c) of the Nuclear Non-Proliferation Act of 1978 (42
3 U.S.C. 2139a) is amended to read as follows:

4 “(c)(1) The Department of Commerce shall maintain
5 controls over all export items, other than those licensed
6 by the Commission, which could be, if used for purposes
7 other than those for which the export is intended, of sig-
8 nificance for nuclear explosive purposes.

9 “(2) The Commission shall not grant any individual,
10 distribution, or project license for the export of items con-
11 trolled pursuant to paragraph (1) without prior consulta-
12 tion with the Department of State, the United States
13 Arms Control and Disarmament Agency, the Commission,
14 the Department of Energy, and the Department of De-
15 fense.

16 “(3)(A) The Secretary of Commerce shall, within 90
17 days after the date of enactment of this paragraph, estab-
18 lish orderly and expeditious procedures which are mutually
19 agreeable to the Secretary of State, the Secretary of De-
20 fense, the Secretary of Energy, the Director of the United
21 States Arms Control and Disarmament Agency, and the
22 Nuclear Regulatory Commission. These procedures shall
23 include provision for establishing the list of export items
24 required by paragraph (1), for permitting automated ac-
25 cess to all license applications for such items to all agen-

1 cies listed in paragraph (2), and for formal interagency
2 referral of license applications for the export of items on
3 the list.

4 “(B) The procedures in effect under this subsection
5 on the date of enactment of this paragraph shall cease
6 to apply 90 days after the date of enactment of this para-
7 graph or upon the effective date of the new procedures
8 required by this paragraph, whichever occurs first.”.

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