

Chapter 22—Foreign Relations

Executive Order 12654—Delegating authority to provide assistance for the Nicaraguan resistance

SOURCE: The provisions of Executive Order 12654 of Oct. 7, 1988, appear at 53 FR 2000, 3 CFR, 1988 Comp., p. 583, unless otherwise noted.

By virtue of the authority vested in me as President by the Constitution and laws of the United States of America, including the Department of Defense Appropriations Act, 1989, Public Law 100-463 ("the Act"), Public Law 100-276, the Foreign Assistance Act of 1961, as amended (22 U.S.C. 2151 *et seq.*), and section 301 of title 3 of the United States Code, and in order to delegate certain functions concerning the designation of amounts to be transferred from specified accounts, the transfer of funds, and related personnel matters, it is hereby ordered as follows:

SECTION 1. The Secretary of Defense, in consultation with the Administrator of the Agency for International Development, is authorized to perform the functions, vested in the President by Section 9006 of the Act, of transferring unobligated funds from the accounts specified in Section 9011 of the Act.

Sec. 2. The Secretary of Defense is authorized to perform the function of designating the amounts of unobligated funds from accounts specified in Section 9011 of the Act for use as specified in Sections 9006, 9008, and 9014 of the Act.

Sec. 3. The Director of the Office of Management and Budget is authorized to perform the function of approving the detailing of personnel to the Agency for International Development. This authority is vested in the President by Section 4(d) of Public Law 100-276 and made applicable by Section 9014(d) of the Act.

Sec. 4. This Order shall be effective immediately.

SUBCHAPTER E—ARMS CONTROL AND NUCLEAR NONPROLIFERATION**Executive Order 11044—Interagency coordination of arms control and disarmament matters**

SOURCE: The provisions of Executive Order 11044 of Aug. 20, 1962, appear at 27 FR 811, 3 CFR, 1959-1963 Comp., p. 627, unless otherwise noted.

WHEREAS there has been established by law the United States Arms Control and Disarmament Agency; and

WHEREAS the Arms Control and Disarmament Act provides that the Director of that Agency shall be the principal adviser to the Secretary of State and the President on arms control and disarmament matters and requires the Director to assume primary responsibility within the Government for such matters under the direction of the Secretary of State; and

WHEREAS the Act authorizes and directs the said Director to coordinate significant aspects of the United States arms control and disarmament policy and related matters; and

WHEREAS it is desirable that the President establish procedures for coordination, and for the resolution of differences of opinion between the United States Arms Control and Disarmament Agency and other

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affected Government agencies, concerning all significant aspects of arms control and disarmament policy and related matters:

NOW, THEREFORE, by virtue of the authority vested in me by the Arms Control and Disarmament Act (75 Stat. 631; 50 U.S.C. 1501 et seq.), and as President of the United States, it is hereby ordered as follows:

SECTION 1. Definitions. As used hereinafter:

(a) The word "Director" means the Director of the United States Arms Control and Disarmament Agency.

(b) The term "affected agencies" shall include the Department of Defense, the Atomic Energy Commission,¹ the Central Intelligence Agency, the National Aeronautics and Space Administration, and when not inappropriate in the context, the United States Arms Control and Disarmament Agency, and shall include also such other agencies as the Director may designate hereunder.

(c) The terms "arms control" and "disarmament" shall be defined as they are defined in section 3(a) of the Arms Control and Disarmament Act.

(d) The term "related matters" shall include those matters which are necessary to, desirable for, or otherwise directly connected with the functions described in sections 3 and 4 of this order.

SEC. 2. Cooperation. The Director and the heads of affected agencies shall keep each other fully and currently informed on all significant aspects of United States arms control and disarmament policy and related matters, including current and prospective policies, plans and programs. Differences of opinion concerning arms control and disarmament policy and related matters arising between the United States Arms Control and Disarmament Agency and other affected agencies with respect to such subjects which involve major matters of policy and cannot be resolved through consultation shall be promptly referred to the President for decision. In such instances the head of an agency presenting recommendations with respect to such differences to the President shall give the heads of affected agencies notice of the occasion for and substance of his recommendations.

SEC. 3. Policy coordination. (a) The Director shall establish procedures consistent with this order and the Arms Control and Disarmament Act to assure coordination of:

(1) his recommendations to the Secretary of State and the President and to the heads of affected agencies relating to United States arms control and disarmament policy;

(2) Government planning for the conduct and support of research and arms control and disarmament policy formulation, including the development of a comprehensive and balanced plan provided for in Section 4 of this order;

(3) Government planning for the dissemination of public information concerning arms control and disarmament;

¹ EDITORIAL NOTE: The Atomic Energy Commission was abolished and its functions were transferred to the Energy Research and Development Administration and the Federal Civilian Control Commission by the Energy Reorganization Act of 1974 (Pub. Law 93-438, 88 Stat. 1233). The functions of the Energy Research and Development Administration were transferred to the Department of Energy by the Department of Energy Organization Act (91 Stat. 565, 42 U.S.C. 7151), effective October 1, 1977.

(4) the preparation of international arms control and disarmament matters are referred upon to the agencies concerned.

(5) The Director shall conduct policy formulation of Federal affected agencies in order to coordinate activities with agencies, together with the Director.

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SECTION 1. referred upon to the agencies concerned.

(a) Those functions (a)(1), (b) That the Secretary delegated to him find, in the case of training or other organization whether the United States

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

(5) 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.

(b) The Director shall exercise leadership in assuring that differences of opinion concerning arms control and disarmament policy and related matters are resolved expeditiously and shall take such steps as may be appropriate in order to produce common or harmonious action among the agencies concerned.

SEC. 4. *Research.* With the advice and assistance of affected agencies, the Director shall develop and keep current a comprehensive and balanced program of research, development and other studies needed to be conducted by or for the Government for arms control and disarmament policy formulation. The Director shall maintain a continuing inventory of Federal activities related to the planned program and advise the affected agencies as to their respective participations in the planned program in order to produce harmonious action and prevent duplication of effort. The Director shall periodically submit to the Director of the Office of Management and Budget a consolidated schedule of such activities with assessments of their respective programs by the responsible agencies, together with his evaluations regarding these activities.

[Sec. 4 amended by EO 12608 of Sept. 9, 1987, 52 FR 34617, 3 CFR, 1987 Comp., p. 245]

SEC. 5. *Force and armament levels.* The Secretary of Defense shall keep the Director informed with respect to the planning of armed forces levels and armaments and, for consideration in connection with such planning, the Director shall furnish the Secretary of Defense statements of existing and projected arms control and disarmament policies.

Executive Order 11958—Administration of arms export controls

SOURCE: The provisions of Executive Order 11958 of Jan. 18, 1977, appear at 42 FR 411, 3 CFR, 1977 Comp., p. 79, unless otherwise noted.

By virtue of the authority vested in me by the Constitution and statutes of the United States of America, including the Arms Export Control Act, as amended (22 U.S.C. 2751 *et seq.*), and Section 301 of Title 3 of the United States Code, and as President of the United States of America, it is hereby ordered as follows:

SECTION 1. *Delegation of Functions.* The following functions conferred upon the President by the Arms Export Control Act (22 U.S.C. 2751 *et seq.*), hereinafter referred to as the Act, are delegated as follows:

(a) Those under Section 3 of the Act, with the exception of subsections (a)(1), (b), (c)(3), (c)(4), and (f) to the Secretary of State: *Provided*, That the Secretary of State, in the implementation of the functions delegated to him under Sections 3 (a) and (d) of the Act, is authorized to find, in the case of a proposed transfer of a defense article or related training or other defense service by a foreign country or international organization not otherwise eligible under Section 3(a)(1) of the Act, whether the proposed transfer will strengthen the security of the United States and promote world peace.