

tories with weapons of mass destruction, ballistic missiles, or cruise missiles as of November 18, 1997, an estimate of how far in advance the United States is likely to be warned before such foreign country or non-State organization achieves that capability.

(8) For each foreign country or non-State organization that has not achieved the capability to target members of the United States Armed Forces deployed abroad with weapons of mass destruction, ballistic missiles, or cruise missiles as of November 18, 1997, an estimate of how far in advance the United States is likely to be warned before such foreign country or non-State organization achieves that capability.

(d) Classification

Each report under subsection (a) of this section shall be submitted in classified and unclassified form.

(Pub. L. 105–85, div. A, title II, §234, Nov. 18, 1997, 111 Stat. 1664.)

CODIFICATION

Section was enacted as part of the National Defense Authorization Act for Fiscal Year 1998, and not as part of the Defense Against Weapons of Mass Destruction Act of 1996 which comprises this chapter.

CHANGE OF NAME

Reference to the Director of Central Intelligence or the Director of the Central Intelligence Agency in the Director's capacity as the head of the intelligence community deemed to be a reference to the Director of National Intelligence. Reference to the Director of Central Intelligence or the Director of the Central Intelligence Agency in the Director's capacity as the head of the Central Intelligence Agency deemed to be a reference to the Director of the Central Intelligence Agency. See section 1081(a), (b) of Pub. L. 108–458, set out as a note under section 401 of this title.

REPORT ON IRAN'S CAPABILITY TO PRODUCE NUCLEAR WEAPONS

Pub. L. 110–417, [div. A], title XII, §1234, Oct. 14, 2008, 122 Stat. 4640, provided that:

“(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act [Oct. 14, 2008], and annually thereafter, the Director of National Intelligence shall submit to Congress a report on Iran's capability to produce nuclear weapons. The report required under this subsection may be submitted in classified form.

“(b) MATTERS TO BE INCLUDED.—The report required under subsection (a) shall include the following:

“(1) The locations, types, and number of centrifuges and other specialized equipment necessary for the enrichment of uranium and any plans to acquire, manufacture, and operate such equipment in the future.

“(2) An estimate of the amount, if any, of highly enriched uranium and weapons grade plutonium acquired or produced to date, an estimate of the amount of weapons grade plutonium that is likely to be produced or acquired in the near- and midterms and the amount of highly enriched uranium that is likely to be produced or acquired in the near- and midterms, and the number of nuclear weapons that could be produced with such materials.

“(3) A evaluation of the extent to which security and safeguards at any nuclear site prevent, slow, verify, or help monitor the enrichment of uranium or the reprocessing of plutonium into weapons-grade materials.

“(4) A description of any weaponization activities, such as the research, design, development, or testing of nuclear weapons or weapons-related components.

“(5) A description of any programs to construct, acquire, test, or improve methods to deliver nuclear weapons, including an assessment of the likely progress of such programs in the near- and midterms.

“(6) A summary of assessments made by allies of the United States of Iran's nuclear weapons program and nuclear-capable delivery systems programs.

“(c) NOTIFICATION.—The President shall notify Congress, in writing, within 15 days of determining that—

“(1) Iran has resumed a nuclear weapons program;

“(2) Iran has met or surpassed any major milestone in its nuclear weapons program; or

“(3) Iran has undertaken to accelerate, decelerate, or cease the development of any significant element within its nuclear weapons program.”

§ 2368. Annual reports on the proliferation of missiles and essential components of nuclear, biological, chemical, and radiological weapons

(a) Report

Not later than March 1, 2003, and annually thereafter, the President shall transmit to the designated congressional committees an annual report on the transfer by any country of weapons, technology, components, or materials that can be used to deliver, manufacture (including research and experimentation), or weaponize nuclear, biological, chemical or radiological weapons (in this section referred to as “NBC weapons”) to any country other than a country referred to in subsection (d) of this section that is seeking to possess or otherwise acquire such weapons, technology, or materials, or other system that the Secretary or the Secretary of Defense has reason to believe could be used to develop, acquire, or deliver NBC weapons.

(b) Matters to be included

Each such report shall include—

(1) the transfer of all aircraft, cruise missiles, artillery weapons, unguided rockets and multiple rocket systems, and related bombs, shells, warheads and other weaponization technology and materials that the Secretary or the Secretary of Defense has reason to believe may be intended for the delivery of NBC weapons;

(2) international transfers of MTCR equipment or technology to any country that is seeking to acquire such equipment or any other system that the Secretary or the Secretary of Defense has reason to believe may be used to deliver NBC weapons; and

(3) the transfer of technology, test equipment, radioactive materials, feedstocks and cultures, and all other specialized materials that the Secretary or the Secretary of Defense has reason to believe could be used to manufacture NBC weapons.

(c) Content of report

Each such report shall include the following with respect to preceding¹ calendar year:

(1) The status of missile, aircraft, and other NBC weapons delivery and weaponization programs in any such country, including efforts by such country or by any subnational group to acquire MTCR-controlled equipment, NBC-capable aircraft, or any other weapon or major

¹ So in original. Probably should be preceded by “the”.

weapon component which may be utilized in the delivery of NBC weapons, whose primary use is the delivery of NBC weapons, or that the Secretary or the Secretary of Defense has reason to believe could be used to deliver NBC weapons.

(2) The status of NBC weapons development, acquisition, manufacture, stockpiling, and deployment programs in any such country, including efforts by such country or by any subnational group to acquire essential test equipment, manufacturing equipment and technology, weaponization equipment and technology, and radioactive material, feedstocks or components of feedstocks, and biological cultures and toxins.

(3) A description of assistance provided by any person or government, after September 30, 2002, to any such country or subnational group in the acquisition or development of—

(A) NBC weapons;

(B) missile systems, as defined in the MTCR or that the Secretary or the Secretary of Defense has reason to believe may be used to deliver NBC weapons; and

(C) aircraft and other delivery systems and weapons that the Secretary or the Secretary of Defense has reason to believe could be used to deliver NBC weapons.

(4) A listing of those persons and countries that continue to provide such equipment or technology described in paragraph (3) to any country or subnational group as of the date of submission of the report, including the extent to which foreign persons and countries were found to have knowingly and materially assisted such programs.

(5) A description of the use of, or substantial preparations to use, the equipment of technology described in paragraph (3) by any foreign country or subnational group.

(6) A description of the diplomatic measures that the United States, and that other adherents to the MTCR and other arrangements affecting the acquisition and delivery of NBC weapons, have made with respect to activities and private persons and governments suspected of violating the MTCR and such other arrangements.

(7) An analysis of the effectiveness of the regulatory and enforcement regimes of the United States and other countries that adhere to the MTCR and other arrangements affecting the acquisition and delivery of NBC weapons in controlling the export of MTCR and other NBC weapons and delivery system equipment or technology.

(8) A summary of advisory opinions issued under section 2410b(b)(4) of the Appendix to this title and under section 2797b(d) of title 22.

(9) An explanation of United States policy regarding the transfer of MTCR equipment or technology to foreign missile programs, including programs involving launches of space vehicles.

(10) A description of each transfer by any person or government during the preceding 12-month period which is subject to sanctions under the Iran-Iraq Arms Non-Proliferation Act of 1992 (title XVI of Public Law 102-484).

(d) Exclusions

The countries excluded under subsection (a) of this section are Australia, Belgium, Canada, the Czech Republic, Denmark, France, Germany, Greece, Hungary, Iceland, Italy, Japan, Luxembourg, the Netherlands, New Zealand, Norway, Poland, Portugal, Spain, Turkey, the United Kingdom, and the United States.

(e) Classification of report

The Secretary shall make every effort to submit all of the information required by this section in unclassified form. Whenever the Secretary submits any such information in classified form, the Secretary shall submit such classified information in an addendum and shall also submit concurrently a detailed summary, in unclassified form, of that classified information.

(f) Definitions

In this section:

(1) Designated congressional committees

The term “designated congressional committees” means—

(A) the Committee on Appropriations, the Committee on Armed Services, and the Committee on International Relations of the House of Representatives; and

(B) the Committee on Appropriations, the Committee on Armed Services, and the Committee on Foreign Relations of the Senate.

(2) Missile; MTCR; MTCR equipment or technology

The terms “missile”, “MTCR”, and “MTCR equipment or technology” have the meanings given those terms in section 2797c of title 22.

(3) Person

The term “person” means any United States or foreign individual, partnership, corporation, or other form of association, or any of its successor entities, parents, or subsidiaries.

(4) Weaponize; weaponization

The term “weaponize” or “weaponization” means to incorporate into, or the incorporation into, usable ordnance or other militarily useful means of delivery.

(Pub. L. 107-228, div. B, title XIII, § 1308, Sept. 30, 2002, 116 Stat. 1439.)

REFERENCES IN TEXT

The Iran-Iraq Arms Non-Proliferation Act of 1992, referred to in subsec. (c)(10), is title XVI of div. A of Pub. L. 102-484, Oct. 23, 1992, 106 Stat. 2571, as amended, which is set out as a note under section 1701 of this title.

CODIFICATION

Section is comprised of section 1308 of Pub. L. 107-228. Subsec. (g) of section 1308 of Pub. L. 107-228 repealed section 5606 of Title 22, Foreign Relations and Intercourse, amended provisions set out as notes under section 1701 of this title and section 2656 of Title 22, and repealed provisions set out as a note under section 2751 of Title 22.

Section was enacted as part of the Security Assistance Act of 2002, and also as part of the Foreign Relations Authorization Act, Fiscal Year 2003, and not as part of the Defense Against Weapons of Mass Destruction Act of 1996 which comprises this chapter.

CHANGE OF NAME

Committee on International Relations of House of Representatives changed to Committee on Foreign Af-

fairs of House of Representatives by House Resolution No. 6, One Hundred Tenth Congress, Jan. 5, 2007.

DELEGATION OF FUNCTIONS

For delegation of congressional reporting functions of President under subsec. (a) of this section, see section 1 of Ex. Ord. No. 13313, July 31, 2003, 68 F.R. 46073, set out as a note under section 301 of Title 3, The President.

DEFINITIONS

For definition of “Secretary” as used in this section, see section 3 of Pub. L. 107-228, set out as a note under section 2651 of Title 22, Foreign Relations and Intercourse.

§ 2369. Repealed. Pub. L. 111-84, div. A, title X, § 1055(f), Oct. 28, 2009, 123 Stat. 2462, as amended by Pub. L. 111-383, div. A, title X, § 1075(d)(13), Jan. 7, 2011, 124 Stat. 4373

Section, Pub. L. 104-293, title VII, §722, as added Pub. L. 107-314, div. A, title XII, §1209(a), Dec. 2, 2002, 116 Stat. 2668, related to semiannual report on contributions of foreign persons to weapons of mass destruction and delivery systems efforts of countries of proliferation concern. See section 2371 of this title.

§ 2370. Notification of Committees on Armed Services with respect to certain non-proliferation and proliferation activities

(a) Notification with respect to nonproliferation activities

The Secretary of Defense, the Secretary of Energy, the Secretary of Commerce, the Secretary of State, and the Nuclear Regulatory Commission shall keep the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives informed with respect to—

(1) any activities undertaken by any such Secretary or the Commission to carry out the purposes and policies of the Secretaries and the Commission with respect to nonproliferation programs; and

(2) any other activities undertaken by any such Secretary or the Commission to prevent the proliferation of nuclear, chemical, or biological weapons or the means of delivery of such weapons.

(b) Notification with respect to proliferation activities in foreign nations

(1) In general

The Director of National Intelligence shall keep the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives fully and currently informed with respect to any activities of foreign nations that are significant with respect to the proliferation of nuclear, chemical, or biological weapons or the means of delivery of such weapons.

(2) Fully and currently informed defined

For purposes of paragraph (1), the term “fully and currently informed” means the transmittal of credible information with respect to an activity described in such paragraph not later than 60 days after becoming aware of the activity.

(Pub. L. 110-417, [div. A], title X, §1062, Oct. 14, 2008, 122 Stat. 4614.)

CODIFICATION

Section was enacted as part of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009, and not as part of the Defense Against Weapons of Mass Destruction Act of 1996 which comprises this chapter.

§ 2371. Report on nuclear aspirations of non-state entities, nuclear weapons and related programs in non-nuclear-weapons states and countries not parties to the Nuclear Non-Proliferation Treaty, and certain foreign persons

(a) In general

The Director of National Intelligence shall biennially submit to the congressional defense committees, the Select Committee on Intelligence of the Senate, the Permanent Select Committee on Intelligence of the House of Representatives, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives a report—

(1) on the nuclear weapons programs and any related programs of countries that are non-nuclear-weapons state parties to the Treaty on Non-Proliferation of Nuclear Weapons, done at Washington, London, and Moscow July 1, 1968, and entered into force March 5, 1970 (commonly known as the “Nuclear Non-Proliferation Treaty”) and countries that are not parties to the Treaty;

(2) on the nuclear weapons aspirations of such non-state entities as the Director considers appropriate to include in the report; and

(3) that identifies each foreign person that, during the period covered by the report, made a material contribution to the research, development, production, or acquisition by a country of proliferation concern of—

(A) weapons of mass destruction (including nuclear weapons, chemical weapons, or biological weapons); or

(B) ballistic or cruise missile systems.

(b) Elements

The report required under subsection (a) shall include, with respect to each country described in subsection (a)(1) and each non-state entity referred to in subsection (a)(2), the following:

(1) A statement of the number of nuclear weapons possessed by such country or non-state entity.

(2) An estimate of the total number of nuclear weapons that such country or non-state entity seeks to obtain and, in the case of such non-state entity, an assessment of the extent to which such non-state entity is seeking to develop a nuclear weapon or device or radiological dispersion device.

(3) A description of the technical characteristics of any nuclear weapons possessed by such country or non-state entity.

(4) A description of nuclear weapons designs available to such country or non-state entity.

(5) A description of any sources of assistance with respect to nuclear weapons design provided to or by such country or non-state entity and, in the case of assistance provided by such country or non-state entity, a description of to whom such assistance was provided.

(6) An assessment of the annual capability of such country and non-state entity to produce new or newly designed nuclear weapons.