

§ 2349bb-2a. International nonproliferation export control training

(a) General authority

The President is authorized to furnish, on such terms and conditions consistent with this part (but whenever feasible on a reimbursable basis), education and training to appropriate military and civilian personnel of foreign countries for the purpose of enhancing the nonproliferation and export control capabilities of such personnel through their attendance in special courses of instruction conducted by the United States.

(b) Administration of courses

The Secretary of State shall have overall responsibility for the development and conduct of international nonproliferation education and training programs under this section, and may utilize other departments and agencies of the United States, as appropriate, to recommend personnel for the education and training and to administer specific courses of instruction.

(c) Purposes

Education and training activities conducted under this section shall be—

- (1) of a technical nature, emphasizing techniques for detecting, deterring, monitoring, interdicting, and countering proliferation;
- (2) designed to encourage effective and mutually beneficial relations and increased understanding between the United States and friendly countries; and
- (3) designed to improve the ability of friendly countries to utilize their resources with maximum effectiveness, thereby contributing to greater self-reliance by such countries.

(d) Priority to certain countries

In selecting personnel for education and training pursuant to this section, priority should be given to personnel from countries determined by the Secretary of State to be countries frequently transited by proliferation-related shipments of cargo.

(Pub. L. 87-195, pt. II, § 584, as added Pub. L. 107-228, div. B, title XIII, § 1303(2), Sept. 30, 2002, 116 Stat. 1436.)

PRIOR PROVISIONS

A prior section 584 of Pub. L. 87-195 was renumbered section 585 and is classified to section 2349bb-3 of this title.

§ 2349bb-3. Limitations

The limitations contained in section 2349aa-2(a) and (d) of this title shall apply to this part.

(Pub. L. 87-195, pt. II, § 585, formerly § 584, as added Pub. L. 106-280, title III, § 301, Oct. 6, 2000, 114 Stat. 852; renumbered § 585, Pub. L. 107-228, div. B, title XIII, § 1303(1), Sept. 30, 2002, 116 Stat. 1436.)

PRIOR PROVISIONS

A prior section 585 of Pub. L. 87-195 was renumbered section 586 and is classified to section 2349bb-4 of this title.

§ 2349bb-4. Authorization of appropriations

(a) Authorization of appropriations

There are authorized to be appropriated to the President to carry out this part \$162,000,000 for fiscal year 2003.

(b) Availability of funds

Funds made available under subsection (a) of this section may be used notwithstanding any other provision of law (other than section 2304 or 2371 of this title) and shall remain available until expended.

(c) Treatment of appropriations

Amounts made available by the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2002, under “Nonproliferation, Antiterrorism, Demining, and Related Programs” and “Assistance for the Independent States of the Former Soviet Union” accounts for the activities described in subsection (d) of this section shall be considered to be made available pursuant to this part.

(d) Covered activities

The activities referred to in subsection (c) of this section are—

- (1) assistance under the Nonproliferation and Disarmament Fund;
- (2) assistance for science and technology centers in the independent states of the former Soviet Union;
- (3) export control assistance; and
- (4) export control and border assistance under part XI of subchapter I of this chapter or the FREEDOM Support Act (22 U.S.C. 5801 et seq.).

(Pub. L. 87-195, pt. II, § 586, formerly § 585, as added Pub. L. 106-280, title III, § 301, Oct. 6, 2000, 114 Stat. 852; renumbered § 586 and amended Pub. L. 107-228, div. B, title XIII, §§ 1301(a), 1303(1), Sept. 30, 2002, 116 Stat. 1435, 1436.)

REFERENCES IN TEXT

The Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2002, referred to in subsec. (c), is Pub. L. 107-115, Jan. 10, 2002, 115 Stat. 2118, also known as the Kenneth M. Ludden Foreign Operations, Export Financing, and Related Programs Appropriations Act, Fiscal Year 2002. For complete classification of this Act to the Code, see Tables.

The FREEDOM Support Act, referred to in subsec. (d)(4), is Pub. L. 102-511, Oct. 24, 1992, 106 Stat. 3320, as amended, also known as the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992. For complete classification of this Act to the Code, see Short Title note set out under section 5801 of this title and Tables.

AMENDMENTS

2002—Subsec. (a). Pub. L. 107-228, § 1301(a)(1), substituted “\$162,000,000 for fiscal year 2003” for “\$129,000,000 for fiscal year 2001 and \$142,000,000 for fiscal year 2002”.

Subsec. (c). Pub. L. 107-228, § 1301(a)(2), struck out “fiscal year 2001” before “appropriations” in heading and substituted “2002” for “2001” in text.

DELEGATION OF FUNCTIONS

For delegation of functions of President under this section, see Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, as amended, set out as a note under section 2381 of this title.

§ 2349bb-5. Proliferation interdiction assistance

Consistent with section 2349bb-2 of this title, the President is authorized to provide assistance to friendly foreign countries for proliferation detection and interdiction activities and for developing complementary capabilities.

(Pub. L. 109-472, §10(a), Jan. 11, 2007, 120 Stat. 3557.)

CODIFICATION

Section was enacted as part of the Department of State Authorities Act of 2006, and not as part of the Foreign Assistance Act of 1961 which comprises this chapter.

§ 2349bb-6. Safeguarding and elimination of conventional arms**(a) In general**

The Secretary of State is authorized to secure, remove, or eliminate stocks of man-portable air defense systems (MANPADS), small arms and light weapons, stockpiled munitions, abandoned ordnance, and other conventional weapons, including tactical missile systems (hereafter in this section referred to as “MANPADS and other conventional weapons”), as well as related equipment and facilities, located outside the United States that are determined by the Secretary to pose a proliferation threat.

(b) Elements

The activities authorized under subsection (a) may include the following:

- (1) Humanitarian demining activities.
- (2) The elimination or securing of MANPADS.
- (3) The elimination or securing of other conventional weapons.
- (4) Assistance to countries in the safe handling and proper storage of MANPADS and other conventional weapons.
- (5) Cooperative programs with the North Atlantic Treaty Organization and other international organizations to assist countries in the safe handling and proper storage or elimination of MANPADS and other conventional weapons.
- (6) The utilization of funds for the elimination or safeguarding of MANPADS and other conventional weapons.
- (7) Activities to secure and safeguard MANPADS and other conventional weapons.
- (8) Actions to ensure that equipment and funds, including security upgrades at locations for the storage or disposition of MANPADS and other conventional weapons and related equipment that are determined by the Secretary of State to pose a proliferation threat, continue to be used for authorized purposes.

(c) Rule of construction

Nothing in this section shall be construed to affect the authorities of the Secretary of Defense.

(Pub. L. 109-472, §11, Jan. 11, 2007, 120 Stat. 3557.)

CODIFICATION

Section was enacted as part of the Department of State Authorities Act of 2006, and not as part of the Foreign Assistance Act of 1961 which comprises this chapter.

MAN-PORTABLE AIR-DEFENSE SYSTEMS ORIGINATING FROM LIBYA

Pub. L. 112-81, div. A, title XII, §1235, Dec. 31, 2011, 125 Stat. 1638, provided that:

“(a) STATEMENT OF POLICY.—Pursuant to section 11 of the Department of State Authorities Act of 2006 (22 U.S.C. 2349bb-6), the following is the policy of the United States:

“(1) To reduce and mitigate, to the greatest extent feasible, the threat posed to United States citizens and citizens of allies of the United States by man-portable air-defense systems (MANPADS) that were in Libya as of March 19, 2011.

“(2) To seek the cooperation of, and to assist, the Government of Libya and governments of neighboring countries and other countries (as determined by the President) to secure, remove, or eliminate stocks of man-portable air-defense systems described in paragraph (1) that pose a threat to United States citizens and citizens of allies of the United States.

“(3) To pursue, as a matter of priority, an agreement with the Government of Libya and governments of neighboring countries and other countries (as determined by the Secretary of State) to formalize cooperation with the United States to limit the availability, transfer, and proliferation of man-portable air-defense systems described in paragraph (1).

“(b) INTELLIGENCE COMMUNITY ASSESSMENT ON MANPADS IN LIBYA.—

“(1) IN GENERAL.—The Director of National Intelligence shall submit to the appropriate committees of Congress an assessment by the intelligence community that accounts for the disposition of, and the threat to United States citizens and citizens of allies of the United States posed by man-portable air-defense systems that were in Libya as of March 19, 2011. The assessment shall be submitted as soon as practicable, but not later than the end of the 45-day period beginning on the date of the enactment of this Act [Dec. 31, 2011].

“(2) ELEMENTS.—The assessment submitted under this subsection shall include the following:

“(A) An estimate of the number of man-portable air-defense systems that were in Libya as of March 19, 2011.

“(B) An estimate of the number of man-portable air-defense systems in Libya as of March 19, 2011, that are currently in the secure custody of the Government of Libya, the United States, an ally of the United States, a member of the North Atlantic Treaty Organization (NATO), or the United Nations.

“(C) An estimate of the number of man-portable air-defense systems in Libya as of March 19, 2011, that were destroyed, disabled, or otherwise rendered unusable during Operation Unified Protector and since the end of Operation Unified Protector.

“(D) An assessment of the number of man-portable air-defense systems that is the difference between the number of man-portable air-defense systems in Libya as of March 19, 2011, and the cumulative number of man-portable air-defense systems accounted for under subparagraphs (B) and (C), and the current disposition and locations of such man-portable air-defense systems.

“(E) An assessment of the number of man-portable air-defense systems that are currently in the custody of militias in Libya.

“(F) A list of any organizations designated as terrorist organizations by the Department of State, or affiliate organizations or members of such organizations, that are known or believed to have custody of any man-portable air-defense systems that were in the custody of the Government of Libya as of March 19, 2011.

“(G) An assessment of the threat posed to United States citizens and citizens of allies of the United States from unsecured man-portable air-defense systems (as defined in section 11 of the Department