

(4) increased spending and investment by the United States private sector on nonproliferation efforts in the independent states of the former Soviet Union make advisable the establishment of a coordinating body to ensure that United States public and private efforts are not in conflict, and to ensure that public spending on efforts by the independent states of the former Soviet Union is maximized to ensure efficiency and further United States national security interests.

(Pub. L. 107-228, div. B, title XIII, § 1332, Sept. 30, 2002, 116 Stat. 1448.)

#### SHORT TITLE

For short title of subtitle C (§§ 1331-1339) of title XIII of div. B of Pub. L. 107-228, which enacted this subchapter, as the “Nonproliferation Assistance Coordination Act of 2002”, see section 1331 of Pub. L. 107-228, set out as a note under section 2301 of this title.

### § 2357a. Definitions

#### (a) Independent states of the former Soviet Union

In this subchapter, the term “independent states of the former Soviet Union” has the meaning given the term in section 5801 of title 22.

#### (b) Appropriate committees of Congress

In this subchapter, the term “the appropriate committees of Congress” means the Committees on Foreign Relations, Armed Services, and Appropriations of the Senate and the Committees on International Relations, Armed Services, and Appropriations of the House of Representatives.

(Pub. L. 107-228, div. B, title XIII, § 1333, Sept. 30, 2002, 116 Stat. 1449.)

#### CHANGE OF NAME

Committee on International Relations of House of Representatives changed to Committee on Foreign Affairs of House of Representatives by House Resolution No. 6, One Hundred Tenth Congress, Jan. 5, 2007.

### § 2357b. Establishment of Committee on Nonproliferation Assistance

#### (a) In general

The President shall establish a mechanism to coordinate, with the maximum possible effectiveness and efficiency, the efforts of United States Government departments and agencies engaged in formulating policy and carrying out programs for achieving nonproliferation and threat reduction.

#### (b) Membership

The coordination mechanism established pursuant to subsection (a) of this section shall include—

- (1) representatives designated by—
  - (A) the Secretary of State;
  - (B) the Secretary of Defense;
  - (C) the Secretary of Energy;
  - (D) the Secretary of Commerce;
  - (E) the Attorney General; and
  - (F) the Director of the Office of Homeland Security, or the head of a successor department or agency; and

(2) such other executive branch officials as the President may select.

#### (c) Level of representation

To the maximum extent possible, each department<sup>1</sup> or agency’s representative designated pursuant to subsection (b)(1) of this section shall be an official of that department or agency who has been appointed by the President with the advice and consent of the Senate.

#### (d) Chair

The President shall designate an official to direct the coordination mechanism established pursuant to subsection (a) of this section. The official so designated may invite the head of any other department or agency of the United States to designate a representative of that department or agency to participate from time to time in the activities of the Committee.

(Pub. L. 107-228, div. B, title XIII, § 1334, Sept. 30, 2002, 116 Stat. 1449.)

### § 2357c. Purposes and authority

#### (a) Purposes

##### (1) In general

The primary purpose of the coordination mechanism established pursuant to section 2357b of this title should be—

(A) to exercise continuing responsibility for coordinating worldwide United States nonproliferation and threat reduction efforts to ensure that they effectively implement United States policy; and

(B) to enhance the ability of participating departments and agencies to anticipate growing nonproliferation areas of concern.

##### (2) Program monitoring and coordination

The coordination mechanism established pursuant to section 2357b of this title should have primary continuing responsibility within the executive branch of the Government for—

(A) United States nonproliferation and threat reduction efforts, and particularly such efforts in the independent states of the former Soviet Union; and

(B) coordinating the implementation of United States policy with respect to such efforts.

#### (b) Authority

In carrying out the responsibilities described in subsection (a) of this section, the coordination mechanism established pursuant to section 2357b of this title should have, at a minimum, the authority to—

(1) establish such subcommittees and working groups as it deems necessary;

(2) direct the preparation of analyses on issues and problems relating to coordination within and among United States departments and agencies on nonproliferation and threat reduction efforts;

(3) direct the preparation of analyses on issues and problems relating to coordination between the United States public and private sectors on nonproliferation and threat reduction efforts, including coordination between public and private spending on nonproliferation and threat reduction programs and co-

<sup>1</sup> So in original. Probably should be “department’s”.

ordination between public spending and private investment in defense conversion activities of the independent states of the former Soviet Union;

(4) provide guidance on arrangements that will coordinate, deconflict, and maximize the utility of United States public spending on nonproliferation and threat reduction programs, and particularly such efforts in the independent states of the former Soviet Union;

(5) encourage companies and nongovernmental organizations involved in nonproliferation efforts of the independent states of the former Soviet Union or other countries of concern to voluntarily report these efforts to it;

(6) direct the preparation of analyses on issues and problems relating to the coordination between the United States and other countries with respect to nonproliferation efforts, and particularly such efforts in the independent states of the former Soviet Union; and

(7) consider, and make recommendations to the President with respect to, proposals for such new legislation or regulations relating to United States nonproliferation efforts as may be necessary.

(Pub. L. 107-228, div. B, title XIII, § 1335, Sept. 30, 2002, 116 Stat. 1450.)

#### § 2357d. Administrative support

All United States departments and agencies shall provide, to the extent permitted by law, such information and assistance as may be requested by the coordination mechanism established pursuant to section 2357b of this title, in carrying out its functions and activities under this subchapter.

(Pub. L. 107-228, div. B, title XIII, § 1336, Sept. 30, 2002, 116 Stat. 1451.)

#### § 2357e. Confidentiality of information

Information which has been submitted to or received by the coordination mechanism established pursuant to section 2357b of this title in confidence shall not be publicly disclosed, except to the extent required by law, and such information shall be used by it only for the purpose of carrying out the functions set forth in this subchapter.

(Pub. L. 107-228, div. B, title XIII, § 1337, Sept. 30, 2002, 116 Stat. 1451.)

#### § 2357f. Statutory construction

Nothing in this subchapter—

(1) applies to the data-gathering, regulatory, or enforcement authority of any existing United States department or agency over nonproliferation efforts in the independent states of the former Soviet Union, and the review of those efforts undertaken by the coordination mechanism established pursuant to section 2357b of this title shall not in any way supersede or prejudice any other process provided by law; or

(2) applies to any activity that is reportable pursuant to title V of the National Security Act of 1947 [50 U.S.C. 3091 et seq.].

(Pub. L. 107-228, div. B, title XIII, § 1338, Sept. 30, 2002, 116 Stat. 1451.)

#### REFERENCES IN TEXT

The National Security Act of 1947, referred to in par. (2), is act July 26, 1947, ch. 343, 61 Stat. 495, which was formerly classified principally to chapter 15 (§ 401 et seq.) of this title, prior to editorial reclassification in chapter 44 (§ 3001 et seq.) of this title. Title V of the Act is now classified generally to subchapter III (§ 3091 et seq.) of chapter 44 of this title. For complete classification of this Act to the Code, see Tables.

#### § 2357g. Reporting and consultation

##### (a) Presidential report

Not later than 120 days after each inauguration of a President, the President shall submit a report to the Congress on his general and specific nonproliferation and threat reduction objectives and how the efforts of executive branch agencies will be coordinated most effectively, pursuant to section 2357b of this title, to achieve those objectives.

##### (b) Consultation

The President should consult with and brief, from time to time, the appropriate committees of Congress regarding the efficacy of the coordination mechanism established pursuant to section 2357b of this title in achieving its stated objectives.

(Pub. L. 107-228, div. B, title XIII, § 1339, Sept. 30, 2002, 116 Stat. 1451.)

#### SUBCHAPTER V—MISCELLANEOUS

#### § 2361. Sense of Congress concerning contracting policy

It is the sense of Congress that the Secretary of Defense, the Secretary of Energy, the Secretary of the Treasury, and the Secretary of State, to the extent authorized by law, should—

(1) contract directly with suppliers in independent states of the former Soviet Union when such action would—

(A) result in significant savings of the programs referred to in subchapter III of this chapter; and

(B) substantially expedite completion of the programs referred to in subchapter III of this chapter; and

(2) seek means to use innovative contracting approaches to avoid delay and increase the effectiveness of such programs and of the exercise of such authorities.

(Pub. L. 104-201, div. A, title XIV, § 1451, Sept. 23, 1996, 110 Stat. 2730.)

#### § 2362. Transfers of allocations among cooperative threat reduction programs

Congress finds that—

(1) the various Cooperative Threat Reduction programs are being carried out at different rates in the various countries covered by such programs; and

(2) it is necessary to authorize transfers of funding allocations among the various programs in order to maximize the effectiveness of United States efforts under such programs.

(Pub. L. 104-201, div. A, title XIV, § 1452, Sept. 23, 1996, 110 Stat. 2730.)