

the year of the report, and for the report submitted in 2009 and each year thereafter, a description of the PSI-related activities carried out during the fiscal year preceding the year of the report. The description shall include, for each fiscal year covered by the report—

(i) the amounts obligated and expended for such activities and the purposes for which such amounts were obligated and expended;

(ii) a description of the participation of each department or agency of the United States Government in such activities;

(iii) a description of the participation of each foreign country or entity in such activities;

(iv) a description of any assistance provided to a foreign country or entity participating in such activities in order to secure such participation, in response to such participation, or in order to improve the quality of such participation; and

(v) such other information as the Secretary of Defense and the Secretary of State determine should be included to keep Congress fully informed of the operation and activities of the PSI.

(3) Classification

The report required by paragraph (2) shall be in an unclassified form but may include a classified annex as necessary.

(c) Implementation report

Not later than 180 days after August 3, 2007, the President shall transmit to the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives and the Committee on Armed Services and the Committee on Foreign Relations of the Senate a report on the implementation of this section. The report shall include—

(1) the steps taken to implement the recommendations described in paragraph (3) of subsection (a); and

(2) the progress made toward implementing the matters described in paragraphs (1), (2), and (4) of subsection (a).

(d) GAO reports

The Government Accountability Office shall submit to Congress, for each of fiscal years 2007, 2009, and 2011, a report with its assessment of the progress and effectiveness of the PSI, which shall include an assessment of the measures referred to in subsection (a).

(Pub. L. 110-53, title XVIII, §1821, Aug. 3, 2007, 121 Stat. 493; Pub. L. 112-81, div. A, title X, §1067, formerly §1067(b), Dec. 31, 2011, 125 Stat. 1589, renumbered §1067, Pub. L. 112-239, div. A, title X, §1076(a)(20)(B), Jan. 2, 2013, 126 Stat. 1949.)

AMENDMENTS

2013—Subsec. (b)(2). Pub. L. 112-239, §1076(a)(20)(B), made technical amendment to directory language of Pub. L. 112-81, §1067. See 2011 Amendment note below.

2011—Subsec. (b)(2). Pub. L. 112-81, §1067, formerly §1067(b), as amended by Pub. L. 112-239, §1076(a)(20)(B), substituted “of each even-numbered year” for “of each year” in introductory provisions.

EFFECTIVE DATE OF 2013 AMENDMENT

Pub. L. 112-239, div. A, title X, §1076(a), Jan. 2, 2013, 126 Stat. 1947, provided that the amendment by section

1076(a)(20)(B) is effective Dec. 31, 2011, as if included in Pub. L. 112-81 as enacted.

ASSIGNMENT OF FUNCTIONS UNDER SECTION 1821(c) OF THE IMPLEMENTING RECOMMENDATIONS OF THE 9/11 COMMISSION ACT OF 2007

Memorandum of President of the United States, Mar. 28, 2008, 73 F.R. 19957, provided:

Memorandum for the Secretary of State

By virtue of the authority vested in me as President by the Constitution and the laws of the United States, including section 301 of title 3, United States Code, I hereby assign to you the functions of the President under section 1821(c) of the Implementing Recommendations of the 9/11 Commission Act of 2007 (Public Law 110-53).

In the performance of your responsibility under this memorandum, you shall, as appropriate, consult the heads of other departments and agencies.

You are authorized and directed to publish this memorandum in the Federal Register.

GEORGE W. BUSH.

§ 2912. Authority to provide assistance to cooperative countries

(a) In general

The President is authorized to provide assistance under subsection (b) to any country that cooperates with the United States and with other countries allied with the United States to prevent the transport and transshipment of items of proliferation concern in its national territory or airspace or in vessels under its control or registry.

(b) Types of assistance

The assistance authorized under subsection (a) consists of the following:

(1) Assistance under section 2763 of title 22.

(2) Assistance under chapters 4 (22 U.S.C. 2346 et seq.) and 5 (22 U.S.C. 2347 et seq.) of part II of the Foreign Assistance Act of 1961.

(3) Drawdown of defense¹ excess defense articles and services under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j).

(c) Congressional notification

Assistance authorized under this section may not be provided until at least 30 days after the date on which the President has provided notice thereof to the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives and the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate, in accordance with the procedures applicable to reprogramming notifications under section 634A(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2394-1(a)), and has certified to such committees that such assistance will be used in accordance with the requirement of subsection (e) of this section.

(d) Limitation

Assistance may be provided to a country under subsection (a) in no more than 3 fiscal years.

(e) Use of assistance

Assistance provided under this section shall be used to enhance the capability of the recipient

¹ So in original. The word “defense” probably should not appear before “excess”.

country to prevent the transport and transshipment of items of proliferation concern in its national territory or airspace, or in vessels under its control or registry, including through the development of a legal framework in that country to enhance such capability by criminalizing proliferation, enacting strict export controls, and securing sensitive materials within its borders, and to enhance the ability of the recipient country to cooperate in PSI operations.

(f) Limitation on ship or aircraft transfers

(1) Limitation

Except as provided in paragraph (2), the President may not transfer any excess defense article that is a vessel or an aircraft to a country that has not agreed, in connection with such transfer, that it will support and assist efforts by the United States, consistent with international law, to interdict items of proliferation concern until 30 days after the date on which the President has provided notice of the proposed transfer to the committees described in subsection (c) in accordance with the procedures applicable to reprogramming notifications under section 634A(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2394-1(a)), in addition to any other requirement of law.

(2) Exception

The limitation in paragraph (1) shall not apply to any transfer, not involving significant military equipment, in which the primary use of the aircraft or vessel will be for counternarcotics, counterterrorism, or counter-proliferation purposes.

(Pub. L. 110-53, title XVIII, §1822, Aug. 3, 2007, 121 Stat. 495.)

REFERENCES IN TEXT

The Foreign Assistance Act of 1961, referred to in subsec. (b)(2), is Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424. Chapters 4 and 5 of part II of the Act are classified generally to parts IV (§2346 et seq.) and V (§2347 et seq.), respectively, of subchapter II of chapter 32 of Title 22, Foreign Relations and Intercourse. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of Title 22 and Tables.

SUBCHAPTER II—ASSISTANCE TO ACCELERATE PROGRAMS TO PREVENT WEAPONS OF MASS DESTRUCTION PROLIFERATION AND TERRORISM

§ 2921. Statement of policy

It shall be the policy of the United States, consistent with the 9/11 Commission's recommendations, to eliminate any obstacles to timely obligating and executing the full amount of any appropriated funds for threat reduction and nonproliferation programs in order to accelerate and strengthen progress on preventing weapons of mass destruction (WMD) proliferation and terrorism. Such policy shall be implemented with concrete measures, such as those described in this chapter, including the removal and modification of statutory limits to executing funds, the expansion and strengthening of the Proliferation Security Initiative, the establishment of the Office of the United States Coordinator for the Prevention of Weapons of Mass Destruction

Proliferation and Terrorism under subchapter III, and the establishment of the Commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism under subtitle E.¹ As a result, Congress intends that any funds authorized to be appropriated to programs for preventing WMD proliferation and terrorism under this subchapter will be executed in a timely manner.

(Pub. L. 110-53, title XVIII, §1831, Aug. 3, 2007, 121 Stat. 496.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original "this title", meaning title XVIII of Pub. L. 110-53, which enacted this chapter, amended section 3021 of this title and sections 5952 and 5963 of Title 22, Foreign Relations and Intercourse, and amended provisions set out as notes under sections 2551 and 5952 of Title 22. For complete classification of title XVIII to the Code, see Tables.

Subtitle E, referred to in text, is subtitle E (§§1851-1859) of title XVIII of Pub. L. 110-53, Aug. 3, 2007, 121 Stat. 501, which is not classified to the Code.

§ 2922. Authorization of appropriations for the Department of Defense Cooperative Threat Reduction Program

(a) Fiscal year 2008

(1) In general

Subject to paragraph (2), there are authorized to be appropriated to the Department of Defense Cooperative Threat Reduction Program such sums as may be necessary for fiscal year 2008 for the following purposes:

- (A) Chemical weapons destruction at Shchuch'ye, Russia.
- (B) Biological weapons proliferation prevention.

(C) Acceleration, expansion, and strengthening of Cooperative Threat Reduction Program activities.

(2) Limitation

The sums appropriated pursuant to paragraph (1) may not exceed the amounts authorized to be appropriated by any national defense authorization Act for fiscal year 2008 (whether enacted before or after August 3, 2007) to the Department of Defense Cooperative Threat Reduction Program for such purposes.

(b) Future years

It is the sense of Congress that in fiscal year 2008 and future fiscal years, the President should accelerate and expand funding for Cooperative Threat Reduction programs administered by the Department of Defense and such efforts should include, beginning upon August 3, 2007, encouraging additional commitments by the Russian Federation and other partner nations, as recommended by the 9/11 Commission.

(Pub. L. 110-53, title XVIII, §1832, Aug. 3, 2007, 121 Stat. 497.)

¹ See References in Text below.