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§ 3701. Definitions

In this chapter:

(1) The term “congressional defense committees” has the meaning given that term in section 101(a)(16) of title 10.

(2) The term “Cooperative Threat Reduction funds” means funds appropriated pursuant to an authorization of appropriations for the Program, or otherwise made available to the Program.

(3) The term “Program” means the Cooperative Threat Reduction Program of the Department of Defense established under section 3711 of this title.

(Pub. L. 113–291, div. A, title XIII, § 1312, Dec. 19, 2014, 128 Stat. 3595.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this subtitle”, meaning subtitle B (§§ 1311–1352) of title XIII of div. A of Pub. L. 113–291, Dec. 19, 2014, 128 Stat. 3595, known as the Department of Defense Cooperative Threat Reduction Act, which is classified principally to this chapter. For complete classification of subtitle B to the Code, see Short Title note set out below and Tables.

SHORT TITLE

Pub. L. 113–291, div. A, title XIII, § 1311, Dec. 19, 2014, 128 Stat. 3595, provided that: “This subtitle [subtitle B (§§ 1311–1352) of title XIII of div. A of Pub. L. 113–291, enacting this chapter, repealing sections 5902, 5921, 5952, 5953, 5955, 5957, 5959 to 5961, and 5962 to 5965 of Title 22, Foreign Relations and Intercourse, amending provisions set out as notes under sections 2551, 5952, and 5955 of Title 22, and repealing provisions set out as notes under section 2362 of this title and section 5952 of Title 22] may be cited as the ‘Department of Defense Cooperative Threat Reduction Act.’”

SUBCHAPTER I—PROGRAM AUTHORITIES

§ 3711. Authority to carry out Department of Defense Cooperative Threat Reduction Program

(a) Authority

The Secretary of Defense may carry out a program, referred to as the “Department of Defense

Cooperative Threat Reduction Program”, with respect to foreign countries to do the following:

(1) Facilitate the elimination and the safe and secure transportation and storage of chemical, biological, or other weapons, weapons components, weapons-related materials, and associated delivery vehicles.

(2) Facilitate—

(A) the safe and secure transportation and storage of nuclear weapons, nuclear weapons-usable or high-threat radiological materials, nuclear weapons components, and associated delivery vehicles; and

(B) the elimination of nuclear weapons, nuclear weapons components, and nuclear weapons delivery vehicles.

(3) Prevent the proliferation of nuclear and chemical weapons, weapons components, and weapons-related materials, technology, and expertise.

(4) Prevent the proliferation of biological weapons, weapons components, and weapons-related materials, technology, and expertise, which may include activities that facilitate detection and reporting of highly pathogenic diseases or other diseases that are associated with or that could be used as an early warning mechanism for disease outbreaks that could affect the Armed Forces of the United States or allies of the United States, regardless of whether such diseases are caused by biological weapons.

(5) Prevent the proliferation of weapons of mass destruction-related materials, including materials, equipment, and technology that could be used for the design, development, production, or use of nuclear, chemical, and biological weapons and the means of delivery of such weapons.

(6) Carry out military-to-military and defense contacts for advancing the mission of the Program, subject to subsection (f).

(b) Concurrence of Secretary of State

The authority under subsection (a) to carry out the Program is subject to any concurrence of the Secretary of State or other appropriate agency head required under section 3712 or 3713 of this title (unless such concurrence is otherwise exempted pursuant to section 3751 of this title with respect to activities or determinations carried out or made before December 19, 2014).

(c) Scope of authority

The authority to carry out the Program in subsection (a) includes authority to provide equipment, goods, and services, but does not include authority to provide funds directly for a project or activity carried out under the Program.

(d) Type of program

The Program carried out under subsection (a) may involve assistance in planning and in resolving technical problems associated with weapons destruction and proliferation. The Program may also involve the funding of critical short-term requirements relating to weapons destruction.

(e) Reimbursement of other agencies

The Secretary of Defense may reimburse heads of other departments and agencies of the Fed-

eral Government under this section for costs of the participation of the respective departments and agencies in the Program.

(f) Military-to-military and defense contacts

The Secretary of Defense shall ensure that the military-to-military and defense contacts carried out under subsection (a)(6)—

- (1) are focused and expanded to support specific relationship-building opportunities, which could lead to the development of the Program in new geographic areas and achieve other benefits of the Program;
- (2) are directly administered as part of the Program; and
- (3) include cooperation and coordination with—
 - (A) the unified combatant commands; and
 - (B) the Department of State.

(g) Prior notice to Congress of obligation of funds

(1) Reports requirement

Not less than 45 days before any obligation of any Cooperative Threat Reduction funds, the Secretary of Defense shall submit to the congressional defense committees a report on that proposed obligation of such funds for that fiscal year (or, in accordance with section 3735(b) of this title, the semiannual period covered by the report).

(2) Matters included

Each report under paragraph (1) shall specify—

- (A) the activities and forms of assistance for which the Secretary plans to obligate funds;
- (B) the amount of the proposed obligation; and
- (C) the projected involvement (if any) of any other department or agency of the United States and of the private sector of the United States in the activities and forms of assistance for which the Secretary plans to obligate such funds.

(3) Exception for notifications previously provided

Except for Cooperative Threat Reduction funds subject to section 3735 of this title, paragraph (1) shall not apply with respect to a proposed obligation of Cooperative Threat Reduction funds that is covered by a notification previously submitted by the Secretary to the congressional defense committees that includes the matters described in subparagraphs (A) through (C) of paragraph (2).

(Pub. L. 113–291, div. A, title XIII, § 1321, Dec. 19, 2014, 128 Stat. 3595; Pub. L. 114–328, div. A, title XIII, §§ 1302(b)(1), 1303(b), Dec. 23, 2016, 130 Stat. 2566, 2568.)

AMENDMENTS

2016—Subsec. (g)(1). Pub. L. 114–328, §§ 1302(b)(1), 1303(b)(1), in heading substituted “Reports requirement” for “Annual requirement” and in text substituted “45 days” for “15 days” and inserted “(or, in accordance with section 3735(b) of this title, the semiannual period covered by the report)” after “that fiscal year”.

Subsec. (g)(3). Pub. L. 114–328, § 1303(b)(2), substituted “Except for Cooperative Threat Reduction funds sub-

ject to section 3735 of this title, paragraph (1)” for “Paragraph (1)”.

§ 3712. Use of funds for certain emergent threats or opportunities

(a) Authority

For purposes of the Program, the Secretary of Defense may obligate and expend Cooperative Threat Reduction funds for a fiscal year, and any Cooperative Threat Reduction funds for a prior fiscal year that remain available for obligation, for a proliferation threat reduction project or activity if the Secretary, with the concurrence of the Secretary of State, determines each of the following:

- (1) That such project or activity will—
 - (A) assist the United States in the resolution of a critical emerging proliferation threat; or
 - (B) permit the United States to take advantage of opportunities to achieve long-standing nonproliferation goals.
- (2) That such project or activity will be completed in a period not exceeding five years.
- (3) That the Department of Defense is the entity of the Federal Government that is most capable of carrying out such project or activity.

(b) Congressional notification

Not later than 15 days before the date on which the Secretary obligates funds under subsection (a) for a project or activity, the Secretary of Defense shall notify, in writing, the congressional defense committees and the Secretary of State shall notify, in writing, the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate of the determinations made under such subsection with respect to such project or activity, together with—

- (1) a justification for such determinations;
- (2) a description of the scope and duration of such project or activity; and
- (3) a discussion of—
 - (A) whether authorities other than the authority under this section are available to the Secretaries to perform such project or activity to meet the threats or goals identified under subsection (a)(1); and
 - (B) if such other authorities exist, why the Secretaries were not able to use such authorities for such project or activity.

(c) Non-defense agency partner-nation contacts

With respect to military-to-military and defense contacts carried out under subsection (a)(6) of section 3711 of this title, as further described in subsection (f) of such section, concurrence of the Secretary of State under subsection (a) is required only for participation in such contacts by personnel from non-defense agencies of foreign countries.

(d) Exception to requirement for certain determinations

The requirement for a determination under subsection (a) shall not apply to a state of the former Soviet Union.

(Pub. L. 113–291, div. A, title XIII, § 1322, Dec. 19, 2014, 128 Stat. 3597; Pub. L. 114–328, div. A, title XIII, § 1302(b)(2), Dec. 23, 2016, 130 Stat. 2566.)