

with respect to the obligation of funds for a particular project if the Secretary—

(1) determines that it is necessary in the national interest to obligate funds for such project; and

(2) submits to the congressional defense committees a notification of the intent to obligate funds for such project, together with a complete discussion of the justification for doing so.

(d) Definitions

In this section, with respect to a project under the Program:

(1) The term “new construction project” means a construction project for which no funds have been obligated or expended as of November 24, 2003.

(2) The term “permit” means any local or national permit for development, general construction, environmental, land use, or other purposes that is required for purposes of major construction.

(Pub. L. 113–291, div. A, title XIII, §1333, Dec. 19, 2014, 128 Stat. 3602.)

§ 3734. Limitation on availability of funds for Cooperative Threat Reduction activities with Russian Federation

(a) Sense of Congress

It is the sense of Congress that—

(1) the United States should carry out activities under the Program in the Russian Federation only if those activities are consistent with and in support of the security interests of the United States; and

(2) in carrying out any such activities after December 19, 2014, the Secretary of Defense should focus on only those activities that—

(A) are in support of the arms control obligations of the United States and the Russian Federation; or

(B) will reduce the threats posed by weapons of mass destruction and related materials and technology to the United States and countries in the Euro-Atlantic and Eurasian regions.

(b) Completion of Cooperative Threat Reduction activities in Russian Federation

Cooperative Threat Reduction funds made available for a fiscal year after fiscal year 2015 may not be obligated or expended for activities in the Russian Federation unless such activities in Russia are specifically authorized by law.

(Pub. L. 113–291, div. A, title XIII, §1334, Dec. 19, 2014, 128 Stat. 3603.)

§ 3735. Limitation on availability of funds for Cooperative Threat Reduction activities in People’s Republic of China

(a) Semiannual installments

In carrying out activities under the Program in the People’s Republic of China, the Secretary of Defense shall ensure that Cooperative Threat Reduction funds for such activities are obligated or expended in semiannual installments.

(b) Required reports

(1) Additional information

With respect to carrying out activities under the Program in the People’s Republic of

China, the Secretary of Defense shall submit to the congressional defense committees the reports required by section 3711(g) of this title on a semiannual basis by not later than 15 days before any obligation of Cooperative Threat Reduction funds for such activities during the covered semiannual period. In addition to the matters required by such section, each such report shall include, in coordination with the Secretary of State—

(A) whether China has taken material steps to—

(i) disrupt the proliferation activities of Li Fangwei (also known as Karl Lee, or any other alias known by the United States); and

(ii) arrest Li Fangwei pursuant the indictment charged in the United States District Court for the Southern District of New York on April 29, 2014;

(B) whether China has proliferated to any non-nuclear weapons state, or any nuclear weapons state in violation of the Treaty on the Non-Proliferation of Nuclear Weapons, any item that contributes to a ballistic missile or nuclear weapons delivery system; and

(C) the number, type, and summary of any demarches between the United States and China with respect to the matters described in subparagraphs (A) and (B).

(2) Additional submissions

At the same time as the Secretary of Defense submits to the congressional defense committees the information described in subparagraphs (A), (B), and (C) of paragraph (1) as part of the reports required by section 3711(g) of this title, the Secretary shall submit to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate such information.

(3) Coverage

With respect to the information described in subparagraphs (A), (B), and (C) of paragraph (1)—

(A) the first report described in such paragraph that is submitted after December 23, 2016, shall cover the preceding 12-month period before the date of such submission; and

(B) each subsequent report shall cover the semiannual period preceding the date of such submission.

(4) Form

The information described in subparagraphs (A), (B), and (C) of paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(Pub. L. 113–291, div. A, title XIII, §1335, as added Pub. L. 114–328, div. A, title XIII, §1303(a), Dec. 23, 2016, 130 Stat. 2567.)

SUBCHAPTER III—RECURRING CERTIFICATIONS AND REPORTS

§ 3741. Annual certifications on use of facilities being constructed for Department of Defense Cooperative Threat Reduction projects or activities

Not later than the first Monday in February each year, the Secretary of Defense shall submit

to the congressional defense committees a certification for each facility of a project or activity of the Program for which construction occurred during the preceding fiscal year on matters as follows:

(1) Whether or not such facility will be used for its intended purpose by the government of the foreign country in which the facility is constructed.

(2) Whether or not the government of such country remains committed to the use of such facility for such purpose.

(3) Whether the actions needed to ensure security at the facility, including the secure transportation of any materials, substances, or weapons to, from, or within the facility, have been taken.

(Pub. L. 113–291, div. A, title XIII, §1341, Dec. 19, 2014, 128 Stat. 3604.)

§ 3742. Requirement to submit summary of amounts requested by project category

(a) Summary required

The Secretary of Defense shall submit to the congressional defense committees in the materials and manner specified in subsection (c)—

(1) a descriptive summary, with respect to the appropriations requested for the Program for the fiscal year after the fiscal year in which the summary is submitted, of the amounts requested for each project category under each program element; and

(2) a descriptive summary, with respect to appropriations for the Program for the fiscal year in which the list is submitted and the previous fiscal year, of the amounts obligated or expended, or planned to be obligated or expended, for each project category under each program element.

(b) Description of purpose and intent

The descriptive summary required under subsection (a) shall include a narrative description of each program and project category under each program element that explains the purpose and intent of the funds requested.

(c) Inclusion in certain materials submitted to Congress

The summary required to be submitted in a fiscal year under subsection (a) shall be set forth by project category, and by amounts specified in paragraphs (1) and (2) of such subsection in connection with such project category, in each of the following:

(1) The annual report on activities and assistance under the Program required in such fiscal year under section 3743 of this title.

(2) The budget justification materials submitted to Congress in support of the Department of Defense budget for the fiscal year succeeding such fiscal year (as submitted with the budget of the President under section 1105 of title 31).

(Pub. L. 113–291, div. A, title XIII, §1342, Dec. 19, 2014, 128 Stat. 3604.)

§ 3743. Reports on activities and assistance under Department of Defense Cooperative Threat Reduction Program

(a) Annual report

In any year in which the President submits to Congress, under section 1105 of title 31, the budget for a fiscal year that requests funds for the Department of Defense for activities or assistance under the Program, the Secretary of Defense, after consultation with the Secretary of State, shall submit to the congressional defense committees, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Foreign Relations of the Senate a report on the activities and assistance carried out under the Program.

(b) Deadline

Each report under subsection (a) shall be submitted not later than the first Monday in February of a year.

(c) Matters included

Each report under subsection (a) shall include the following:

(1) An estimate of the total amount that will be required to be expended by the United States during the fiscal year covered by the budget described in subsection (a) in order to achieve the objectives of the Program.

(2) A five-year plan setting forth the amount of funds and other resources proposed to be provided by the United States for the Program during the period covered by the plan, including the purpose for which such funds and resources will be used.

(3) A description of the activities and assistance carried out under the Program during the fiscal year preceding the submission of the report, including—

(A) the funds notified, obligated, and expended for such activities and assistance and the purposes for which such funds were notified, obligated, and expended for such fiscal year and cumulatively for the Program;

(B) a description of the participation, if any, of each department and agency of the Federal Government in such activities and assistance;

(C) a description of such activities and assistance, including the forms of assistance provided;

(D) a description of the United States private sector participation in the portion of such activities and assistance that were supported by the obligation and expenditure of funds for the Program; and

(E) such other information as the Secretary considers appropriate to fully inform Congress of the operation of activities and assistance carried out under the Program, including, with respect to proposed demilitarization or conversion projects, information on the progress toward demilitarization of facilities and the conversion of the demilitarized facilities to civilian activities.

(4) A description of the means (including program management, audits, examinations, and other means) used by the United States during the fiscal year preceding the submis-