

(2) delivery vehicles of conventional weapons, unless such delivery vehicles could reasonably be used or adapted to be used for the delivery of chemical, nuclear, or biological weapons.

(Pub. L. 113–291, div. A, title XIII, § 1331, Dec. 19, 2014, 128 Stat. 3601.)

§ 3732. Requirement for on-site managers

(a) On-site manager requirement

Before obligating any Cooperative Threat Reduction funds for a project described in subsection (b), the Secretary of Defense shall appoint one on-site manager for that project. The manager shall be appointed from among employees of the Federal Government.

(b) Projects covered

Subsection (a) applies to a project—

- (1) to be located in a state of the former Soviet Union;
- (2) which involves dismantlement, destruction, or storage facilities, or construction of a facility; and
- (3) with respect to which the total contribution by the Department of Defense is expected to exceed \$50,000,000.

(c) Duties of on-site manager

The on-site manager appointed under subsection (a) shall—

- (1) develop, in cooperation with representatives from governments of states participating in the project, a list of those steps or activities critical to achieving the disarmament or nonproliferation goals of the project;
- (2) establish a schedule for completing those steps or activities;
- (3) meet with all participants to seek assurances that those steps or activities are being completed on schedule; and
- (4) suspend the participation of the United States in a project when a participant other than the United States fails to complete a scheduled step or activity on time, unless the Secretary of Defense directs the on-site manager to resume the participation of the United States.

(d) Authority to manage more than one project

(1) In general

Subject to paragraph (2), an employee of the Federal Government may serve as on-site manager for more than one project, including projects at different locations.

(2) Limitation

If such an employee serves as on-site manager for more than one project in a fiscal year, the total cost of the projects for that fiscal year may not exceed \$150,000,000.

(e) Steps or activities

Steps or activities referred to in subsection (c)(1) are those steps or activities that, if not completed, will prevent a project from achieving its disarmament or nonproliferation goals, including, at a minimum, the following:

- (1) Identification and acquisition of permits (as defined in section 3733 of this title).
- (2) Verification that the items, substances, or capabilities to be dismantled, secured, or

otherwise modified are available for dismantlement, securing, or modification.

(3) Timely provision of financial, personnel, management, transportation, and other resources.

(f) Notification to Congress

In any case in which the Secretary directs an on-site manager to resume the participation of the United States in a project under subsection (c)(4), the Secretary shall notify the congressional defense committees of such direction by not later than 30 days after the date of such direction.

(Pub. L. 113–291, div. A, title XIII, § 1332, Dec. 19, 2014, 128 Stat. 3601.)

§ 3733. Limitation on use of funds until certain permits obtained

(a) In general

The Secretary of Defense shall seek to obtain all the permits required to complete each phase of construction of a project under the Program in a state of the former Soviet Union before obligating more than 40 percent of the total costs of that phase of the project.

(b) Use of funds for new construction projects

Except as provided in subsection (c), with respect to a new construction project to be carried out by the Program, not more than 40 percent of the total costs of the project may be obligated from Cooperative Threat Reduction funds for any fiscal year until the Secretary—

- (1) determines the number and type of permits that may be required for the lifetime of the project in the proposed location or locations of the project; and
- (2) obtains from the state in which the project is to be located any permits that may be required to begin construction.

(c) Exception to limitations on use of funds

The limitation in subsection (b) on the obligation of funds for a construction project otherwise covered by such subsection shall not apply 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 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; amended Pub. L. 115–91, div. A, title XIII, §1302(b)(3), Dec. 12, 2017, 131 Stat. 1705.)

AMENDMENTS

2017—Subsec. (a). Pub. L. 115–91 struck out “or expended” after “obligated”.

SUBCHAPTER III—RECURRING CERTIFICATIONS AND REPORTS

§§ 3741, 3742. Repealed. Pub. L. 115–91, div. A, title X, § 1051(t)(7), (8), Dec. 12, 2017, 131 Stat. 1566

Section 3741, Pub. L. 113–291, div. A, title XIII, §1341, Dec. 19, 2014, 128 Stat. 3604, related to annual certifications on use of facilities being constructed for Department of Defense Cooperative Threat Reduction projects or activities.

Section 3742, Pub. L. 113–291, div. A, title XIII, §1342, Dec. 19, 2014, 128 Stat. 3604, related to requirement to submit summary of amounts requested by project category.

§ 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