

§ 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

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 submission of the report to ensure that assistance provided under the Program is fully accounted for, that such assistance is being used for its intended purpose, and that such assistance is being used efficiently and effectively, including—

(A) if such assistance consisted of equipment, a description of the current location of such equipment and the current condition of such equipment;

(B) if such assistance consisted of contracts or other services, a description of the

status of such contracts or services and the methods used to ensure that such contracts and services are being used for their intended purpose;

(C) a determination whether the assistance described in subparagraphs (A) and (B) has been used for its intended purpose and an assessment of whether the assistance being provided is being used effectively and efficiently; and

(D) a description of the efforts planned to be carried out during the fiscal year beginning in the year of the report to ensure that Department of Defense Cooperative Threat Reduction assistance provided during such fiscal year is fully accounted for and is used for its intended purpose.

(5) A description of the defense and military activities carried out under section 3711(a)(6) of this title during the fiscal year preceding the submission of the report, including—

(A) the amount of funds obligated or expended for such activities;

(B) the strategy, goals, and objectives for which such funds were obligated and expended;

(C) a description of the activities carried out, including the forms of assistance provided, and the justification for each form of assistance provided;

(D) the success of each activity, including the goals and objectives achieved for each activity;

(E) a description of participation by private sector entities in the United States in carrying out such activities, and the participation of any other department or agency of the Federal Government in such activities; and

(F) any other information that the Secretary considers relevant to provide a complete description of the operation and success of activities carried out under the Program.

(Pub. L. 113–291, div. A, title XIII, § 1343, Dec. 19, 2014, 128 Stat. 3605.)

TERMINATION OF REPORTING REQUIREMENTS

For termination, effective Dec. 31, 2021, of provisions of this section requiring submittal of report to Congress, see section 1061 of Pub. L. 114–328, set out as a note under section 111 of Title 10, Armed Forces.

§ 3744. Metrics for Department of Defense Cooperative Threat Reduction Program

The Secretary of Defense shall implement metrics to measure the impact and effectiveness of activities of the Program to address threats arising from the proliferation of chemical, nuclear, and biological weapons and weapons-related materials, technologies, and expertise.

(Pub. L. 113–291, div. A, title XIII, § 1344, Dec. 19, 2014, 128 Stat. 3606.)