

(3) Drawdown of defense<sup>1</sup> 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 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.)

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

**Editorial Notes**

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.<sup>1</sup> 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.)

**Editorial Notes**

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:

<sup>1</sup> See References in Text below.

(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.)

**§ 2923. Authorization of appropriations for the Department of Energy programs to prevent weapons of mass destruction proliferation and terrorism**

**(a) In general**

Subject to subsection (b), there are authorized to be appropriated to Department of Energy National Nuclear Security Administration Defense Nuclear Nonproliferation such sums as may be necessary for fiscal year 2008 to accelerate, expand, and strengthen the following programs to prevent weapons of mass destruction (WMD) proliferation and terrorism:

- (1) The Global Threat Reduction Initiative.
- (2) The Nonproliferation and International Security program.
- (3) The International Materials Protection, Control and Accounting program.
- (4) The Nonproliferation and Verification Research and Development program.

**(b) Limitation**

The sums appropriated pursuant to subsection (a) 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 Department of Energy National Nuclear Security Administration Defense Nuclear Nonproliferation for such purposes.

(Pub. L. 110-53, title XVIII, §1833, Aug. 3, 2007, 121 Stat. 497.)

**SUBCHAPTER III—OFFICE OF THE UNITED STATES COORDINATOR FOR THE PREVENTION OF WEAPONS OF MASS DESTRUCTION PROLIFERATION AND TERRORISM**

**§ 2931. Office of the United States Coordinator for the Prevention of Weapons of Mass Destruction Proliferation and Terrorism**

**(a) Establishment**

There is established within the Executive Office of the President an office to be known as the “Office of the United States Coordinator for the Prevention of Weapons of Mass Destruction Proliferation and Terrorism” (in this section referred to as the “Office”).

**(b) Officers**

**(1) United States Coordinator**

The head of the Office shall be the United States Coordinator for the Prevention of Weapons of Mass Destruction Proliferation and Terrorism (in this section referred to as the “Coordinator”).

**(2) Deputy United States Coordinator**

There shall be a Deputy United States Coordinator for the Prevention of Weapons of Mass Destruction Proliferation and Terrorism (in this section referred to as the “Deputy Coordinator”), who shall—

- (A) assist the Coordinator in carrying out the responsibilities of the Coordinator under this subchapter; and
- (B) serve as Acting Coordinator in the absence of the Coordinator and during any vacancy in the office of Coordinator.

**(3) Appointment**

The Coordinator and Deputy Coordinator shall be appointed by the President, by and with the advice and consent of the Senate, and shall be responsible on a full-time basis for the duties and responsibilities described in this section.

**(4) Limitation**

No person shall serve as Coordinator or Deputy Coordinator while serving in any other position in the Federal Government.

**(5) Access by Congress**

The establishment of the Office of the Coordinator within the Executive Office of the President shall not be construed as affecting access by the Congress or committees of either House to—

- (A) information, documents, and studies in the possession of, or conducted by or at the direction of, the Coordinator; or
- (B) personnel of the Office of the Coordinator.

**(c) Duties**

The responsibilities of the Coordinator shall include the following:

- (1) Serving as the principal advisor to the President on all matters relating to the prevention of weapons of mass destruction (WMD) proliferation and terrorism.
- (2) Formulating a comprehensive and well-coordinated United States strategy and poli-