

APPENDIX A

Statutes Establishing the CPRC and Its Reporting Requirements

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1994

(as amended)

[Pub. L. No. 103-160, sec. 1605, 107 Stat. 1845 (1993), as amended by Pub. L. No. 103-337, sec. 1502, 108 Stat. 2914 (1994)]

SEC. 1605. JOINT COMMITTEE FOR THE REVIEW OF COUNTERPROLIFERATION PROGRAMS OF THE UNITED STATES

(a) ESTABLISHMENT: (1) There is hereby established a Counterproliferation Program Review Committee composed of the following members:

- (A) The Secretary of Defense.
- (B) The Secretary of Energy.
- (C) The Director of Central Intelligence.
- (D) The Chairman of the Joint Chiefs of Staff.

(2) The Secretary of Defense shall chair the committee. The Secretary of Energy shall serve as Vice Chairman of the committee.

(3) A member of the committee may designate a representative to perform routinely the duties of the member. A representative shall be in a position of Deputy Assistant Secretary or a position equivalent to or above the level of Deputy Assistant Secretary. A representative of the Chairman of the Joints Chiefs of Staff shall be a person in a grade equivalent to that of Deputy Assistant Secretary of Defense.

(4) The Secretary of Defense may delegate to the Under Secretary of Defense for Acquisition and Technology the performance of the duties of the Chairman of the committee. The Secretary of Energy may delegate to the Under Secretary of Energy responsible for national security programs of the Department of Energy the performance of the duties of the Vice Chairman of the committee.

(b) PURPOSES OF THE COMMITTEE: The purposes of the committee are as follows:

- (1) To optimize funding for, and ensure the development and deployment of
 - (A) highly effective technologies and capabilities for the detection, monitoring, collection, processing, analysis, and dissemination of information in support of United States counterproliferation policy; and
 - (B) disabling technologies in support of such policy.

(2) To identify and eliminate undesirable redundancies or uncoordinated efforts in the development and deployment of such technologies and capabilities.

- (3) To establish priorities for programs and funding.
- (4) To encourage and facilitate interagency and interdepartmental funding of programs in order to ensure necessary levels of funding to develop, operate, and field highly-capable systems.
- (5) To ensure that Department of Energy programs are integrated with the operational needs of other departments and agencies of the Government.
- (6) To ensure that Department of Energy national security programs include technology demonstrations and prototype development of equipment.

(c) **DUTIES:** The committee shall

(1) identify and review existing and proposed capabilities and technologies for support of United States non-proliferation policy and counterproliferation policy with regard to --

- (A) intelligence;
- (B) battlefield surveillance;
- (C) passive defenses;
- (D) active defenses; and
- (E) counterforce capabilities;

(2) prescribe requirements and priorities for the development and deployment of highly effective capabilities and technologies;

(3) identify deficiencies in existing capabilities and technologies;

(4) formulate near-term, mid-term, and long-term programmatic options for meeting requirements established by the committee and eliminating deficiencies identified by the committee; and

(5) assess each fiscal year the effectiveness of the committee actions during the preceding fiscal year, including, particularly, the status of recommendations made during such preceding fiscal year that were reflected in the budget submitted to Congress pursuant to section 1105(a) of title 31, United States Code, for the fiscal year following the fiscal year in which the assessment is made.

(d) **ACCESS TO INFORMATION:** The committee shall have access to information on all programs, projects, and activities of the Department of Defense, the Department of State, the Department of Energy, the intelligence community, and the Arms Control and Disarmament Agency that are pertinent to the purposes and duties of the committee.

(e) **RECOMMENDATIONS:** The committee shall submit to the President and the heads of all appropriate departments and agencies of the Government such programmatic recommendations regarding existing, planned, or new programs as the committee considers appropriate to encourage funding for capabilities and technologies at the level necessary to support United States counterproliferation policy.

(f) **TERMINATION OF COMMITTEE:** The committee shall cease to exist at the end of September 1996.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1995

[Pub. L. No. 103-337-337, sec. 1503, 108 Stat. 2916 (1994)]

SEC. 1503. REPORTS ON COUNTERPROLIFERATION ACTIVITIES AND PROGRAMS.

(a) **REPORT REQUIRED.** (1) Not later than May 1, 1995, and May 1, 1996, the Secretary of Defense shall submit to Congress a report of the findings of the Counterproliferation Program Review Committee established by subsection (a) of the Review Committee charter.

(2) For purposes of this section, the term "Review Committee charter" means section 1605 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103-160), as amended by section 1502.

(b) **CONTENT OF THE REPORT.** Each report under subsection (a) shall include the following:

(1) A complete list, by specific program element, of the existing, planned, or newly proposed capabilities and technologies reviewed by the Review Committee pursuant to subsection (c) of the Review Committee charter.

(2) A complete description of the requirements and priorities established by the Review Committee.

(3) A comprehensive discussion of the near-term, mid-term, and long-term programmatic options formulated by the Review Committee for meeting requirements prescribed by the Review Committee and for eliminating deficiencies identified by the Review Committee, including the annual funding requirements and completion dates established for each such option.

(4) An explanation of the recommendations made pursuant to subsection (c) of the Review Committee charter, together with a full discussion of the actions taken to implement such recommendations or otherwise taken on the recommendations.

(5) A discussion and assessment of the status of each Review Committee recommendation during the fiscal year preceding the fiscal year in which the report is submitted, including, particularly, the status of recommendations made during such preceding fiscal year that were reflected in the budget submitted to Congress pursuant to section 1105(a) of title 31, United States Code, in the fiscal year of the report.

(6) Each specific Department of Energy program that the Secretary of Energy plans to develop to initial operating capability and each such program that the Secretary does not plan to develop to initial operating capability.

(7) For each technology program scheduled to reach initial operational capability, a recommendation from the Chairman of the Joint Chiefs of Staff that represents the views of the commanders of the unified and specified commands regarding the utility and requirement of the program.

(c) **FORMS OF REPORT.** Each such report shall be submitted in both classified and unclassified forms, including an annex to the classified report for special compartmented information, special access programs, and special activities programs.

SEC. 1607. DEFINITIONS.

For purposes of this subtitle:

(1) The term "appropriate congressional committees" means —

(A) the Committee on Armed Services, the Committee on Appropriations, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Armed Services, the Committee on Appropriations, the Committee on Foreign Affairs, and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) The term "intelligence community" has the meaning given such term in section 3 of the National Security Act of 1947 (50 U.S.C. 401a).

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1997

[Pub. L. No. 104-201, sec. 1309, 110 Stat. 2710 (1996)]

SEC. 1309. COUNTERPROLIFERAION PROGRAM REVIEW COMMITTEE

(a) **COMPOSITION OF THE COMMITTEE:** Subsection 1605 of the National Defense Authorization Act for Fiscal Year 1994 (22 U.S.C. 2751 Note) is amended by adding at the end of the following new paragraph:

“(5) The Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs shall serve as executive secretary to the committee”.

(b) **ADDITIONAL PURPOSE OF THE COMMITTEE:** Subsection (b)(1)(A) of such section is amended by inserting “and efforts, including efforts to stem the proliferation of weapons of mass destruction and to negate paramilitary and terrorist threats involving weapons of mass destruction” after “counterproliferation policy”.

(c) **FOUR-YEAR EXTENSION OF THE COMMITTEE:** Subsection (f) of such section is amended by striking out “September 30, 1996” and inserting in lieu thereof “September 30, 2000”.

(d) **REPORTS ON COUNTERPROLIFERATION ACTIVITIES AND PROGRAMS:** Section 1503 of the National Defense Authorization Act for Fiscal Year 1995 (22 U.S.C. 27561 note) is amended –

(1) in subsection (a) –

(A) by striking out “REPORT REQUIRED.– (1) Not later than May 1, 1995 and May 1, 1996, the Secretary” and inserting in lieu thereof “ANNUAL REPORT REQUIRED. – Not later than May 1 of each year, the Secretary”; and

(B) by striking out paragraph (2); and

(2) by adding at the end of the following new subsections:

“(d) **REVIEW COMMITTEE CHARTER DEFINED.** – For purposes of this section, the term ‘Review Committee charter’ means section 1605 of the National Defense Authorization Act for Fiscal Year 1994 (22 U.S.C. 2751 note).

“(e) **TERMINATION OF REQUIREMENT.** – The final report required under subsection (a) is the report for the year following the year in which the Counterproliferation Program Review Committee established under the Review Committee Charter ceases to exist.”