DELEGATION OF AUTHORITY

Authority of President under this section delegated to Secretary of Defense by section 2 of Memorandum of President of the United States, Dec. 30, 1992, 58 F.R. 3193, set out as a note under section 5852 of this title.

## SUBCHAPTER IV—JOINT RESEARCH AND DEVELOPMENT PROGRAMS

### § 5931. Programs with states of former Soviet Union

The Congress encourages the Secretary of Defense to participate actively in joint research and development programs with the independent states of the former Soviet Union through the nongovernmental foundation established for this purpose by section 5861 of this title. To that end, the Secretary of Defense may spend those funds authorized in section 5911(a)(1)(C) of this title for support, technical cooperation, in-kind assistance, and other activities with the following purposes:

(1) To advance defense conversion by funding civilian collaborative research and development projects between scientists and engineers in the United States and in the independent states of the former Soviet Union.

(2) To assist the establishment of a market economy in the independent states of the former Soviet Union by promoting, identifying, and partially funding joint research, development, and demonstration ventures between United States businesses and scientists, engineers, and entrepreneurs in those independent states.

(3) To provide a mechanism for scientists, engineers, and entrepreneurs in the independent states of the former Soviet Union to develop an understanding of commercial business practices by establishing linkages to United States scientists, engineers, and businesses.

(4) To provide access for United States businesses to sophisticated new technologies, talented researchers, and potential new markets within the independent states of the former Soviet Union.

(5) To provide productive research and development opportunities within the independent states of the former Soviet Union that offer scientists and engineers alternatives to emigration and help prevent proliferation of weapons technologies and the dissolution of the technological infrastructure of those states.

(Pub. L. 102–484, div. A, title XIV, § 1441, Oct. 23, 1992, 106 Stat. 2566; Pub. L. 103–160, div. A, title XI, § 1182(c)(4), Nov. 30, 1993, 107 Stat. 1772.)

AMENDMENTS

1993—Pub. L. 103–160 made technical amendment to reference to section 5861 of this title to correct reference to corresponding section of original Act.

## CHAPTER 68A—COOPERATIVE THREAT REDUCTION WITH STATES OF FORMER SOVIET UNION

Sec.
5951. Findings on cooperative threat reduction.
5952. Authority for programs to facilitate cooperative threat reduction.
5953. Demilitarization Enterprise Fund.
5954. Funding for fiscal year 1994.
5955. Prior notice to Congress of obligation of funds.
5956. Repealed.
5957. ''Appropriate congressional committees'' defined.
5958. Authorization for additional fiscal year 1993 assistance to independent states of the former Soviet Union.
5959. Reports on activities and assistance under cooperative threat reduction programs.
5960. Limitation on use of funds until certain permits obtained.
5961. Requirement for on-site managers.
5961a. Requirement for on-site managers.
5962. Annual certifications on use of facilities being constructed for Cooperative Threat Reduction projects or activities.
5963. Authority to use Cooperative Threat Reduction funds outside the former Soviet Union.
5964. Metrics for the Cooperative Threat Reduction Program.
5965. Cooperative Threat Reduction Program authority for urgent threat reduction activities.

### § 5951. Findings on cooperative threat reduction

The Congress finds that it is in the national security interest of the United States for the United States to do the following:

(1) Facilitate, on a priority basis, the transportation, storage, safeguarding, and elimination of nuclear and other weapons of the independent states of the former Soviet Union, including—

(A) the safe and secure storage of fissile materials derived from the elimination of nuclear weapons;

(B) the dismantlement of (i) intercontinental ballistic missiles and launchers for such missiles, (ii) submarine-launched ballistic missiles and launchers for such missiles, and (iii) heavy bombers; and

(C) the elimination of chemical, biological and other weapons capabilities.

(2) Facilitate, on a priority basis, the prevention of proliferation of weapons (and components of weapons) of mass destruction and destabilizing conventional weapons of the independent states of the former Soviet Union and the establishment of verifiable safeguards against the proliferation of such weapons and components.

(3) Facilitate, on a priority basis, the prevention of diversion of weapons-related scientific expertise of the independent states of the former Soviet Union to terrorist groups or third world countries.

(4) Support (A) the demilitarization of the defense-related industry and equipment of the independent states of the former Soviet Union, and (B) the conversion of such industry and equipment to civilian purposes and uses.

(5) Expand military-to-military and defense contacts between the United States and the independent states of the former Soviet Union.

(Pub. L. 103–160, div. A, title XII, § 1202, Nov. 30, 1993, 107 Stat. 1777.)

SHORT TITLE OF 2003 AMENDMENT

Pub. L. 108–136, div. C, title XXXVI, § 3601, Nov. 24, 2003, 117 Stat. 1822, provided that: ''This title [enacting

provisions set out as notes under this section and sections 1928, 5959, and 6321 of this title] may be cited as the 'Nuclear Security Initiative Act of 2003'.''

SHORT TITLE

Section 1201 of title XII of div. A of Pub. L. 103–160 provided that: ''This title [enacting this chapter] may be cited as the 'Cooperative Threat Reduction Act of 1993'.''

ESTABLISHMENT OF INTERPARLIAMENTARY THREAT REDUCTION WORKING GROUP

Pub. L. 108–136, div. C, title XXXVI, § 3622, Nov. 24, 2003, 117 Stat. 1824, provided that:

''(a) ESTABLISHMENT OF WORKING GROUP.—There is hereby established a working group to be known as the 'Threat Reduction Working Group' as an interparliamentary group of the Congress of the United States and the legislature of the Russian Federation.

''(b) PURPOSE OF WORKING GROUP.—The purpose of the working group established by subsection (a) shall be to explore means to enhance cooperation between the United States and the Russian Federation with respect to nuclear nonproliferation and security and such other issues related to reducing the dangers of weapons of mass destruction as the members of the working group consider appropriate.

''(c) MEMBERSHIP.—(1) The majority leader of the Senate, after consultation with the minority leader of the Senate, shall appoint not more than 10 Senators to the working group established by subsection (a).

''(2) The Speaker of the House of Representatives, after consultation with the minority leader of the House of Representatives, shall appoint not more than 30 Members of the House to the working group.''

## § 5952. Authority for programs to facilitate cooperative threat reduction

### (a) In general

Notwithstanding any other provision of law, the President may conduct programs described in subsection (b) of this section to assist the independent states of the former Soviet Union in the demilitarization of the former Soviet Union. Any such program may be carried out only to the extent that the President determines that the program will directly contribute to the national security interests of the United States.

### (b) Authorized programs

The programs referred to in subsection (a) of this section are the following:

(1) Programs to facilitate the elimination, and the safe and secure transportation and storage, of nuclear, chemical, and other weapons and their delivery vehicles.

(2) Programs to facilitate the safe and secure storage of fissile materials derived from the elimination of nuclear weapons.

(3) Programs to prevent the proliferation of weapons, weapons components, and weapons-related technology and expertise.

(4) Programs to expand military-to-military and defense contacts.

(5) Programs to facilitate the demilitarization of defense industries and the conversion of military technologies and capabilities into civilian activities.

(6) Programs to assist in the environmental restoration of former military sites and installations when such restoration is necessary to the demilitarization or conversion programs authorized in paragraph (5).

(7) Programs to provide housing for former military personnel of the former Soviet Union released from military service in connection with the dismantlement of strategic nuclear weapons, when provision of such housing is necessary for dismantlement of strategic nuclear weapons and when no other funds are available for such housing.

(8) Other programs as described in section 212(b) of the Soviet Nuclear Threat Reduction Act of 1991 (title II of Public Law 102–228; 22 U.S.C. 2551 note) and section 5902(b) of this title.

### (c) United States participation

The programs described in subsection (b) of this section should, to the extent feasible, draw upon United States technology and expertise, especially from the private sector of the United States.

(Pub. L. 103–160, div. A, title XII, § 1203, Nov. 30, 1993, 107 Stat. 1778; Pub. L. 107–314, div. A, title XIII, § 1306(c), formerly § 1306(e), Dec. 2, 2002, 116 Stat. 2673, renumbered § 1306(c), Pub. L. 109–163, div. A, title XIII, § 1303(2), Jan. 6, 2006, 119 Stat. 3474; Pub. L. 110–53, title XVIII, § 1811(2), Aug. 3, 2007, 121 Stat. 492; Pub. L. 110–181, div. A, title XIII, § 1304(a)(2), Jan. 28, 2008, 122 Stat. 412.)

AMENDMENTS

2008—Subsec. (d). Pub. L. 110–181 made amendment identical to that made by Pub. L. 110–53. See 2007 Amendment note below.

2007—Subsec. (d). Pub. L. 110–53 struck out subsec. (d) which prohibited assistance unless the President had certified to Congress that the proposed recipient state was committed to meeting specified conditions relating to elimination of weapons of mass destruction, compliance with arms control agreements, and observation of internationally recognized human rights.

2002—Subsec. (d). Pub. L. 107–314, § 1306(c), formerly § 1306(e), as renumbered by Pub. L. 109–163, in introductory provisions, substituted ''any fiscal year'' for ''any year'' and ''such fiscal year'' for ''that year''.

SHARING OF CLASSIFIED UNITED STATES BALLISTIC MISSILE DEFENSE INFORMATION WITH THE RUSSIAN FEDERATION

Pub. L. 112–81, div. A, title XII, § 1244, Dec. 31, 2011, 125 Stat. 1646, provided that:

''(a) NOTIFICATION.—No classified United States ballistic missile defense information may be made available to the Russian Federation unless, 60 days prior to any instance in which the United States Government plans to provide such information to the Russian Federation, the President provides notification thereof to the appropriate congressional committees.

''(b) ELEMENTS OF NOTIFICATION.—Each notification provided pursuant to subsection (a) shall include the following:

''(1) A detailed description of the classified United States ballistic missile defense information to be provided.

''(2) An explanation of the national security interest in providing the information to the Russian Federation and any provisions for reciprocal sharing by the Russian Federation with the United States on its defensive systems.

''(3) A certification that providing the information is consistent with United States national disclosure policy as of the date of enactment of this Act [Dec. 31, 2011] and that the decision to provide the information was made pursuant to a national disclosure policy review.

''(4) If applicable, a detailed explanation of whether any exceptions to national disclosure policy were re-

quired in order to provide the information to the Russian Federation and why such exceptions were required.

''(5) A certification that adequate measures are in place to protect the information from unauthorized disclosure. The certification shall include a description of the manner in which the information will be protected from unauthorized sharing or transfer to third parties as well as an analysis of the risks to the capabilities of the United States ballistic missile defense system if the information is shared or transferred to an unauthorized third party.

''(c) FORM.—Each notification provided pursuant to subsection (a) shall be submitted in unclassified form, but may include a classified annex.

''(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—For the purposes of this section, the term 'appropriate congressional committees' means—

''(1) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

''(2) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

''(e) CLASSIFIED UNITED STATES BALLISTIC MISSILE DEFENSE INFORMATION DEFINED.—For the purposes of this section, the term 'classified United States ballistic missile defense information' means information related to United States ballistic missile defenses that is classified as of, or after, the date of enactment of this Act [Dec. 31, 2011].''

UTILIZATION OF CONTRIBUTIONS TO THE COOPERATIVE THREAT REDUCTION PROGRAM

Pub. L. 111–84, div. A, title XIII, § 1303, Oct. 28, 2009, 123 Stat. 2557, provided that:

''(a) IN GENERAL.—The Secretary of Defense, with the concurrence of the Secretary of State, may enter into one or more agreements with any person (including a foreign government, international organization, multinational entity, or any other entity) that the Secretary of Defense considers appropriate under which the person contributes funds for activities conducted under the Cooperative Threat Reduction Program of the Department of Defense.

''(b) RETENTION AND USE OF AMOUNTS.—Notwithstanding section 3302 of title 31, United States Code, and subject to subsections (c) and (d), the Secretary of Defense may retain and obligate or expend amounts contributed pursuant to subsection (a) for purposes of the Cooperative Threat Reduction Program of the Department of Defense. Amounts so contributed shall be retained in a separate fund established in the Treasury for such purposes and shall be available to be obligated or expended without further appropriation.

''(c) RETURN OF AMOUNTS NOT OBLIGATED OR EXPENDED WITHIN THREE YEARS.—If the Secretary of Defense does not obligate or expend an amount contributed pursuant to subsection (a) by the date that is three years after the date on which the contribution was made, the Secretary shall return the amount to the person who made the contribution.

''(d) NOTICE TO CONGRESSIONAL DEFENSE COMMITTEES.—

''(1) IN GENERAL.—Not later than 30 days after receiving an amount contributed pursuant to subsection (a), the Secretary shall submit to the appropriate congressional committees a notice—

''(A) specifying the value of the contribution and the purpose for which the contribution was made; and

''(B) identifying the person who made the contribution.

''(2) LIMITATION ON USE OF AMOUNTS.—The Secretary may not obligate or expend an amount contributed pursuant to subsection (a) until the date that is 15 days after the date on which the Secretary submits the notice required by paragraph (1).

''(e) ANNUAL REPORT.—Not later than October 31 each year, the Secretary of Defense shall submit to the appropriate congressional committees a report on amounts contributed pursuant to subsection (a) during the preceding fiscal year. Each such report shall include, for the fiscal year covered by the report, the following:

''(1) A statement of any amounts contributed pursuant to subsection (a), including, for each such amount, the value of the contribution and the identity of the person who made the contribution.

''(2) A statement of any amounts so contributed that were obligated or expended by the Secretary, including, for each such amount, the purposes for which the amount was obligated or expended.

''(3) A statement of any amounts so contributed that were retained but not obligated or expended, including, for each such amount, the purposes (if known) for which the Secretary intends to obligate or expend the amount.

''(f) IMPLEMENTATION PLAN.—The Secretary of Defense shall submit to the appropriate congressional committees an implementation plan for the authority provided under this section prior to obligating or expending any amounts contributed pursuant to subsection (a). The Secretary shall submit updates to such plan as needed.

''(g) TERMINATION.—The authority provided under this section shall terminate on December 31, 2015.

''(h) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term 'appropriate congressional committees' means—

''(1) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Affairs of the House of Representatives; and

''(2) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Relations of the Senate.''

[For definition of Cooperative Threat Reduction programs for purposes of section 1303 of Pub. L. 111–84, set out above, see section 1301(a) of Pub. L. 111–84, set out as a note under section 5964 of this title.]

COOPERATIVE THREAT REDUCTION DEFENSE AND MILITARY CONTACTS PROGRAM

Pub. L. 111–84, div. A, title XIII, § 1306(a), Oct. 28, 2009, 123 Stat. 2560, provided that: ''The Secretary of Defense shall ensure that the Defense and Military Contacts Program under the Cooperative Threat Reduction Program of the Department of Defense—

''(1) is executed pursuant to a well-developed strategy for advancing the mission of the Cooperative Threat Reduction Program;

''(2) is focused and expanded to support specific relationship-building opportunities, which could lead to Cooperative Threat Reduction Program development in new geographic areas and achieve other Cooperative Threat Reduction Program benefits;

''(3) is directly administered as part of the Cooperative Threat Reduction Program; and

''(4) includes cooperation and coordination with—

''(A) the unified combatant commands that operate in areas in which Cooperative Threat Reduction activities are carried out; and

''(B) related diplomatic efforts.''

[For definition of Cooperative Threat Reduction programs for purposes of section 1306(a) of Pub. L. 111–84, set out above, see section 1301(a) of Pub. L. 111–84, set out as a note under section 5964 of this title.]

STUDY AND REPORT RELATING TO WEAPONS-GRADE URANIUM AND PLUTONIUM OF THE INDEPENDENT STATES OF THE FORMER SOVIET UNION

Pub. L. 108–136, div. C, title XXXI, § 3123, Nov. 24, 2003, 117 Stat. 1747, provided that:

''(a) STUDY REQUIRED.—The Secretary of Energy shall carry out a study on the feasibility, costs, and benefits of—

''(1) purchasing, from the independent states of the former Soviet Union, weapons-grade uranium and plutonium excess to the defense needs of those states; and

''(2) safeguarding the uranium and plutonium so purchased until rendered unusable for nuclear weapons.

''(b) REPORT.—Not later than one year after the date of the enactment of this Act [Nov. 24, 2003], the Secretary shall submit to Congress a report on the results of the study required by subsection (a).''

REPORT REQUIREMENT REGARDING RUSSIAN PROLIFERATION TO IRAN AND OTHER COUNTRIES OF PROLIFERATION CONCERN

Pub. L. 107–314, div. A, title XII, § 1206, Dec. 2, 2002, 116 Stat. 2665, provided that:

''(a) REPORT REQUIREMENT.—Not later than March 15 of 2003 through 2009, the President shall submit to Congress a report (in unclassified and classified form as necessary) describing in detail Russian proliferation of weapons of mass destruction and ballistic missile goods, technology, expertise, and information, and of dual-use items that may contribute to the development of weapons of mass destruction and ballistic missiles, to Iran and to other countries of proliferation concern during the year preceding the year in which the report is submitted. The report shall include a detailed description of the following, for the year covered by the report:

''(1) The number, type, and quality of direct and dual-use weapons of mass destruction and ballistic missile goods, technology, expertise, and information transferred.

''(2) The form, location, and manner in which such transfers took place.

''(3) The contribution that such transfers could make to the recipient countries' weapons of mass destruction and ballistic missile programs, and an estimate of how soon such countries will test, possess, and deploy weapons of mass destruction and ballistic missiles.

''(4) The impact and consequences that such transfers have, and could have over the next 10 years—

''(A) on United States national security;

''(B) on United States military forces deployed in the region to which such transfers are being made;

''(C) on United States allies, friends, and interests in that region; and

''(D) on the military capabilities of the country receiving such transfers from Russia.

''(5) The policy and strategy that the President intends to employ to halt Russian proliferation, the policy tools that the President intends to use to carry out that policy and strategy, the rationale for employing such tools, and the timeline by which the President expects to see material progress in ending Russian proliferation of direct and dual-use weapons of mass destruction and missile goods, technology, expertise, and information.

''(b) DEFINITION.—In this section, the term 'country of proliferation concern' means any country identified by the Director of Central Intelligence as having engaged in the acquisition of dual-use and other technology useful for the development or production of weapons of mass destruction (including nuclear weapons, chemical weapons, and biological weapons) or advanced conventional munitions—

''(1) in the most recent report under section 721 of the Combatting Proliferation of Weapons of Mass Destruction Act of 1996 (title VII of Public Law 104–293; 50 U.S.C. 2366); or

''(2) in any successor report on the acquisition by foreign countries of dual-use and other technology useful for the development or production of weapons of mass destruction.''

[Reference to the Director of Central Intelligence or the Director of the Central Intelligence Agency in the Director's capacity as the head of the intelligence community deemed to be a reference to the Director of National Intelligence. Reference to the Director of Central Intelligence or the Director of the Central Intelligence Agency in the Director's capacity as the head of the Central Intelligence Agency deemed to be a reference to the Director of the Central Intelligence Agency. See section 1081(a), (b) of Pub. L. 108–458, set out as a note under section 401 of Title 50, War and National Defense.]

[Functions of President under section 1206 of Pub. L. 107–314, set out above, delegated to Secretary of State by section 1 of Ex. Ord. No. 13313, July 31, 2003, 68 F.R. 46074, set out as a note under section 301 of Title 3, The President.]

LIMITED WAIVER OF RESTRICTIONS ON USE OF FUNDS FOR THREAT REDUCTION IN STATES OF THE FORMER SOVIET UNION

Pub. L. 107–314, div. A, title XIII, § 1306(a)–(d), Dec. 2, 2002, 116 Stat. 2673, as amended by Pub. L. 109–163, div. A, title XIII, § 1303(1), Jan. 6, 2006, 119 Stat. 3474, provided that:

''(a) AUTHORITY TO WAIVE RESTRICTIONS AND ELIGIBILITY REQUIREMENTS.—If the President submits the certification and report described in subsection (b) with respect to an independent state of the former Soviet Union for a fiscal year—

''(1) the restrictions in subsection (d) of section 1203 of the Cooperative Threat Reduction Act of 1993 (22 U.S.C. 5952) shall cease to apply, and funds may be obligated and expended under that section for assistance, to that state during that fiscal year; and

''(2) funds may be obligated and expended during that fiscal year under section 502 of the FREEDOM Support Act (22 U.S.C. 5852) for assistance or other programs and activities for that state even if that state has not met one or more of the requirements for eligibility under paragraphs (1) through (4) of that section.

''(b) CERTIFICATION AND REPORT.—(1) The certification and report referred to in subsection (a) are a written certification submitted by the President to Congress that the waiver of the restrictions and requirements described in paragraphs (1) and (2) of that subsection during such fiscal year is important to the national security interests of the United States, together with a report containing the following:

''(A) A description of the activity or activities that prevent the President from certifying that the state is committed to the matters set forth in the provisions of law specified in paragraphs (1) and (2) of subsection (a) in such fiscal year.

''(B) An explanation of why the waiver is important to the national security interests of the United States.

''(C) A description of the strategy, plan, or policy of the President for promoting the commitment of the state to, and compliance by the state with, such matters, notwithstanding the waiver.

''(2) The matter included in the report under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

''[(c), (d) Repealed. Pub. L. 109–163, div. A, title XIII, § 1303(1), Jan. 6, 2006, 119 Stat. 3474.]''

[Functions of President under section 1306(a), (b) of Pub. L. 107–314, set out above, delegated to Secretary of State by Memorandum of President of the United States, Dec. 15, 2005, 71 F.R. 1467.]

TRANSFER TO NATIONAL NUCLEAR SECURITY ADMINISTRATION OF DEPARTMENT OF DEFENSE'S COOPERATIVE THREAT REDUCTION PROGRAM RELATING TO ELIMINATION OF WEAPONS GRADE PLUTONIUM PRODUCTION IN RUSSIA

Pub. L. 107–314, div. C, title XXXI, § 3151, Dec. 2, 2002, 116 Stat. 2736, as amended by Pub. L. 108–375, div. C, title XXXI, § 3135, Oct. 28, 2004, 118 Stat. 2170, provided that:

''(a) TRANSFER OF PROGRAM.—There are hereby transferred to the Administrator for Nuclear Security the following:

''(1) The program, within the Cooperative Threat Reduction program of the Department of Defense, relating to the elimination of weapons grade plutonium production in Russia.

''(2) All functions, powers, duties, and activities of that program performed before the date of the enactment of this Act [Dec. 2, 2002] by the Department of Defense.

''(b) TRANSFER OF ASSETS.—(1) Notwithstanding any restriction or limitation in law on the availability of Cooperative Threat Reduction funds specified in paragraph (2), so much of the property, records, and unexpended balances of appropriations, allocations, and other funds employed, used, held, available, or to be made available in connection with the program transferred by subsection (a) are transferred to the Administrator for use in connection with the program transferred.

''(2) The Cooperative Threat Reduction funds specified in this paragraph are the following:

''(A) Fiscal year 2002 Cooperative Threat Reduction funds, as specified in section 1301(b) of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1254; 22 U.S.C. 5952 note).

''(B) Fiscal year 2001 Cooperative Threat Reduction funds, as specified in section 1301(b) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–339; 22 U.S.C. 5959 note).

''(C) Fiscal year 2000 Cooperative Threat Reduction funds, as specified in section 1301(b) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 792; 22 U.S.C. 5952 note).

''(c) AVAILABILITY OF TRANSFERRED FUNDS.—(1) Notwithstanding any restriction or limitation in law on the availability of Cooperative Threat Reduction funds specified in subsection (b)(2), the Cooperative Threat Reduction funds transferred under subsection (b) for the program referred to in subsection (a) shall be available for activities as follows:

''(A) To design and construct, refurbish, or both, fossil fuel energy plants in Russia that provide alternative sources of energy to the energy plants in Russia that produce weapons grade plutonium.

''(B) To carry out limited safety upgrades of not more than three energy plants in Russia that produce weapons grade plutonium, provided that such upgrades do not extend the life of those plants.

''(2) Amounts available under paragraph (1) for activities referred to in that paragraph shall remain available for obligation for three fiscal years.

''(d) LIMITATION.—(1) Of the amounts authorized to be appropriated by this title or any other Act for the program referred to in subsection (a), the Administrator for Nuclear Security may not obligate any funds for construction, or obligate or expend more than $100,000,000 for that program, until 30 days after the later of—

''(A) the date on which the Administrator submits to the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives], the Committee on International Relations [now Committee on Foreign Affairs] of the House of Representatives, and the Committee on Foreign Relations of the Senate, a copy of an agreement or agreements entered into between the United States Government and the Government of the Russian Federation to shut down the three plutonium-producing reactors in Russia as specified under paragraph (2); and

''(B) the date on which the Administrator submits to the committees specified in subparagraph (A) a report on a plan to achieve international participation in the program referred to in subsection (a), including cost sharing.

''(2) The agreement (or agreements) under paragraph (1)(A) shall contain—

''(A) a commitment to shut down the three plutonium-producing reactors;

''(B) the date on which each such reactor will be shut down;

''(C) a schedule and milestones for each such reactor to complete the shutdown of such reactor by the date specified under subparagraph (B);

''(D) a schedule and milestones for refurbishment or construction of fossil fuel energy plants to be undertaken by the Government of the Russian Federation in support of the program;

''(E) an arrangement for access to sites and facilities necessary to meet such schedules and milestones;

''(F) an arrangement for audit and examination procedures in order to evaluate progress in meeting such schedules and milestones; and

''(G) any cost sharing arrangements between the United States Government and the Government of the Russian Federation in undertaking activities under such agreement (or agreements).

''(e) INTERNATIONAL PARTICIPATION IN PROGRAM.—(1) In order to achieve international participation in the program referred to in subsection (a), the Secretary of Energy may, in consultation with the Secretary of State, enter into one or more agreements with any person, foreign government, or other international organization that the Secretary considers appropriate for the contribution of funds by such person, government, or organization for purposes of the program.

''(2) Notwithstanding section 3302 of title 31, United States Code, and subject to paragraphs (3) and (4), the Secretary may retain and utilize any amounts contributed by a person, government, or organization under an agreement under paragraph (1) for purposes of the program without further appropriation and without fiscal year limitation.

''(3) The Secretary may not utilize under paragraph (2) any amount contributed under an agreement under paragraph (1) until 30 days after the date on which the Secretary notifies the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives] of the intent to utilize such amount, including the source of such amount and the proposed purpose for which such amount will be utilized.

''(4) If any amount contributed under paragraph (1) has not been utilized within five years of receipt under that paragraph, the Secretary shall return such amount to the person, government, or organization contributing such amount under that paragraph.

''(5) Not later than 30 days after the receipt of any amount contributed under paragraph (1), the Secretary shall submit to the congressional defense committees a notice of the receipt of such amount.

''(6) Not later than October 31 each year, the Secretary shall submit to the congressional defense committees a report on the receipt and utilization of amounts under this subsection during the preceding fiscal year. Each report for a fiscal year shall set forth—

''(A) a statement of any amounts received under this subsection, including the source of each such amount; and

''(B) a statement of any amounts utilized under this subsection, including the purpose for which such amounts were utilized.

''(7) The authority of the Secretary to accept and utilize amounts under this subsection shall expire on December 31, 2011.''

ACCELERATED DISPOSITION OF HIGHLY ENRICHED URANIUM

Pub. L. 107–314, div. C, title XXXI, § 3157, Dec. 2, 2002, 116 Stat. 2740, provided that:

''(a) PROGRAM ON ACCELERATED DISPOSITION OF HEU AUTHORIZED.—(1) The Secretary of Energy may carry out a program to pursue with the Russian Federation options for blending highly enriched uranium so that the concentration of U–235 in such uranium is below 20 percent.

''(2) The options pursued under paragraph (1) shall include expansion of the Material Consolidation and Conversion program of the Department of Energy to include—

''(A) additional facilities for the blending of highly enriched uranium; and

''(B) additional centralized secure storage facilities for highly enriched uranium designated for blending.

''(3) Any site selected for the storage of uranium or blended material under paragraph (2)(B) shall undergo complete materials protection, control, and accounting upgrades before the commencement of the storage of uranium or blended material at such site under the program.

''(b) CONSTRUCTION WITH HEU DISPOSITION AGREEMENT.—Nothing in this section may be construed as terminating, modifying, or otherwise affecting requirements for the disposition of highly enriched uranium under the Agreement Between the Government of the United States of America and the Government of the Russian Federation Concerning the Disposition of Highly Enriched Uranium Extracted from Nuclear Weapons, signed at Washington on February 18, 1993.

''(c) LIMITATION ON RELEASE FOR SALE OF BLENDED URANIUM.—Uranium blended under this section may not be released for sale until the earlier of—

''(1) January 1, 2014; or

''(2) the date on which the Secretary certifies that such uranium can be absorbed into the global market without undue disruption to the uranium mining, conversion, and enrichment industry in the United States.

''(d) AMOUNT FOR ACTIVITIES.—Of the amount to be appropriated by section 3101(a)(2) [116 Stat. 2729] for the Department of Energy for the National Nuclear Security Administration for defense nuclear nonproliferation, up to $10,000,000 may be available for carrying out this section.''

PLAN FOR ACCELERATED RETURN OF WEAPONS-USABLE NUCLEAR MATERIALS

Pub. L. 107–314, div. C, title XXXI, § 3160, Dec. 2, 2002, 116 Stat. 2742, provided that:

''(a) PLAN FOR ACCELERATED RETURN.—The Secretary of Energy shall work with the Russian Federation to develop a plan to accelerate the return to Russia of all weapons-usable nuclear materials located in research reactors and other facilities outside Russia that were supplied by the former Soviet Union.

''(b) FUNDING AND SCHEDULES.—As part of the plan under subsection (a), the Secretary shall identify the funding and schedules required to assist the research reactors and facilities referred to in that subsection in—

''(1) transferring highly enriched uranium to Russia; and

''(2) upgrading the materials protection, control, and accounting procedures at such research reactors and facilities until the weapons-usable nuclear materials in such reactors and facilities are returned in accordance with that subsection.

''(c) COORDINATION.—The provision of assistance under subsection (b) shall be closely coordinated with the International Atomic Energy Agency.''

RUSSIAN FEDERATION DEBT REDUCTION FOR NONPROLIFERATION

Pub. L. 107–228, div. B, title XIII, subtitle B, Sept. 30, 2002, 116 Stat. 1442, as amended by Pub. L. 108–271, § 8(b), July 7, 2004, 118 Stat. 814; Pub. L. 112–74, div. I, title VII, § 7034(n), Dec. 23, 2011, 125 Stat. 1217, provided that:

''SEC. 1311. SHORT TITLE.

''This subtitle may be cited as the 'Russian Federation Debt for Nonproliferation Act of 2002'.

''SEC. 1312. FINDINGS AND PURPOSES.

''(a) FINDINGS.—Congress finds the following:

''(1) It is in the vital security interests of the United States to prevent the spread of weapons of mass destruction to additional states or to terrorist organizations, and to ensure that other nations' obligations to modify their stockpiles of such arms in accordance with treaties, executive agreements, or political commitments are fulfilled.

''(2) In particular, it is in the vital national security interests of the United States to ensure that—

''(A) all stocks of nuclear weapons and weapons-usable nuclear material in the Russian Federation are secure and accounted for;

''(B) stocks of nuclear weapons and weapons-usable nuclear material that are excess to military needs in the Russian Federation are monitored and reduced;

''(C) any chemical or biological weapons, related materials, and facilities in the Russian Federation are destroyed;

''(D) the Russian Federation's nuclear weapons complex is reduced to a size appropriate to its post-Cold War missions, and its experts in weapons of mass destruction technologies are shifted to gainful and sustainable civilian employment;

''(E) the Russian Federation's export control system blocks any proliferation of weapons of mass destruction, the means of delivering such weapons, and materials, equipment, know-how, or technology that would be used to develop, produce, or deliver such weapons; and

''(F) these objectives are accomplished with sufficient monitoring and transparency to provide confidence that they have in fact been accomplished and that the funds provided to accomplish these objectives have been spent efficiently and effectively.

''(3) United States programs should be designed to accomplish these vital objectives in the Russian Federation as rapidly as possible, and the President should develop and present to Congress a plan for doing so.

''(4) Substantial progress has been made in United States-Russian Federation cooperative programs to achieve these objectives, but much more remains to be done to reduce the urgent risks to United States national security posed by the current state of the Russian Federation's weapons of mass destruction stockpiles and complexes.

''(5) The threats posed by inadequate management of weapons of mass destruction stockpiles and complexes in the Russian Federation remain urgent. Incidents in years immediately preceding 2001, which have been cited by the Russia Task Force of the Secretary of Energy Advisory Board, include—

''(A) a conspiracy at one of the Russian Federation's largest nuclear weapons facilities to steal nearly enough highly enriched uranium for a nuclear bomb;

''(B) an attempt by an employee of the Russian Federation's premier nuclear weapons facility to sell nuclear weapons designs to agents of Iraq and Afghanistan; and

''(C) the theft of radioactive material from a Russian Federation submarine base.

''(6) Addressing these threats to United States and world security will ultimately consume billions of dollars, a burden that will have to be shared by the Russian Federation, the United States, and other governments, if these threats are to be neutralized.

''(7) The creation of new funding streams could accelerate progress in reducing these threats to United States security and help the government of the Russian Federation to fulfill its responsibility for secure management of its weapons stockpiles and complexes as United States assistance phases out.

''(8) The Russian Federation has a significant foreign debt, a substantial proportion of which it inherited from the Soviet Union.

''(9) Past debt-for-environment exchanges, in which a portion of a country's foreign debt is canceled in return for certain environmental commitments or payments by that country, suggest that a debt-for-nonproliferation exchange with the Russian Federation could be designed to provide additional funding for nonproliferation and arms reduction initiatives.

''(10) Most of the Russian Federation's official bilateral debt is held by United States allies that are advanced industrial democracies. Since the issues described pose threats to United States allies as well, United States leadership that results in a larger contribution from United States allies to cooperative threat reduction activities will be needed.

''(11) At the June 2002 meeting of the G–8 countries, agreement was achieved on a G–8 Global Partnership

against the Spread of Weapons and Materials of Mass Destruction, under which the advanced industrial democracies committed to contribute $20,000,000,000 to nonproliferation programs in the Russian Federation during a 10-year period, with each contributing country having the option to fund some or all of its contribution through reduction in the Russian Federation's official debt to that country.

''(12) The Russian Federation's Soviet-era official debt to the United States is estimated to be $480,000,000 in Lend-Lease debt and $2,250,000,000 in debt as a result of credits extended under title I of the Agricultural Trade Development and Assistance Act of 1954 [now Food for Peace Act] (7 U.S.C. 1701 et seq.).

''(b) PURPOSES.—The purposes of this subtitle are—

''(1) to facilitate the accomplishment of the United States objectives described in the findings set forth in subsection (a) by providing for the use of a portion of the Russian Federation's foreign debt to fund nonproliferation programs, thus allowing the use of additional resources for these purposes; and

''(2) to help ensure that the resources made available to the Russian Federation are targeted to the accomplishment of the United States objectives described in the findings set forth in subsection (a).

''SEC. 1313. DEFINITIONS.

''In this subtitle:

''(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term 'appropriate congressional committees' means—

''(A) the Committee on International Relations [now Committee on Foreign Affairs] and the Committee on Appropriations of the House of Representatives; and

''(B) the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

''(2) COST.—The term 'cost' has the meaning given that term in section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5)).

''(3) RUSSIAN FEDERATION NONPROLIFERATION INVESTMENT AGREEMENT OR AGREEMENT.—The term 'Russian Federation Nonproliferation Investment Agreement' or 'Agreement' means the agreement between the United States and the Russian Federation entered into under section 1315(a).

''(4) SOVIET-ERA DEBT.—The term 'Soviet-era debt' means debt owed as a result of loans or credits provided by the United States (or any agency of the United States) to the Union of Soviet Socialist Republics under the Lend Lease Act of 1941 [former 22 U.S.C. 411 et seq.] or the Commodity Credit Corporation Charter Act [15 U.S.C. 714 et seq.].

''(5) STATE SPONSOR OF INTERNATIONAL TERRORISM.—The term 'state sponsor of international terrorism' means those countries that have been determined by the Secretary of State, for the purposes of section 40 of the Arms Export Control Act [22 U.S.C. 2780], section 620A of the Foreign Assistance Act of 1961 [22 U.S.C. 2371], or section 6(j) of the Export Administration Act of 1979 [50 U.S.C. App. 2405(j)], to have repeatedly provided support for acts of international terrorism.

''SEC. 1314. AUTHORITY TO REDUCE THE RUSSIAN FEDERATION'S SOVIET-ERA DEBT OBLIGATIONS TO THE UNITED STATES.

''(a) AUTHORITY TO REDUCE DEBT.—

''(1) IN GENERAL.—Upon the entry into force of a Russian Federation Nonproliferation Investment Agreement, the President may reduce amounts of Soviet-era debt owed by the Russian Federation to the United States (or any agency or instrumentality of the United States) that are outstanding as of the last day of the fiscal year preceding the fiscal year for which appropriations are available for the reduction of debt, in accordance with this subtitle.

''(2) LIMITATION.—The authority provided by paragraph (1) shall be available only to the extent that appropriations for the cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990 [2 U.S.C. 661a(5)]) of reducing any debt pursuant to such subsection are made in advance.

''(3) SUPERSEDES EXISTING LAW.—The authority provided by paragraph (1) may be exercised notwithstanding section 620(r) of the Foreign Assistance Act of 1961 (22 U.S.C. 2370(r)) or section 321 of the International Development and Food Assistance Act of 1975 [Pub. L. 94–161, set out as a note under section 2220a of this title].

''(b) IMPLEMENTATION.—

''(1) DELEGATION OF AUTHORITY.—The President may delegate any authority conferred upon the President in this subtitle to the Secretary of State.

''(2) ESTABLISHMENT OF TERMS AND CONDITIONS.—Consistent with this subtitle, the President shall establish the terms and conditions under which loans and credits may be reduced pursuant to subsection (a).

''(3) IMPLEMENTATION.—In exercising the authority of subsection (a), the President—

''(A) shall notify—

''(i) the Department of State, with respect to obligations of the former Soviet Union under the Lend Lease Act of 1941 [former 22 U.S.C. 411 et seq.]; and

''(ii) the Commodity Credit Corporation, with respect to obligations of the former Soviet Union under the Commodity Credit Corporation Act [15 U.S.C. 713a et seq.];

''(B) shall direct the cancellation of old obligations and the substitution of new obligations consistent with the Russian Federation Nonproliferation Investment Agreement; and

''(C) shall direct the appropriate agency to make an adjustment in the relevant accounts to reflect the new debt treatment.

''(4) DEPOSIT OF REPAYMENTS.—All repayments of outstanding loan amounts under subsection (a) that are not designated under a Russian Federation Nonproliferation Investment Agreement shall be deposited in the United States Government accounts established for repayments of the original obligations.

''(5) NOT TREATED AS FOREIGN ASSISTANCE.—Any reduction of Soviet-era debt pursuant to this subtitle shall not be considered assistance for the purposes of any provision of law limiting assistance to a country.

''(c) AUTHORIZATION OF APPROPRIATION.—

''(1) IN GENERAL.—For the cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990 [2 U.S.C. 661a(5)]) of modifying any Soviet-era debt obligation pursuant to subsection (a), there are authorized to be appropriated to the President such sums as may be necessary.

''(2) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to paragraph (1) are authorized to remain available until expended.

''SEC. 1315. RUSSIAN FEDERATION NONPROLIFERATION INVESTMENT AGREEMENT.

''(a) IN GENERAL.—

''(1) IN GENERAL.—The President is authorized to enter into an agreement with the Russian Federation under which an amount equal to the value of the debt reduced pursuant to section 1314 will be used to promote the nonproliferation of weapons of mass destruction and the means of delivering such weapons. An agreement entered into under this section may be referred to as the 'Russian Federation Nonproliferation Investment Agreement'.

''(2) CONGRESSIONAL NOTIFICATION.—The President shall notify the appropriate congressional committees at least 15 days in advance of the United States entering into a Russian Federation Nonproliferation Investment Agreement.

''(b) CONTENT OF THE AGREEMENT.—The Russian Federation Nonproliferation Investment Agreement shall ensure that—

''(1) an amount equal to the value of the debt reduced pursuant to this subtitle will be made available by the Russian Federation for agreed nonproliferation programs and projects;

''(2) each program or project funded pursuant to the Agreement will be approved by the President;

''(3) the administration and oversight of nonproliferation programs and projects will incorporate best practices from established threat reduction and nonproliferation assistance programs;

''(4) each program or project funded pursuant to the Agreement will be subject to monitoring and audits conducted by or for the United States Government to confirm that agreed funds are expended on agreed projects and meet agreed targets and benchmarks;

''(5) unobligated funds for investments pursuant to the Agreement will not be diverted to other purposes;

''(6) funds allocated to programs and projects pursuant to the Agreement will not be subject to any taxation by the Russian Federation;

''(7) all matters relating to the intellectual property rights and legal liabilities of United States firms in any project will be agreed upon before the expenditure of funds would be authorized for that project; and

''(8) not less than 75 percent of the funds made available for each nonproliferation program or project under the Agreement will be spent in the Russian Federation.

''(c) USE OF EXISTING MECHANISMS.—It is the sense of Congress that, to the extent practicable, the boards and administrative mechanisms of existing threat reduction and nonproliferation programs should be used in the administration and oversight of programs and projects under the Agreement.

''(d) JOINT AUDITING.—It is the sense of Congress that the United States and the Russian Federation should consider commissioning the United States Government Accountability Office and the Russian Chamber of Accounts to conduct joint audits to ensure that the funds saved by the Russian Federation as a result of any debt reduction are used exclusively, efficiently, and effectively to implement agreed programs or projects pursuant to the Agreement.

''(e) STRUCTURE OF THE AGREEMENT.—It is the sense of Congress that the Agreement should provide for significant penalties—

''(1) if funds obligated for approved programs or projects are determined to have been misappropriated; and

''(2) if the President is unable to make the certification required by section 1317(a) for two consecutive years.

''SEC. 1316. INDEPENDENT MEDIA AND THE RULE OF LAW.

''Notwithstanding section 1315 (a)(1) and (b)(1), up to 10 percent of the amount equal to the value of the debt reduced pursuant to this subtitle may be used to promote a vibrant, independent media sector and the rule of law in the Russian Federation through an endowment to support the establishment of a 'Center for an Independent Press and the Rule of Law' in the Russian Federation, which shall be directed by a joint United States-Russian Board of Directors in which the majority of members, including the chairman, shall be United States personnel, and which shall be responsible for management of the endowment, its funds, and the Center's programs.

''SEC. 1317. RESTRICTION ON DEBT REDUCTION AUTHORITY.

''(a) PROLIFERATION TO STATE SPONSORS OF TERRORISM.—Subject to the provisions of subsection (c), the debt reduction authority provided by section 1314 may not be exercised unless and until the President certifies to the appropriate congressional committees that the Russian Federation has made material progress in stemming the flow of sensitive goods, technologies, material, and know-how related to the design, development, and production of weapons of mass destruction and the means to deliver them to state sponsors of international terrorism.

''(b) ANNUAL DETERMINATION.—If, in any annual report to Congress submitted pursuant to [former] section 1321, the President cannot certify that the Russian Federation continues to meet the condition required in subsection (a), then, subject to the provisions of subsection (c), the debt reduction authority provided by section 1314 may not be exercised unless and until such certification is made to the appropriate congressional committees.

''(c) PRESIDENTIAL WAIVER.—The President may waive the requirements of subsection (a) or (b) for a fiscal year if the President—

''(1) determines that application of the subsection for a fiscal year would be counter to the national interest of the United States; and

''(2) so reports to the appropriate congressional committees.

''SEC. 1318. DISCUSSION OF RUSSIAN FEDERATION DEBT REDUCTION FOR NONPROLIFERATION WITH OTHER CREDITOR STATES.

''It is the sense of Congress that the President and such other appropriate officials as the President may designate should pursue discussions with other creditor states with the objectives of—

''(1) ensuring that other advanced industrial democracies, especially the largest holders of Soviet-era Russian debt, dedicate significant proportions of their bilateral official debt with the Russian Federation or equivalent amounts of direct assistance to the G–8 Global Partnership against the Spread of Weapons and Materials of Mass Destruction, as agreed upon in the Statement by G–8 Leaders on June 27, 2002; and

''(2) reaching agreement, as appropriate, to establish a unified Russian Federation official debt reduction fund to manage and provide financial transparency for the resources provided by creditor states through debt reductions.

''SEC. 1319. IMPLEMENTATION OF UNITED STATES POLICY.

''It is the sense of Congress that implementation of debt-for-nonproliferation programs with the Russian Federation should be overseen by the coordinating mechanism established pursuant to section 1334 of this Act [50 U.S.C. 2357b].

''SEC. 1320. CONSULTATIONS WITH CONGRESS.

''The President shall consult with the appropriate congressional committees on a periodic basis to review the implementation of this subtitle and the Russian Federation's eligibility for debt reduction pursuant to this subtitle.

''[SEC. 1321. Repealed. Pub. L. 112–74, div. I, title VII, § 7034(n), Dec. 23, 2011, 125 Stat. 1217.]''

PLAN FOR SECURING NUCLEAR WEAPONS, MATERIAL, AND EXPERTISE OF THE STATES OF THE FORMER SOVIET UNION

Pub. L. 107–107, div. A, title XII, § 1205, Dec. 28, 2001, 115 Stat. 1247, as amended by Pub. L. 107–314, div. A, title XII, § 1205, Dec. 2, 2002, 116 Stat. 2664, provided that:

''(a) PLAN REQUIRED.—Not later than June 15, 2002, the President shall submit to Congress a plan, that has been developed in coordination with all relevant Federal agencies—

''(1) for cooperating with Russia on disposing, as soon as practicable, of nuclear weapons and weapons-usable nuclear material in Russia that Russia does not retain in its nuclear arsenals;

''(2) for assisting Russia in downsizing its nuclear weapons research and production complex;

''(3) for cooperating with the other states of the former Soviet Union on disposing, as soon as practicable, of all nuclear weapons and weapons-usable nuclear material in such states; and

''(4) for preventing the outflow from the states of the former Soviet Union of scientific expertise that could be used for developing nuclear weapons, other weapons of mass destruction, and delivery systems for such weapons.

''(b) CONTENT OF PLAN.—The plan required by subsection (a) shall include the following:

''(1) Specific goals and measurable objectives for programs that are designed to carry out the objectives described in subsection (a).

''(2) Criteria for success for such programs, and a strategy for eventual termination of United States contributions to such programs and assumption of the ongoing support of those programs by others.

''(3) A description of any administrative and organizational changes necessary to improve the coordination and effectiveness of such programs. In particular, the plan shall include consideration of the creation of an interagency committee that would have primary responsibilities within the executive branch for—

''(A) monitoring United States nonproliferation efforts in the states of the former Soviet Union;

''(B) coordinating the implementation of United States policy with respect to such efforts; and

''(C) recommending to the President integrated policies, budget options, and private sector and international contributions for such programs.

''(4) An estimate of the cost of carrying out such programs.

''(c) CONSULTATION.—In developing the plan required by subsection (a), the President—

''(1) is encouraged to consult with the relevant states of the former Soviet Union regarding the practicality of various options; and

''(2) shall consult with the majority and minority leadership of the appropriate committees of Congress.

''(d) ANNUAL REPORT ON IMPLEMENTATION OF PLAN.—(1) Not later than January 31, 2003, and each year thereafter, the President shall submit to Congress a report on the implementation of the plan required by subsection (a) during the preceding year.

''(2) Each report under paragraph (1) shall include—

''(A) a discussion of progress made during the year covered by such report in the matters of the plan required by subsection (a);

''(B) a discussion of consultations with foreign nations, and in particular the Russian Federation, during such year on joint programs to implement the plan;

''(C) a discussion of cooperation, coordination, and integration during such year in the implementation of the plan among the various departments and agencies of the United States Government, as well as private entities that share objectives similar to the objectives of the plan; and

''(D) any recommendations that the President considers appropriate regarding modifications to law or regulations, or to the administration or organization of any Federal department or agency, in order to improve the effectiveness of any programs carried out during such year in the implementation of the plan.''

[Functions of President under section 1205(d) of Pub. L. 107–107, set out above, delegated to Secretary of State by Memorandum of President of the United States, Nov. 2, 2005, 70 F.R. 72055.]

REQUIREMENT TO CONSIDER USE OF REVENUE GENERATED BY ACTIVITIES CARRIED OUT UNDER COOPERATIVE THREAT REDUCTION PROGRAMS

Pub. L. 107–107, div. A, title XIII, § 1304, Dec. 28, 2001, 115 Stat. 1255, provided that: ''The Secretary of Defense shall consider the use of revenue generated by activities carried out under Cooperative Threat Reduction programs in negotiating and executing contracts with Russia to carry out such programs.''

PROHIBITION AGAINST USE OF FUNDS FOR SECOND WING OF FISSILE MATERIAL STORAGE FACILITY

Pub. L. 107–107, div. A, title XIII, § 1305(a), Dec. 28, 2001, 115 Stat. 1255, provided that: ''No fiscal year 2002 Cooperative Threat Reduction funds and no funds authorized to be appropriated for Cooperative Threat Reduction programs for any prior fiscal year may be used for the construction of a second wing for a storage facility for Russian fissile material.''

ANNUAL REPORT ON STATUS OF NUCLEAR MATERIALS PROTECTION, CONTROL, AND ACCOUNTING PROGRAM

Pub. L. 106–398, § 1 [div. C, title XXXI, § 3171], Oct. 30, 2000, 114 Stat. 1654, 1654A–475, as amended by Pub. L. 107–314, div. C, title XXXI, § 3153, Dec. 2, 2002, 116 Stat. 2738, which was formerly set out as a note under this section, was renumbered section 4303 of Pub. L. 107–314, the Bob Stump National Defense Authorization Act for Fiscal Year 2003, by Pub. L. 108–136, div. C, title XXXI, § 3141(f)(4)(A)–(C), Nov. 24, 2003, 117 Stat. 1763, and is classified to section 2563 of Title 50, War and National Defense.

LIMITATION ON USE OF FUNDS FOR CERTAIN PURPOSES

Pub. L. 108–375, div. A, title XIII, § 1303, Oct. 28, 2004, 118 Stat. 2093, as amended by Pub. L. 109–364, div. A, title XIII, § 1303, Oct. 17, 2006, 120 Stat. 2432, which provided that section 1305 of Pub. L. 106–65 (repealed, see below), would not apply for a calendar year to the chemical weapons destruction facility that was as of 2006 under construction at Shchuch'ye in the Russian Federation if the President submitted to Congress a written certification stating that certain conditions would be met for waiver, and also provided that such presidential waiver authority would not exist for calendar years after calendar year 2011, was repealed by Pub. L. 110–181, div. A, title XIII, § 1304(a)(4), Jan. 28, 2008, 122 Stat. 413.

Pub. L. 107–314, div. A, title XIII, § 1305, Dec. 2, 2002, 116 Stat. 2673, provided that: ''No funds authorized to be appropriated for Cooperative Threat Reduction programs for any fiscal year may be used for the design, planning, or construction of a second wing for a storage facility for Russian fissile material.''

Pub. L. 107–248, title VIII, § 8144, Oct. 23, 2002, 116 Stat. 1571, as amended by Pub. L. 108–84, § 130, formerly § 135, Sept. 30, 2003, 117 Stat. 1048, renumbered Pub. L. 108–104, § 2(3), Oct. 31, 2003, 117 Stat. 1200; Pub. L. 108–104, § 3, Oct. 31, 2003, 117 Stat. 1200; Pub. L. 108–107, § 2, Nov. 7, 2003, 117 Stat. 1240; Pub. L. 108–135, § 2, Nov. 22, 2003, 117 Stat. 1391, provided that:

''(a) The conditions described in section 1305 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 22 U.S.C. 5952 note) shall not apply to the obligation and expenditure of funds for fiscal years 2000, 2001, 2002 and 2003 for the planning, design, or construction of a chemical weapons destruction facility in Russia if the President submits to Congress a written certification that includes—

''(1) a statement as to why waiving the conditions is important to the national security interests of the United States;

''(2) a full and complete justification for exercising this waiver; and

''(3) a plan to promote a full and accurate disclosure by Russia regarding the size, content, status, and location of its chemical weapons stockpile.

''(b) EXPIRATION OF AUTHORITY.—The authority under paragraph (a) shall expire January 31, 2004.''

Pub. L. 106–398, § 1 [[div. A], title XIII, § 1303], Oct. 30, 2000, 114 Stat. 1654, 1654A–340, provided that: ''No fiscal year 2001 Cooperative Threat Reduction funds and no funds appropriated for Cooperative Threat Reduction programs for any other fiscal year, may be obligated or expended for elimination of conventional weapons or the delivery vehicles primarily intended to deliver such weapons.'' [For definitions, see section 1 [[div. A], title XIII, § 1301(a)] of Pub. L. 106–398, set out as a note under section 5959 of this title.]

Pub. L. 106–398, § 1 [[div. A], title XIII, § 1304], Oct. 30, 2000, 114 Stat. 1654, 1654A–340, as amended by Pub. L. 107–107, div. A, title XIII, § 1305(b), Dec. 28, 2001, 115 Stat. 1255, provided that: ''Out of funds authorized to be appropriated for Cooperative Threat Reduction programs [for definition, see section 1 [[div. A], title XIII, § 1301(a)] of Pub. L. 106–398, set out as a note under sec-

tion 5959 of this title] for fiscal year 2001 or any other fiscal year, not more than $412,600,000 may be used for planning, design, or construction of the first wing for the storage facility for Russian fissile material referred to in section 1302(a)(5) [114 Stat. 1654–339] other than planning, design, or construction to improve security at such first wing.''

Pub. L. 106–65, div. A, title XIII, §§1303–1305, Oct. 5, 1999, 113 Stat. 793, 794, as amended by Pub. L. 107–107, div. A, title XIII, §1308, Dec. 28, 2001, 115 Stat. 1256; Pub. L. 107–314, div. A, title X, §1062(j)(2), Dec. 2, 2002, 116 Stat. 2651; Pub. L. 110–53, title XVIII, §1811(3), Aug. 3, 2007, 121 Stat. 492; Pub. L. 110–181, div. A, title XIII, §1304(a)(3), Jan. 28, 2008, 122 Stat. 412, provided that:

''SEC. 1303. PROHIBITION ON USE OF FUNDS FOR SPECIFIED PURPOSES

''(a) IN GENERAL.—No fiscal year 2000 Cooperative Threat Reduction funds, and no funds appropriated for Cooperative Threat Reduction programs after the date of the enactment of this Act [Oct. 5, 1999], may be obligated or expended for any of the following purposes:

''(1) Conducting with Russia any peacekeeping exercise or other peacekeeping-related activity.

''(2) Provision of housing.

''(3) Provision of assistance to promote environmental restoration.

''(4) Provision of assistance to promote job retraining.

''(b) LIMITATION WITH RESPECT TO DEFENSE CONVERSION ASSISTANCE.—None of the funds appropriated pursuant to the authorization of appropriations in section 301 of this Act [113 Stat. 556], and no funds appropriated to the Department of Defense in any other Act enacted after the date of the enactment of this Act [Oct. 5, 1999], may be obligated or expended for the provision of assistance to Russia or any other state of the former Soviet Union to promote defense conversion.

''(c) LIMITATION WITH RESPECT TO CONVENTIONAL WEAPONS.—No fiscal year 2000 Cooperative Threat Reduction funds may be obligated or expended for elimination of conventional weapons or the delivery vehicles primarily intended to deliver such weapons.

''SEC. 1304. LIMITATIONS ON USE OF FUNDS FOR FISSILE MATERIAL STORAGE FACILITY

''(a) LIMITATIONS ON USE OF FISCAL YEAR 2000 FUNDS.—No fiscal year 2000 Cooperative Threat Reduction funds may be used—

''(1) for construction of a second wing for the storage facility for Russian fissile material referred to in section 1302(a)(6) [113 Stat. 793]; or

''(2) for design or planning with respect to such facility until 15 days after the date that the Secretary of Defense submits to Congress notification that Russia and the United States have signed a verifiable written transparency agreement that ensures that material stored at the facility is of weapons origin.

''(b) LIMITATION ON CONSTRUCTION.—No funds authorized to be appropriated for Cooperative Threat Reduction programs may be used for construction of the storage facility referred to in subsection (a) until the Secretary of Defense submits to Congress the following:

''(1) A certification that additional capacity is necessary at such facility for storage of Russian weapons-origin fissile material.

''(2) A detailed cost estimate for a second wing for the facility.

''(3) A certification that Russia and the United States have signed a verifiable written transparency agreement that ensures that material stored at the facility is of weapons origin.

''[SEC. 1305. Repealed. Pub. L. 110–53, title XVIII, §1811(3), Aug. 3, 2007, 121 Stat. 492, and Pub. L. 110–181, div. A, title XIII, §1304(a)(3), Jan. 28, 2008, 122 Stat. 412.]''

Similar provisions were contained in the following prior authorization acts:

Pub. L. 105–261, div. A, title XIII, §1303, Oct. 17, 1998, 112 Stat. 2162.

Pub. L. 105–85, div. A, title XIV, §§1403, 1405, 1407, Nov. 18, 1997, 111 Stat. 1960, 1962.

Pub. L. 104–201, div. A, title XV, §1503, Sept. 23, 1996, 110 Stat. 2732.

Pub. L. 104–106, div. A, title XII, §1203, Feb. 10, 1996, 110 Stat. 470.

LIMITATION ON USE OF FUNDS FOR CHEMICAL WEAPONS DESTRUCTION ACTIVITIES IN RUSSIA

Pub. L. 105–261, div. A, title XIII, §1304, Oct. 17, 1998, 112 Stat. 2163, provided that:

''(a) LIMITATION.—Subject to the limitation in section 1405(b) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1961), no funds authorized to be appropriated for Cooperative Threat Reduction programs under this Act [see Tables for classification] or any other Act may be obligated or expended for chemical weapons destruction activities in Russia (including activities for the planning, design, or construction of a chemical weapons destruction facility or for the dismantlement of an existing chemical weapons production facility) until the President submits to Congress a written certification described in subsection (b).

''(b) PRESIDENTIAL CERTIFICATION.—A certification under this subsection is either of the following certifications by the President:

''(1) A certification that—

''(A) Russia is making reasonable progress toward the implementation of the Bilateral Destruction Agreement;

''(B) the United States and Russia have made substantial progress toward the resolution, to the satisfaction of the United States, of outstanding compliance issues under the Wyoming Memorandum of Understanding and the Bilateral Destruction Agreement; and

''(C) Russia has fully and accurately declared all information regarding its unitary and binary chemical weapons, chemical weapons facilities, and other facilities associated with chemical weapons.

''(2) A certification that the national security interests of the United States could be undermined by a policy of the United States not to carry out chemical weapons destruction activities under Cooperative Threat Reduction programs for which funds are authorized to be appropriated under this Act or any other Act for fiscal year 1999.

''(c) DEFINITIONS.—In this section:

''(1) The term 'Bilateral Destruction Agreement' means the Agreement Between the United States of America and the Union of Soviet Socialist Republics on Destruction and Non-production of Chemical Weapons and on Measures to Facilitate the Multilateral Convention on Banning Chemical Weapons signed on June 1, 1990.

''(2) The term 'Wyoming Memorandum of Understanding' means the Memorandum of Understanding Between the Government of the United States of America and the Government of the Union of Soviet Socialist Republics Regarding a Bilateral Verification Experiment and Data Exchange Related to Prohibition on Chemical Weapons, signed at Jackson Hole, Wyoming, on September 23, 1989.''

[Memorandum of President of the United States, July 16, 1999, 64 F.R. 40503, delegated to Secretary of Defense authority of President under section 1304(b)(2) of Public Law 105–261, set out above.]

Similar provisions were contained in the following prior authorization acts:

Pub. L. 105–85, div. A, title XIV, §1406, Nov. 18, 1997, 111 Stat. 1961.

Pub. L. 104–106, div. A, title XII, §1209, Feb. 10, 1996, 110 Stat. 472.

REQUIREMENT TO SUBMIT SUMMARY OF AMOUNTS REQUESTED BY PROJECT CATEGORY

Pub. L. 105–261, div. A, title XIII, §1307, Oct. 17, 1998, 112 Stat. 2165, as amended by Pub. L. 108–375, div. A,

title XIII, §1304, Oct. 28, 2004, 118 Stat. 2094, provided that:

''(a) SUMMARY REQUIRED.—The Secretary of Defense shall submit to Congress in the materials and manner specified in subsection (c)—

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

''(2) a descriptive summary, with respect to appropriations for Cooperative Threat Reduction programs 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 Cooperative Threat Reduction 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 Cooperative Threat Reduction 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 to Congress in a fiscal year under subsection (a) shall be set forth by project category, and by amounts specified in paragraphs (1) and (2) of that subsection in connection with such project category, in each of the following:

''(1) The annual report on activities and assistance under Cooperative Threat Reduction programs required in such fiscal year under section 1308 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398) [22 U.S.C. 5959].

''(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(a) of title 31, United States Code).''

AUTHORITY TO CONDUCT PROGRAM RELATING TO FISSILE MATERIALS

Pub. L. 104–106, div. C, title XXXI, §3131, Feb. 10, 1996, 110 Stat. 617, as amended by Pub. L. 107–314, div. C, title XXXI, §3152, Dec. 2, 2002, 116 Stat. 2738, which was formerly set out as a note under this section, was renumbered section 4305 of Pub. L. 107–314, the Bob Stump National Defense Authorization Act for Fiscal Year 2003, by Pub. L. 108–136, div. C, title XXXI, §3141(f)(6), Nov. 24, 2004, 117 Stat. 1763, and is classified to section 2565 of Title 50, War and National Defense.

MULTIYEAR PLANNING AND ALLIED SUPPORT

Pub. L. 103–337, div. A, title XII, §1205(a)–(c), Oct. 5, 1994, 108 Stat. 2883, which required the Secretary of Defense to submit to Congress a report on funding for Cooperative Threat Reduction programs with states of the former Soviet Union at the time of the transmission to Congress of the budget justification materials for the funding request in the fiscal year 1996 budget for such Cooperative Threat Reduction programs and to submit an updated version of the report for any fiscal year after fiscal year 1996 for which the budget of the President proposed that funds be appropriated for Cooperative Threat Reduction programs, was repealed by Pub. L. 106–398, §1 [[div. A], title XIII, §1308(g)(2)], Oct. 30, 2000, 114 Stat. 1654, 1654A–343, effective on the date [Aug. 30, 2000] the Secretary of Defense submitted to Congress an updated version of the multiyear plan for fiscal year 2001 as described in section 5959(h) of this title.

CONDITION ON ASSISTANCE TO RUSSIA FOR CONSTRUCTION OF PLUTONIUM STORAGE FACILITY

Section 1612 of Pub. L. 103–160 provided:

''(a) LIMITATION.—Until a certification under subsection (b) is made, no funds may be obligated or expended by the United States for the purpose of assisting the Ministry of Atomic Energy of Russia to construct a storage facility for surplus plutonium from dismantled weapons.

''(b) CERTIFICATION OF RUSSIA'S COMMITMENT TO HALT CHEMICAL SEPARATION OF WEAPON-GRADE PLUTONIUM.—The prohibition in subsection (a) shall cease to apply upon a certification by the President to Congress that Russia—

''(1) is committed to halting the chemical separation of weapon-grade plutonium from spent nuclear fuel; and

''(2) is taking all practical steps to halt such separation at the earliest possible date.

''(c) SENSE OF CONGRESS ON PLUTONIUM POLICY.—It is the sense of Congress that a key objective of the United States with respect to the nonproliferation of nuclear weapons should be to obtain a clear and unequivocal commitment from the Government of Russia that it will (1) cease all production and separation of weapon-grade plutonium, and (2) halt chemical separation of plutonium produced in civil nuclear power reactors.

''(d) REPORT.—Not later than June 1, 1994, the President shall submit to Congress a report on the status of efforts by the United States to secure the commitments and achieve the objective described in subsections (b) and (c). The President shall include in the report a discussion of the status of joint efforts by the United States and Russia to replace any remaining Russian plutonium production reactors with alternative power sources or to convert such reactors to operation with alternative fuels that would permit their operation without generating weapon-grade plutonium.''

[Memorandum of President of the United States, Mar. 10, 1994, 59 F.R. 14079, delegated to Secretary of State authority and duty of President under section 1612(b) and (d) of Public Law 103–160 set out above.]

PRESIDENTIAL DETERMINATION ON WAIVER OF CONDITIONS ON OBLIGATIONS AND EXPENDITURE OF FUNDS FOR PLANNING, DESIGN, AND CONSTRUCTION OF A CHEMICAL WEAPONS DESTRUCTION FACILITY IN RUSSIA FOR CALENDAR YEAR 2007

Determination of President of the United States, No. 2007–6, Dec. 6, 2006, 71 F.R. 77581, provided:

Memorandum for the Secretary of State

Consistent with the authority vested in me by section 1303 of the National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375) (the ''Act''), I hereby certify that waiving the conditions described in section 1305 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65), as amended, is important to the national security interests of the United States, and include herein, for submission to the Congress, the statement, justification, and plan described in section 1303 of the Act. This waiver shall apply for calendar year 2007.

You are authorized and directed to transmit this certification, including the statement, justification, and plan, to the Congress and to arrange for the publication of this certification in the Federal Register.

GEORGE W. BUSH.

Prior determinations and certifications for Russia were contained in the following:

Determination of President of the United States, No. 2006–6, Dec. 22, 2005, 71 F.R. 1469.

Determination of President of the United States, No. 2005–07, Nov. 29, 2004, 69 F.R. 72109.

Determination of President of the United States, No. 03–10, Jan. 10, 2003, 68 F.R. 2411.

WAIVER OF RESTRICTIONS ON ASSISTANCE TO RUSSIA UNDER THE COOPERATIVE THREAT REDUCTION ACT OF 1993 AND TITLE V OF THE FREEDOM SUPPORT ACT

Determination of President of the United States, No. 2005–09, Dec. 6, 2004, 69 F.R. 74933, provided:

Memorandum for the Secretary of State

Consistent with the authority vested in me by section 1306 of the [Bob Stump] national [National] De-

fense Authorization Act for Fiscal Year 2003 (Public Law 107–314) [amending this section and enacting provisions set out as a note above], I hereby certify that waiving the restrictions contained in subsection (d) of section 1203 of the Cooperative Threat Reduction Act of 1993 (22 U.S.C. 5952), as amended, and the requirements contained in section 502 of the FREEDOM Support Act (22 U.S.C. 5852) during Fiscal Year 2005 with respect to the Russian Federation is important to the national security interests of the United States.

You are authorized and directed to transmit to the Congress this certification and the associated report (including its classified annex) [not set out in the Code] that has been prepared by my Administration consistent with section 1306(b) of Public Law 107–314. You are further authorized and directed to arrange for the publication of this certification in the Federal Register.

GEORGE W. BUSH.

Prior determinations and certifications for Russia were contained in the following:

Determination of President of the United States, No. 2004–08, Nov. 7, 2003, 68 F.R. 65383.

Determination of President of the United States, No. 03–11, Jan. 10, 2003, 68 F.R. 2419.

WAIVER OF RESTRICTIONS ON ASSISTANCE TO THE REPUBLIC OF UZBEKISTAN UNDER THE COOPERATIVE THREAT REDUCTION ACT OF 1993 AND TITLE V OF THE FREEDOM SUPPORT ACT

Determination of President of the United States, No. 2005–13, Dec. 14, 2004, 70 F.R. 1, provided:

Memorandum for the Secretary of State

Consistent with the authority vested in me by section 1306 of the [Bob Stump] National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314) [amending this section and enacting provisions set out as a note above], I hereby certify that waiving the restrictions contained in subsection (d) of section 1203 of the Cooperative Threat Reduction Act of 1993 (22 U.S.C. 5952), as amended, and the requirements contained in section 502 of the FREEDOM Support Act (22 U.S.C. 5852) during Fiscal Year 2005 with respect to the Republic of Uzbekistan is important to the national security interests of the United States.

You are authorized and directed to transmit to the Congress this certification and the associated report (including its classified annex) [not set out in the Code] that has been prepared by my Administration consistent with section 1306(b) of Public Law 107–314. You are further authorized and directed to arrange for the publication of this certification in the Federal Register.

GEORGE W. BUSH.

Prior determinations and certifications for Uzbekistan were contained in the following:

Determination of President of the United States, No. 2004–19, Dec. 30, 2003, 69 F.R. 2479.

DELEGATION OF RESPONSIBILITIES UNDER SECTIONS 1203–1207 OF TITLE XII OF PUBLIC LAW 103–160

Memorandum of President of the United States, Jan. 29, 1994, 59 F.R. 5929, provided:

Memorandum for the Secretary of State, the Secretary of Defense, [and] the Director of the Office of Management and Budget

By the authority vested in me by the Constitution and the laws of the United States of America, including section 301 of title 3 of the United States Code, I hereby delegate:

1. to the Secretary of State the authority and duty vested in the President under section 1203(d) of the Cooperative Threat Reduction Act of 1993, Title XII of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160) [22 U.S.C. 5952(d)];

2. to the Secretary of Defense the authorities and duties vested in the President under sections 1203(a), 1204, 1206, and 1207 of Public Law 103–160 [22 U.S.C. 5952(a), 5953, 5955, former 5956].

The Secretary of Defense shall not exercise authority delegated by number 2 hereof with respect to any former Soviet republic unless the Secretary of State has exercised his authority and performed the duty delegated by number 1 hereof, as applicable, with respect to that former Soviet republic. The Secretary of Defense shall not obligate funds in exercise of authority delegated by number 2 hereof unless the Director of the Office of Management and Budget has made the determination that expenditures are to be counted as discretionary spending in the national defense function (050), as applicable to the funds to be transferred.

The Secretary of State is authorized and directed to publish this memorandum in the Federal Register.

WILLIAM J. CLINTON.

ASSIGNMENT OF CERTAIN FUNCTIONS RELATED TO THE USE OF COOPERATIVE THREAT REDUCTION FUNDS FOR STATES OUTSIDE THE FORMER SOVIET UNION

Memorandum of President of the United States, May 26, 2006, 71 F.R. 36435, provided:

Memorandum for the Secretary of State[,] the Secretary of Defense[,] the Secretary of Energy[, and] the Director of National Intelligence

By the authority vested in me as President by the Constitution and laws of the United States, including section 301 of title 3, United States Code, I hereby assign to the Secretary of State the functions of the President under:

(1) subsection 1203(d) of the Cooperative Threat Reduction Act of 1993 (22 U.S.C. 5952(d)), as it relates to section 1308(e) of the National Defense Authorization Act for Fiscal Year 1994 (22 U.S.C. 5963);

(2) subsections 1306(a) and (b) of the National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314), as amended (22 U.S.C. 5952 note), as they relate to section 1308(e); and

(3) section 1304 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163).

The Secretary of State shall consult the Secretary of Defense prior to making a determination specified in section 1308(a)(2).

The Secretary of State is authorized and directed to publish this memorandum in the Federal Register.

GEORGE W. BUSH.

DEFINITION OF COOPERATIVE THREAT REDUCTION PROGRAMS FOR PURPOSES OF PUB. L. 107–314

Pub. L. 107–314, div. A, title XIII, § 1301(a), Dec. 2, 2002, 116 Stat. 2670, provided that: ''For purposes of section 301 [116 Stat. 2505] and other provisions of this Act [see Tables for classification], Cooperative Threat Reduction programs are the programs specified in section 1501(b) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2731; 50 U.S.C. 2362 note).''

DEFINITION OF COOPERATIVE THREAT REDUCTION PROGRAMS AND FUNDS FOR PURPOSES OF PUB. L. 107–107

Pub. L. 107–107, div. A, title XIII, § 1301(a), (b), Dec. 28, 2001, 115 Stat. 1254, provided that:

''(a) SPECIFICATION OF CTR PROGRAMS.—For purposes of section 301 [115 Stat. 1046] and other provisions of this Act [see Tables for classification], Cooperative Threat Reduction programs are the programs specified in section 1501(b) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2731; 50 U.S.C. 2362 note).

''(b) FISCAL YEAR 2002 COOPERATIVE THREAT REDUCTION FUNDS DEFINED.—As used in this title [amending section 5959 of this title and enacting and amending provisions set out as notes under this section], the term 'fiscal year 2002 Cooperative Threat Reduction funds' means the funds appropriated pursuant to the authorization of appropriations in section 301 for Cooperative Threat Reduction programs.''

DEFINITON OF COOPERATIVE THREAT REDUCTION PROGRAMS AND FUNDS FOR PURPOSES OF PUB. L. 106–65

Pub. L. 106–65, div. A, title XIII, § 1301(a), (b), Oct. 5, 1999, 113 Stat. 792, provided that:

''(a) SPECIFICATION OF CTR PROGRAMS.—For purposes of section 301 [113 Stat. 556] and other provisions of this Act [see Tables for classification], Cooperative Threat Reduction programs are the programs specified in section 1501(b) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2731; 50 U.S.C. 2362 note).

''(b) FISCAL YEAR 2000 COOPERATIVE THREAT REDUCTION FUNDS DEFINED.—As used in this title [enacting provisions set out as notes under this section and section 5955 of this title], the term 'fiscal year 2000 Cooperative Threat Reduction funds' means the funds appropriated pursuant to the authorization of appropriations in section 301 for Cooperative Threat Reduction programs.''

DEFINITION OF COOPERATIVE THREAT REDUCTION PROGRAMS FOR PURPOSES OF PUB. L. 105–261

Pub. L. 105–261, div. A, title XIII, § 1301(a)(1), Oct. 17, 1998, 112 Stat. 2161, provided that: ''For purposes of section 301 [112 Stat. 1960] and other provisions of this Act [see Tables for classification], Cooperative Threat Reduction programs are the programs specified in section 1501(b) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2731; 50 U.S.C. 2362 note) (as amended by paragraph (2)).''

DEFINITION OF COOPERATIVE THREAT REDUCTION PROGRAMS FOR PURPOSES OF PUB. L. 103–337

Pub. L. 103–337, div. A, title XII, § 1201, Oct. 5, 1994, 108 Stat. 2882, provided that: ''For purposes of section 301 [108 Stat. 2706] and other provisions of this Act [see Tables for classification], Cooperative Threat Reduction programs are the programs described in section 1203(b) of the Cooperative Threat Reduction Act of 1993 (title XII of Public Law 103–160; 107 Stat. 1778; 22 U.S.C. 5952(b)).''

## § 5953. Demilitarization Enterprise Fund

### (a) Designation of Fund

The President is authorized to designate a Demilitarization Enterprise Fund for the purposes of this section. The President may designate as the Demilitarization Enterprise Fund any organization that satisfies the requirements of subsection (e) of this section.

### (b) Purpose of Fund

The purpose of the Demilitarization Enterprise Fund is to receive grants pursuant to this section and to use the grant proceeds to provide financial support under programs described in subsection (b)(5) of this section for demilitarization of industries and conversion of military technologies and capabilities into civilian activities.

### (c) Grant authority

The President may make one or more grants to the Demilitarization Enterprise Fund.

### (d) Risk capital funding of demilitarization

The Demilitarization Enterprise Fund shall use the proceeds of grants received under this section to provide financial support in accordance with subsection (b) of this section through transactions as follows:

(1) Making loans.

(2) Making grants.

(3) Providing collateral for loan guaranties by the Export-Import Bank of the United States.

(4) Taking equity positions.

(5) Providing venture capital in joint ventures with United States industry.

(6) Providing risk capital through any other form of transaction that the President considers appropriate for supporting programs described in subsection (b)(5) of this section.

### (e) Eligible organization

An organization is eligible for designation as the Demilitarization Enterprise Fund if the organization—

(1) is a private, nonprofit organization;

(2) is governed by a board of directors consisting of private citizens of the United States; and

(3) provides assurances acceptable to the President that it will use grants received under this section to provide financial support in accordance with this section.

### (f) Operational provisions

The following provisions of section 5421 of this title shall apply with respect to the Demilitarization Enterprise Fund in the same manner as such provisions apply to Enterprise Funds designated pursuant to subsection (d) of such section:

(1) Subsection (d)(5), relating to the private character of Enterprise Funds.

(2) Subsection (h), relating to retention of interest earned in interest bearing accounts.

(3) Subsection (i), relating to use of United States private venture capital.

(4) Subsection (k), relating to support from Executive agencies.

(5) Subsection (*l*), relating to limitation on payments to Fund personnel.

(6) Subsections (m) and (n), relating to audits.

(7) Subsection (*o*), relating to record keeping requirements.

(8) Subsection (p), relating to annual reports.

In addition, returns on investments of the Demilitarization Enterprise Fund and other payments to the Fund may be reinvested in projects of the Fund.

### (g) Experience of other Enterprise Funds

To the maximum extent practicable, the Board of Directors of the Demilitarization Enterprise Fund should adopt for that Fund practices and procedures that have been developed by Enterprise Funds for which funding has been made available pursuant to section 5421 of this title.

### (h) Consultation requirement

In the implementation of this section, the Secretary of State and the Administrator of the Agency for International Development shall be consulted to ensure that the Articles of Incorporation of the Fund (including provisions specifying the responsibilities of the Board of Directors of the Fund), the terms of United States Government grant agreements with the Fund, and United States Government oversight of the Fund are, to the maximum extent practicable, consistent with the Articles of Incorporation of, the terms of grant agreements with, and the oversight of the Enterprise Funds established pursuant to section 5421 of this title and comparable provisions of law.

### (i) Initial implementation

The Board of Directors of the Demilitarization Enterprise Fund shall publish the first annual

report of the Fund not later than January 31, 1995.

**(j) Termination of designation**

A designation of an organization as the Demilitarization Enterprise Fund under subsection (a) of this section shall be temporary. When making the designation, the President shall provide for the eventual termination of the designation.

(Pub. L. 103–160, div. A, title XII, § 1204, Nov. 30, 1993, 107 Stat. 1779.)

DELEGATION OF FUNCTIONS

For delegation of certain authorities and duties of the President under this section to Secretary of Defense, see Memorandum of President of the United States, Jan. 29, 1994, 59 F.R. 5929, set out as a note under section 5952 of this title.

## § 5954. Funding for fiscal year 1994

**(a) Authorization of appropriations**

Funds authorized to be appropriated under section 301(21)[1] shall be available for cooperative threat reduction with states of the former Soviet Union under this chapter.

**(b) Limitations**

(1) Not more than $15,000,000 of the funds referred to in subsection (a) of this section may be made available for programs authorized in subsection (b)(6) of section 5952 of this title.

(2) Not more than $20,000,000 of such funds may be made available for programs authorized in subsection (b)(7) of section 5952 of this title.

(3) Not more than $40,000,000 of such funds may be made available for grants to the Demilitarization Enterprise Fund designated pursuant to section 5953 of this title and for related administrative expenses.

**(c) Authorization of extension of availability of prior year funds**

To the extent provided in appropriations Acts, the authority to transfer funds of the Department of Defense provided in section 9110(a) of the Department of Defense Appropriations Act, 1993 (Public Law 102–396; 106 Stat. 1928), and in section 108 of Public Law 102–229 (105 Stat. 1708) shall continue to be in effect during fiscal year 1994.

(Pub. L. 103–160, div. A, title XII, § 1205, Nov. 30, 1993, 107 Stat. 1781.)

REFERENCES IN TEXT

Section 301(21), referred to in subsec. (a), means section 301(21) of Pub. L. 103–160, div. A, title III, Nov. 30, 1993, 107 Stat. 1616, which is not classified to the Code.

Section 9110(a) of the Department of Defense Appropriations Act, 1993, referred to in subsec. (c), is section 9110(a) of Pub. L. 102–396, title IX, Oct. 6, 1992, 106 Stat. 1928, which is not classified to the Code.

Section 108 of Public Law 102–229, referred to in subsec. (c), is section 108 of Pub. L. 102–229, title I, Dec. 12, 1991, 105 Stat. 1708, as amended, which is not classified to the Code.

## § 5955. Prior notice to Congress of obligation of funds

**(a) Notice of proposed obligation**

Not less than 15 days before obligation of any funds for programs under section 5952 of this title, the President shall transmit to the appropriate congressional committees as defined in section 5957 of this title a report on the proposed obligation. Each such report shall specify—

(1) the activities and forms of assistance for which the President plans to obligate such funds;

(2) the amount of the proposed obligation; and

(3) the projected involvement of the departments and agencies of the United States Government and the private sector of the United States.

**(b) Reports on demilitarization or conversion projects**

Any report under subsection (a) of this section that covers proposed demilitarization or conversion projects under paragraph (5) or (6) of section 5952(b) of this title shall contain additional information to assist the Congress in determining the merits of the proposed projects. Such information shall include descriptions of—

(1) the facilities to be demilitarized;

(2) the types of activities conducted at those facilities and of the types of nonmilitary activities planned for those facilities;

(3) the forms of assistance to be provided by the United States Government and by the private sector of the United States;

(4) the extent to which military activities and production capability will consequently be eliminated at those facilities; and

(5) the mechanisms to be established for monitoring progress on those projects.

(Pub. L. 103–160, div. A, title XII, § 1206, Nov. 30, 1993, 107 Stat. 1781.)

DELEGATION OF FUNCTIONS

For delegation of certain authorities and duties of the President under this section to Secretary of Defense, see Memorandum of President of the United States, Jan. 29, 1994, 59 F.R. 5929, set out as a note under section 5952 of this title.

RUSSIAN NONSTRATEGIC NUCLEAR ARMS

Pub. L. 106–65, div. A, title XIII, § 1312, Oct. 5, 1999, 113 Stat. 796, as amended by Pub. L. 106–398, § 1 [[div. A], title XIII, § 1308(g)(3)], Oct. 30, 2000, 114 Stat. 1654, 1654A–343, provided that: ''It is the sense of Congress that—

''(1) it is in the interest of Russia to fully implement the Presidential Nuclear Initiatives announced in 1991 and 1992 by then-President of the Soviet Union Gorbachev and then-President of Russia Yeltsin;

''(2) the President of the United States should call on Russia to match the unilateral reductions in the United States inventory of tactical nuclear weapons, which have reduced the inventory by nearly 90 percent; and

''(3) if the re-certification under section 1310 [113 Stat. 795] is made, the President should emphasize the continued interest of the United States in working cooperatively with Russia to reduce the dangers associated with Russia's tactical nuclear arsenal.''

CONGRESSIONAL REPORTS ON COOPERATIVE THREAT REDUCTION PROGRAMS

Pub. L. 104–106, div. A, title XII, §§ 1201, 1205, 1206, Feb. 10, 1996, 110 Stat. 469, 470, 471, as amended by Pub. L. 104–201, div. A, title XIV, § 1431, Sept. 23, 1996, 110 Stat. 2726; Pub. L. 106–65, div. A, title X, § 1067(6), title XIII, § 1311, Oct. 5, 1999, 113 Stat. 774, 796; Pub. L. 106–398, § 1 [[div. A], title XIII, § 1308(g)(1)(C)], Oct. 30, 2000, 114 Stat. 1654, 1654A–343, provided that:

[1] See References in Text note below.

''SEC. 1201. SPECIFICATION OF COOPERATIVE THREAT REDUCTION PROGRAMS.

''(a) IN GENERAL.—For purposes of section 301 [110 Stat. 245] and other provisions of this Act [see Tables for classification], Cooperative Threat Reduction programs are the programs specified in subsection (b).

''(b) SPECIFIED PROGRAMS.—The programs referred to in subsection (a) are the following programs with respect to states of the former Soviet Union:

''(1) Programs to facilitate the elimination, and the safe and secure transportation and storage, of nuclear, chemical, and other weapons, fissile material suitable for use in nuclear weapons, and their delivery vehicles.

''(2) Programs to facilitate the safe and secure storage of fissile materials derived from the elimination of nuclear weapons.

''(3) Programs to prevent the proliferation of weapons, weapons components, and weapons-related technology and expertise.

''(4) Programs to expand military-to-military and defense contacts.

''SEC. 1205. PRIOR NOTICE TO CONGRESS OF OBLIGATION OF FUNDS.

''(a) ANNUAL REQUIREMENT.—(1) Not less than 15 days before any obligation of any funds appropriated for any fiscal year for a program specified under section 1201 as a Cooperative Threat Reduction program, the Secretary of Defense shall submit to the congressional committees specified in paragraph (2) a report on that proposed obligation for that program for that fiscal year.

''(2) The congressional committees referred to in paragraph (1) are the following:

''(A) The Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate.

''(B) The Committee on Armed Services, the Committee on International Relations [now Committee on Foreign Affairs], and the Committee on Appropriations of the House of Representatives.

''(b) MATTERS TO BE SPECIFIED IN REPORTS.—Each such report shall specify—

''(1) the activities and forms of assistance for which the Secretary of Defense plans to obligate funds;

''(2) the amount of the proposed obligation; and

''(3) the projected involvement (if any) of any department or agency of the United States (in addition to the Department of Defense) and of the private sector of the United States in the activities and forms of assistance for which the Secretary of Defense plans to obligate such funds.

''[SEC. 1206. Repealed. Pub. L. 106–398, § 1 [[div. A], title XIII, § 1308(g)(1)(C)], Oct. 30, 2000, 114 Stat. 1654, 1654A–343.]''

### § 5956. Repealed. Pub. L. 106–398, § 1 [[div. A], title XIII, § 1308(g)(1)(A)], Oct. 30, 2000, 114 Stat. 1654, 1654A–343

Section, Pub. L. 103–160, div. A, title XII, § 1207, Nov. 30, 1993, 107 Stat. 1782; Pub. L. 103–337, div. A, title XII, §§ 1202, 1208(b), Oct. 5, 1994, 108 Stat. 2882, 2887; Pub. L. 104–106, div. A, title XV, § 1504(a)(7), Feb. 10, 1996, 110 Stat. 513, required submission of semiannual report.

### § 5957. "Appropriate congressional committees" defined

In this chapter, the term ''appropriate congressional committees'' means—

(1) the Committee on Foreign Relations of the Senate, the Committee on Foreign Affairs of the House of Representatives, and the Committees on Appropriations of the House and the Senate, wherever the account, budget activity, or program is funded from appropriations made under the international affairs budget function (150);

(2) the Committees on Armed Services and the Committees on Appropriations of the Senate and the House of Representatives, wherever the account, budget activity, or program is funded from appropriations made under the national defense budget function (050); and

(3) the committee to which the specified activities of section 5952 of this title, if the subject of separate legislation, would be referred under the rules of the respective House of Congress.

(Pub. L. 103–160, div. A, title XII, § 1208, Nov. 30, 1993, 107 Stat. 1782.)

### § 5958. Authorization for additional fiscal year 1993 assistance to independent states of the former Soviet Union

**(a) Authorization of appropriations**

There is hereby authorized to be appropriated for fiscal year 1993 for ''Operation and Maintenance, Defense Agencies'' the additional sum of $979,000,000, to be available for the purposes of providing assistance to the independent states of the former Soviet Union.

**(b) Authorization of transfer of funds**

The Secretary of Defense may, to the extent provided in appropriations Acts, transfer from the account ''Operation and Maintenance, Defense Agencies'' for fiscal year 1993 a sum not to exceed the amount appropriated pursuant to the authorization in subsection (a) of this section to—

(1) other accounts of the Department of Defense for the purpose of providing assistance to the independent states of the former Soviet Union; or

(2) appropriations available to the Department of State and other agencies of the United States Government for the purpose of providing assistance to the independent states of the former Soviet Union for programs that the President determines will increase the national security of the United States.

**(c) Administrative provisions**

(1) Amounts transferred under subsection (b) of this section shall be available subject to the same terms and conditions as the appropriations to which transferred.

(2) The authority to make transfers pursuant to this section is in addition to any other transfer authority of the Department of Defense.

**(d) Coordination of programs**

The President shall coordinate the programs described in subsection (b) of this section with those authorized in the other provisions of this chapter and in the provisions of the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992 (Public Law 102–511) so as to optimize the contribution such programs make to the national interests of the United States.

(Pub. L. 103–160, div. A, title XII, § 1209, Nov. 30, 1993, 107 Stat. 1782.)

REFERENCES IN TEXT

The Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992, referred to in subsec. (d), is Pub. L. 102–511, Oct. 24, 1992,

106 Stat. 3320, as amended. For complete classification of this Act to the Code, see Short Title note set out under section 5801 of this title and Tables.

### § 5959. Reports on activities and assistance under cooperative threat reduction programs

**(a) Annual report**

In any year in which the budget of the President under section 1105 of title 31 for the fiscal year beginning in such year requests funds for the Department of Defense for assistance or activities under Cooperative Threat Reduction programs with the states of the former Soviet Union, the Secretary of Defense shall submit to Congress a report on activities and assistance during the preceding fiscal year under Cooperative Threat Reduction programs setting forth the matters in subsection (c) of this section.

**(b) Deadline for report**

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

**(c) Matters to be included**

The report under subsection (a) of this section in a year shall set forth the following:

(1) An estimate of the total amount that will be required to be expended by the United States in order to achieve the objectives of the Cooperative Threat Reduction programs.

(2) A five-year plan setting forth the amount of funds and other resources proposed to be provided by the United States for Cooperative Threat Reduction programs over the term of the plan, including the purpose for which such funds and resources will be used, and to provide guidance for the preparation of annual budget submissions with respect to Cooperative Threat Reduction programs.

(3) A description of the Cooperative Threat Reduction activities carried out during the fiscal year ending in the year preceding the year of the report, including—

(A) the amounts notified, obligated, and expended for such activities and the purposes for which such amounts were notified, obligated, and expended for such fiscal year and cumulatively for Cooperative Threat Reduction programs;

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

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

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

(E) such other information as the Secretary of Defense considers appropriate to inform Congress fully of the operation of Cooperative Threat Reduction programs and activities, 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 ending in the year preceding the year of the report to ensure that assistance provided under Cooperative Threat Reduction programs 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 Cooperative Threat Reduction assistance provided during such fiscal year is fully accounted for and is used for its intended purpose.

(5) A current description of the tactical nuclear weapons arsenal of Russia, including—

(A) an estimate of the current types, numbers, yields, viability, locations, and deployment status of the nuclear warheads in that arsenal;

(B) an assessment of the strategic relevance of such warheads;

(C) an assessment of the current and projected threat of theft, sale, or unauthorized use of such warheads; and

(D) a summary of past, current, and planned United States efforts to work cooperatively with Russia to account for, secure, and reduce Russia's stockpile of tactical nuclear warheads and associated fissile materials.

(6) A description of the amount of the financial commitment from the international community, and from Russia, for the chemical weapons destruction facility located at Shchuch'ye, Russia, for the fiscal year beginning in the year in which the report is submitted.

(7) A description of the defense and military activities carried out under Cooperative Threat Reduction programs, including under the Defense and Military Contacts program, during the fiscal year ending in the year preceding the year of the report, including—

(A) the amounts obligated or expended for such activities;

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

(C) a description of the activities carried out, including the forms of assistance pro-

vided, and the justification for each form of assistance provided;

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

(E) a description of participation by private sector entities in the United States in carrying out such activities, and the participation of any other Federal department or agency 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 Cooperative Threat Reduction programs.

**(d) Input of DCI**

The Director of Central Intelligence shall submit to the Secretary of Defense the views of the Director on any matters covered by subsection (c)(5) of this section in a report under subsection (a) of this section. Such views shall be included in such report as a classified annex to such report.

**(e) Repealed. Pub. L. 109–163, div. A, title XIII, § 1305, Jan. 6, 2006, 119 Stat. 3474**

**(f) First report**

The first report submitted under subsection (a) of this section shall be submitted in 2001.

**(g) Omitted**

**(h) Limitation on use of funds until submission of multiyear plan**

Not more than 10 percent of fiscal year 2001 Cooperative Threat Reduction funds may be obligated or expended until the Secretary of Defense submits to Congress an updated version of the multiyear plan for fiscal year 2001 required to be submitted under section 1205 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 22 U.S.C. 5952 note).

**(i) Report on Russian nonstrategic nuclear arms**

Not later than 30 days after October 30, 2000, the Secretary of Defense shall submit to Congress a report on the following regarding Russia's arsenal of tactical nuclear warheads:

(1) Estimates regarding current types, numbers, yields, viability, locations, and deployment status of the warheads.

(2) An assessment of the strategic relevance of the warheads.

(3) An assessment of the current and projected threat of theft, sale, or unauthorized use of the warheads.

(4) A summary of past, current, and planned United States efforts to work cooperatively with Russia to account for, secure, and reduce Russia's stockpile of tactical nuclear warheads and associated fissile material.

(Pub. L. 106–398, § 1 [[div. A], title XIII, § 1308], Oct. 30, 2000, 114 Stat. 1654, 1654A–341; Pub. L. 107–107, div. A, title XIII, §§ 1307, 1309, Dec. 28, 2001, 115 Stat. 1256, 1257; Pub. L. 107–314, div. A, title XIII, § 1304(a), Dec. 2, 2002, 116 Stat. 2672; Pub. L. 108–136, div. A, title X, § 1045(c)(2), Nov. 24, 2003, 117 Stat. 1613; Pub. L. 109–163, div. A, title XIII, § 1305, Jan. 6, 2006, 119 Stat. 3474; Pub. L. 111–84, div. A, title XIII, § 1306(b), Oct. 28, 2009, 123 Stat. 2560; Pub. L. 111–383, div. A, title X, § 1075(d)(20), Jan. 7, 2011, 124 Stat. 4374; Pub. L. 112–81, div. A, title X, § 1066(d), Dec. 31, 2011, 125 Stat. 1589.)

REFERENCES IN TEXT

Section 1205 of the National Defense Authorization Act for Fiscal Year 1995, referred to in subsec. (h), is section 1205 of Pub. L. 103–337, div. A, title XII, Oct. 5, 1994, 108 Stat. 2883, which was partially set out as a note under section 5952 of this title and was repealed by Pub. L. 106–398, § 1 [[div. A], title XIII, § 1308(g)(2)], Oct. 30, 2000, 114 Stat. 1654, 1654A–343.

CODIFICATION

Section is comprised of section 1 [[div. A], title XIII, § 1308] of Pub. L. 106–398. Section 1 [[div. A], title XIII, § 1308(g)] of Pub. L. 106–398 repealed section 5956 of this title, repealed section 1206 of Pub. L. 104–106 which was set out in a note under section 5955 of this title, repealed, effective on the date the Secretary of Defense submits to Congress an updated version of the multiyear plan for fiscal year 2001 as described in subsec. (h) of this section, section 1205 of Pub. L. 103–337, 108 Stat. 2883, which is set out in part as a note under section 5952 of this title, amended section 1312 of Pub. L. 106–65 which is set out as a note under section 5955 of this title, and repealed sections 1203 of Pub. L. 103–337, 108 Stat. 2882, and 1307 of Pub. L. 106–65, 113 Stat. 795, which are not classified to the Code.

Section was enacted as part of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001, and not as part of the Cooperative Threat Reduction Act of 1993 which comprises this chapter.

AMENDMENTS

2011—Subsec. (c)(7). Pub. L. 112–81 redesignated par. (8) as (7) and struck out former par. (7) which read as follows: "To the maximum extent practicable, a description of how revenue generated by activities carried out under Cooperative Threat Reduction programs in recipient States is being utilized, monitored, and accounted for."

Subsec. (c)(8). Pub. L. 112–81, § 1066(d)(2), redesignated par. (8) as (7).

Pub. L. 111–383 made technical correction to directory language of Pub. L. 111–84, § 1306(b). See 2009 Amendment notes below.

2009—Subsec. (c)(8). Pub. L. 111–84, § 1306(b)(1), as amended by Pub. L. 111–383, inserted ", including under the Defense and Military Contacts program," after "programs" in introductory provisions.

Subsec. (c)(8)(B). Pub. L. 111–84, § 1306(b)(2), as amended by Pub. L. 111–383, substituted "the strategy" for "the purposes".

2006—Subsec. (e). Pub. L. 109–163 struck out heading and text of subsec. (e). Text read as follows: "Not later than 90 days after the date on which a report is submitted to Congress under subsection (a) of this section, the Comptroller General shall submit to Congress a report setting forth the Comptroller General's assessment of the information described in paragraphs (2) and (4) of subsection (c) of this section."

2003—Subsec. (c)(6) to (8). Pub. L. 108–136 redesignated par. (6), relating to description of how revenue is being utilized, monitored, and accounted for, and par. (7), as (7) and (8), respectively.

2002—Subsec. (c)(6), (7). Pub. L. 107–314 added par. (6), relating to description of how revenue is being utilized, monitored, and accounted for, and par. (7).

2001—Subsec. (c)(4). Pub. L. 107–107, § 1307(1), in introductory provisions, substituted "means (including program management, audits, examinations, and other means) used" for "audits, examinations, and other efforts, such as on-site inspections, conducted" and ", that such assistance is being used for its intended purpose, and that such assistance is being used efficiently and effectively" for "and that such assistance is being used for its intended purpose".

Subsec. (c)(4)(C). Pub. L. 107–107, § 1307(2), inserted ''and an assessment of whether the assistance being provided is being used effectively and efficiently'' before semicolon.

Subsec. (c)(4)(D). Pub. L. 107–107, § 1307(3), struck out ''audits, examinations, and other'' before ''efforts''.

Subsec. (c)(6). Pub. L. 107–107, § 1309, added par. (6).

CHANGE OF NAME

Reference to the Director of Central Intelligence or the Director of the Central Intelligence Agency in the Director's capacity as the head of the intelligence community deemed to be a reference to the Director of National Intelligence. Reference to the Director of Central Intelligence or the Director of the Central Intelligence Agency in the Director's capacity as the head of the Central Intelligence Agency deemed to be a reference to the Director of the Central Intelligence Agency. See section 1081(a), (b) of Pub. L. 108–458, set out as a note under section 401 of Title 50, War and National Defense.

EFFECTIVE DATE OF 2011 AMENDMENT

Pub. L. 111–383, div. A, title X, § 1075(d), Jan. 7, 2011, 124 Stat. 4372, provided that the amendment by section 1075(d)(20) is effective as of Oct. 28, 2009, and as if included in Pub. L. 111–84 as enacted.

EFFECTIVE DATE OF 2002 AMENDMENT

Pub. L. 107–314, div. A, title XIII, § 1304(b), Dec. 2, 2002, 116 Stat. 2673, provided that: ''Paragraphs (6) and (7) of section 1308(c) of such Act [22 U.S.C. 5959(c)(6), (7)], as added by subsection (a), shall apply beginning with the report submitted under that section in 2004.''

ANNUAL REPORT CONCERNING DISMANTLING OF STRATEGIC NUCLEAR WARHEADS

Pub. L. 108–136, div. A, title X, § 1033, Nov. 24, 2003, 117 Stat. 1605, provided that:

''(a) ANNUAL REPORT.—Concurrent with the submission of the President's budget request to Congress each year, the Director of Central Intelligence shall submit to the committees specified in subsection (e) a report concerning dismantlement of Russian strategic nuclear warheads under the Moscow Treaty. Each such report shall discuss nuclear weapons dismantled by Russia during the prior fiscal year and the Director's projections for nuclear weapons to be dismantled by Russia during the current fiscal year and the fiscal year covered by the budget.

''(b) CLASSIFICATION.—The annual report under this section shall be transmitted in an unclassified form when possible and classified form as necessary.

''(c) TERMINATION OF REPORT REQUIREMENT.—The requirement to submit an annual report under this section terminates when the Moscow Treaty is no longer in effect.

''(d) MOSCOW TREATY DEFINED.—For purposes of this section, the term 'Moscow Treaty' means the Treaty Between the United States of America and the Russian Federation on Strategic Offensive Reductions, done at Moscow on May 24, 2002.

''(e) COMMITTEES SPECIFIED.—The committees to which annual reports are to be submitted under this section are the following:

''(1) The Committee on Armed Services, the Select Committee on Intelligence, and the Committee on Foreign Relations of the Senate.

''(2) The Committee on Armed Services, the Permanent Select Committee on Intelligence, and the Committee on International Relations [now Committee on Foreign Affairs] of the House of Representatives.''

COMPREHENSIVE INVENTORY OF RUSSIAN TACTICAL NUCLEAR WEAPONS

Pub. L. 108–136, div. C, title XXXVI, § 3621, Nov. 24, 2003, 117 Stat. 1824, provided that:

''(a) SENSE OF CONGRESS.—It is the sense of Congress that the United States should, to the extent the President considers prudent, seek to work with the Russian Federation to develop a comprehensive inventory of Russian tactical nuclear weapons.

''(b) REPORT.—Not later than 12 months after the date of the enactment of this Act [Nov. 24, 2003], the President shall submit to Congress a report, in both classified and unclassified form as necessary, describing the progress that has been made toward creating such an inventory.''

DEFINITION OF COOPERATIVE THREAT REDUCTION PROGRAMS AND FUNDS FOR PURPOSES OF H.R. 5408, AS ENACTED BY PUB. L. 106–398

Pub. L. 106–398, § 1 [[div. A], title XIII, § 1301(a), (b)], Oct. 30, 2000, 114 Stat. 1654, 1654A–338, 1654A–339, provided that:

''(a) SPECIFICATION OF CTR PROGRAMS.—For purposes of section 301 [114 Stat. 1654A–52] and other provisions of this Act [H.R. 5408, as enacted by section 1 of Pub. L. 106–398, see Tables for classification], Cooperative Threat Reduction programs are the programs specified in section 1501(b) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2731; 50 U.S.C. 2362 note).

''(b) FISCAL YEAR 2001 COOPERATIVE THREAT REDUCTION FUNDS DEFINED.—As used in this title [enacting this section, repealing section 5656 of this title, enacting provisions set out as notes under section 5952 of this title, and amending provisions set out as notes under sections 5952 and 5955 of this title], the term 'fiscal year 2001 Cooperative Threat Reduction funds' means the funds appropriated pursuant to the authorization of appropriations in section 301 for Cooperative Threat Reduction programs.''

## § 5960. 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 Cooperative Threat Reduction programs before obligating significant amounts of funding for that phase of the project.

### (b) Use of funds for new construction projects

Except as provided in subsection (e) of this section, with respect to a new construction project to be carried out by the Department of Defense under Cooperative Threat Reduction programs, 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 of Defense—

(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) Identification of required permits for ongoing incomplete construction projects

With respect to an incomplete construction project carried out by the Department of Defense under Cooperative Threat Reduction programs, the Secretary shall identify all the permits that are required for the lifetime of the project not later than 120 days after November 24, 2003.

### (d) Use of funds for certain incomplete construction projects

Except as provided in subsection (e) of this section, with respect to an incomplete construc-

tion project carried out by the Department of Defense under Cooperative Threat Reduction programs for which construction has not yet commenced as of November 24, 2003, 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 obtains from the State in which the project is located the permits required to commence construction on the project.

**(e) Exception to limitations on use of funds**

The limitation in subsection (b) or (d) of this section 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.

**(f) Definitions**

In this section, with respect to a project under Cooperative Threat Reduction programs:

**(1) Incomplete construction project**

The term ''incomplete construction project'' means a construction project for which funds have been obligated or expended before November 24, 2003, and which is not completed as of November 24, 2003.

**(2) New construction project**

The term ''new construction project'' means a construction project for which no funds have been obligated or expended as of November 24, 2003.

**(3) Permit**

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 in a state of the former Soviet Union in which the construction project is being or is proposed to be carried out.

(Pub. L. 108–136, div. A, title XIII, § 1303, Nov. 24, 2003, 117 Stat. 1659.)

CODIFICATION

Section was enacted as part of the National Defense Authorization Act for Fiscal Year 2004, and not as part of the Cooperative Threat Reduction Act of 1993 which comprises this chapter.

DEFINITION OF COOPERATIVE THREAT REDUCTION PROGRAMS FOR PURPOSES OF PUB. L. 108–136

Pub. L. 108–136, div. A, title XIII, § 1301(a), Nov. 24, 2003, 117 Stat. 1657, provided that: ''For purposes of section 301 [117 Stat. 1426] and other provisions of this Act [see Tables for classification], Cooperative Threat Reduction programs are the programs specified in section 1501(b) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2731; 50 U.S.C. 2362 note).''

''CONGRESSIONAL DEFENSE COMMITTEES'' DEFINED

Congressional defense committees means the Committees on Armed Services and Appropriations of the Senate and the House of Representatives, see section 3 of Pub. L. 108–136, Nov. 24, 2003, 117 Stat. 1406. See note under section 101 of Title 10, Armed Forces.

**§ 5961. Requirement for on-site managers**

**(a) On-site manager requirement**

Before obligating any Cooperative Threat Reduction funds for a project described in subsection (b) of this section, 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) of this section 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) of this section shall—

(1) develop, in cooperation with representatives from governments of countries participating in the project, a list of those steps or activities critical to achieving the project's disarmament or nonproliferation goals;

(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 United States participation in a project when a non-United States participant fails to complete a scheduled step or activity on time, unless directed by the Secretary of Defense to resume United States participation.

**(d) Authority to manage more than one project**

(1) 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) 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) of this section are those 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 5960 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 of Defense directs an on-site manager to resume United

States participation in a project under subsection (c)(4) of this section, the Secretary shall concurrently notify Congress of such direction.

**(g) Effective date**

This section shall take effect six months after November 24, 2003.

(Pub. L. 108–136, div. A, title XIII, § 1305, Nov. 24, 2003, 117 Stat. 1660.)

CODIFICATION

Section was enacted as part of the National Defense Authorization Act for Fiscal Year 2004, and not as part of the Cooperative Threat Reduction Act of 1993 which comprises this chapter.

### § 5961a. Requirement for on-site managers

**(a) On-site manager requirement**

Before obligating any defense nuclear nonproliferation funds for a project described in subsection (b) of this section, the Secretary of Energy 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) of this section 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 Energy is expected to exceed $50,000,000.

**(c) Duties of on-site manager**

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

(1) develop, in cooperation with representatives from governments of countries participating in the project, a list of those steps or activities critical to achieving the project's disarmament or nonproliferation goals;

(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 United States participation in a project when a non-United States participant fails to complete a scheduled step or activity on time, unless directed by the Secretary of Energy to resume United States participation.

**(d) Authority to manage more than one project**

(1) 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) 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) of this section are those 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 subsection (g) of this section).

(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 of Energy directs an on-site manager to resume United States participation in a project under subsection (c)(4) of this section, the Secretary shall concurrently notify Congress of such direction.

**(g) Permit defined**

In this section, the term ''permit'' means any local or national permit for development, general construction, environmental, land use, or other purposes that is required in the state of the former Soviet Union in which the project is being or is proposed to be carried out.

**(h) Effective date**

This section shall take effect six months after November 24, 2003.

(Pub. L. 108–136, div. C, title XXXI, § 3125, Nov. 24, 2003, 117 Stat. 1748.)

CODIFICATION

Section was enacted as part of the National Defense Authorization Act for Fiscal Year 2004, and not as part of the Cooperative Threat Reduction Act of 1993 which comprises this chapter.

### § 5962. Annual certifications on use of facilities being constructed for Cooperative Threat Reduction projects or activities

**(a) Certification on use of facilities being constructed**

Not later than the first Monday of February each year, the Secretary of Defense shall submit to the congressional defense committees a certification for each facility for a Cooperative Threat Reduction project or activity 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 state of the former Soviet Union in which the facility is constructed.

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

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

**(b) Applicability**

Subsection (a) of this section shall apply to—

(1) any facility the construction of which commences on or after November 24, 2003; and

(2) any facility the construction of which is ongoing as of November 24, 2003.

(Pub. L. 108–136, div. A, title XIII, § 1307, Nov. 24, 2003, 117 Stat. 1661.)

CODIFICATION

Section was enacted as part of the National Defense Authorization Act for Fiscal Year 2004, and not as part

of the Cooperative Threat Reduction Act of 1993 which comprises this chapter.

''CONGRESSIONAL DEFENSE COMMITTEES'' DEFINED

Congressional defense committees means the Committees on Armed Services and Appropriations of the Senate and the House of Representatives, see section 3 of Pub. L. 108–136, Nov. 24, 2003, 117 Stat. 1406. See note under section 101 of Title 10, Armed Forces.

## § 5963. Authority to use Cooperative Threat Reduction funds outside the former Soviet Union

### (a) Authority

Subject to the provisions of this section, the Secretary of Defense may obligate and expend Cooperative Threat Reduction funds for a fiscal year, and any Cooperative Threat Reduction funds for a fiscal year before such fiscal year that remain available for obligation, for a proliferation threat reduction project or activity outside the states of the former Soviet Union if the Secretary of Defense, with the concurrence of the Secretary of State, determines each of the following:

(1) That such project or activity will—

(A)(i) assist the United States in the resolution of a critical emerging proliferation threat; or

(ii) permit the United States to take advantage of opportunities to achieve longstanding nonproliferation goals; and

(B) be completed in a short period of time.

(2) That the Department of Defense is the entity of the Federal Government that is most capable of carrying out such project or activity.

### (b) Scope of authority

The authority in subsection (a) of this section to obligate and expend funds for a project or activity includes authority to provide equipment, goods, and services for such project or activity utilizing such funds, but does not include authority to provide cash directly to such project or activity.

### (c) Limitation on availability of funds

(1) The Secretary of Defense may not obligate funds for a project or activity under the authority in subsection (a) of this section until the Secretary of Defense, with the concurrence of the Secretary of State, makes each determination specified in that subsection with respect to such project or activity.

(2) Not later than 10 days after obligating funds under the authority in subsection (a) of this section for a project or activity, the Secretary of Defense and the Secretary of State shall notify Congress in writing of the determinations made under paragraph (1) with respect to such project or activity, together with—

(A) a justification for such determinations; and

(B) a description of the scope and duration of such project or activity.

### (d) Additional limitations and requirements

Except as otherwise provided in subsections (a) and (b) of this section, the exercise of the authority in subsection (a) of this section shall be subject to any requirement or limitation under another provision of law as follows:

(1) Any requirement for prior notice or other reports to Congress on the use of Cooperative Threat Reduction funds or on Cooperative Threat Reduction projects or activities.

(2) Any limitation on the obligation or expenditure of Cooperative Threat Reduction funds.

(3) Any limitation on Cooperative Threat Reduction projects or activities.

(Pub. L. 108–136, div. A, title XIII, § 1308, Nov. 24, 2003, 117 Stat. 1662; Pub. L. 110–53, title XVIII, § 1811(4), Aug. 3, 2007, 121 Stat. 493; Pub. L. 110–181, div. A, title XIII, § 1305, Jan. 28, 2008, 122 Stat. 413.)

CODIFICATION

Section was enacted as part of the National Defense Authorization Act for Fiscal Year 2004, and not as part of the Cooperative Threat Reduction Act of 1993 which comprises this chapter.

AMENDMENTS

2008—Subsec. (a). Pub. L. 110–181, § 1305(1), substituted ''Subject to the provisions of this section, the Secretary of Defense may obligate and expend Cooperative Threat Reduction funds for a fiscal year, and any Cooperative Threat Reduction funds for a fiscal year before such fiscal year that remain available for obligation, for a proliferation threat reduction project or activity outside the states of the former Soviet Union if the Secretary of Defense, with the concurrence of the Secretary of State, determines each of the following:'' for ''Subject to the provisions of this section, the Secretary of Defense may obligate and expend Cooperative Threat Reduction funds for a fiscal year, and any Cooperative Threat Reduction funds for a fiscal year before such fiscal year that remain available for obligation, for a proliferation threat reduction project or activity outside the states of the former Soviet Union if the Secretary of Defense, with the concurrence of the Secretary of State, determines each of the following:''.

Subsec. (c). Pub. L. 110–181, § 1305(3), amended subsec. (c) generally. Prior to amendment, subsec. (c) required the Secretary of Defense, with the concurrence of the Secretary of State, to make certain determinations before obligating funds under subsec. (a).

Pub. L. 110–181, § 1305(2), redesignated subsec. (d) as (c) and struck out former subsec. (c). Prior to amendment, text read as follows: ''The amount that may be obligated in a fiscal year under the authority in subsection (a) of this section may not exceed $50,000,000.''

Subsecs. (d), (e). Pub. L. 110–181, § 1305(2), redesignated subsec. (e) as (d). Former subsec. (d) redesignated (c).

2007—Subsec. (a). Pub. L. 110–53, § 1811(4)(A), in introductory provisions, substituted ''the Secretary of Defense may'' for ''the President may'' and ''if the Secretary of Defense, with the concurrence of the Secretary of State,'' for ''if the President''.

Subsec. (d)(1). Pub. L. 110–53, § 1811(4)(B), substituted ''The Secretary of Defense may not'' for ''The President may not'' and ''until the Secretary of Defense, with the concurrence of the Secretary of State,'' for ''until the President''.

Subsec. (d)(2). Pub. L. 110–53, § 1811(4)(C), in introductory provisions, substituted ''Not later than 15 days prior to'' for ''Not later than 10 days after'' and ''the Secretary of Defense shall notify the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives and the Committee on Armed Services and the Committee on Foreign Relations of the Senate'' for ''the President shall notify Congress''.

Subsec. (d)(3). Pub. L. 110–53, § 1811(4)(D), added par. (3).

### § 5964. Metrics for the Cooperative Threat Reduction Program

#### (a) Metrics required

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

#### (b) Secretary of Defense report on metrics

Not later than 270 days after October 28, 2009, the Secretary of Defense shall submit to the appropriate congressional committees a report describing the metrics developed and implemented under subsection (a).

#### (c) National Academy of Sciences assessment and report on metrics

##### (1) Assessment

Not later than 30 days after the date on which the report is submitted by the Secretary of Defense under subsection (b), the Secretary shall enter into an arrangement with the National Academy of Sciences under which the Academy shall carry out an assessment to review the metrics developed and implemented under subsection (a) and identify possible additional or alternative metrics, if necessary.

##### (2) Report

The National Academy of Sciences shall submit to the appropriate congressional committees and the Secretary of Defense a report on the results of the assessment carried out under paragraph (1).

##### (3) Secretary of Defense report

(A) Not later than 90 days after receipt of the report required by paragraph (2), the Secretary shall submit to the appropriate congressional committees a report on the assessment carried out by the National Academy of Sciences.

(B) The report under subparagraph (A) shall include the following:

(i) A summary of the results of the assessment carried out under paragraph (1).

(ii) An evaluation by the Secretary of the assessment.

(iii) A statement of the actions, if any, to be undertaken by the Secretary to implement any recommendations in the assessment.

(C) The report under subparagraph (A) shall be submitted in unclassified form, but may include a classified annex.

#### (d) Funding

Of the amounts appropriated pursuant to the authorization of appropriations in section 301(20)[1] or otherwise made available for Cooperative Threat Reduction Programs for fiscal year 2010, not more than $1,000,000 may be obligated or expended to carry out paragraphs (1) and (2) of subsection (c).

#### (e) Appropriate congressional committees defined

In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Affairs of the House of Representatives; and

(2) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Relations of the Senate.

(Pub. L. 111–84, div. A, title XIII, § 1304, Oct. 28, 2009, 123 Stat. 2558.)

REFERENCES IN TEXT

Section 301(20), referred to in subsec. (d), is section 301(20) of Pub. L. 111–84, div. A, title III, Oct. 28, 2009, 123 Stat. 2247, which is not classified to the Code.

CODIFICATION

Section was enacted as part of the National Defense Authorization Act for Fiscal Year 2010, and not as part of the Cooperative Threat Reduction Act of 1993 which comprises this chapter.

DEFINITION OF COOPERATIVE THREAT REDUCTION PROGRAMS AND FUNDS FOR PURPOSES OF PUB. L. 111–84

Pub. L. 111–84, div. A, title XIII, § 1301(a), Oct. 28, 2009, 123 Stat. 2555, provided that: ''For purposes of section 301 [123 Stat. 2246] and other provisions of this Act [see Tables for classification], Cooperative Threat Reduction programs are the programs specified in section 1501 of the National Defense Authorization Act for Fiscal Year 1997 [Pub. L. 104–201] (50 U.S.C. 2362 note).''

### § 5965. Cooperative Threat Reduction Program authority for urgent threat reduction activities

#### (a) In general

Subject to the notification requirement under subsection (b), not more than 10 percent of the total amounts appropriated or otherwise made available in any fiscal year for the Cooperative Threat Reduction Program of the Department of Defense may be expended, notwithstanding any other law, for activities described under subsection (b)(1)(B).

#### (b) Determination and notice

##### (1) Determination

The Secretary of Defense, with the concurrence of the Secretary of State and the Secretary of Energy, may make a written determination that—

(A) threats arising from the proliferation of chemical, nuclear, and biological weapons or weapons-related materials, technologies, and expertise must be addressed urgently;

(B) certain provisions of law would unnecessarily impede the Secretary's ability to carry out activities of the Cooperative Threat Reduction Program of the Department of Defense to address such threats; and

(C) it is necessary to expend amounts described in subsection (a) to carry out such activities.

##### (2) Notice required

Not later than 15 days before obligating or expending funds under the authority provided

[1] See References in Text note below.

in subsection (a), the Secretary of Defense shall notify the appropriate congressional committees of the determination made under paragraph (1). The notice shall include—

(A) the determination;

(B) the activities to be undertaken by the Cooperative Threat Reduction Program;

(C) the expected time frame for such activities; and

(D) the expected costs of such activities.

**(c) Appropriate congressional committees**

In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on Foreign Affairs, the Committee on Armed Services, and the Committee on Appropriations of the House of Representatives; and

(2) the Committee on Foreign Relations, the Committee on Armed Services, and the Committee on Appropriations of the Senate.

(Pub. L. 111–84, div. A, title XIII, § 1305, Oct. 28, 2009, 123 Stat. 2559.)

CODIFICATION

Section was enacted as part of the National Defense Authorization Act for Fiscal Year 2010, and not as part of the Cooperative Threat Reduction Act of 1993 which comprises this chapter.

DEFINITION OF COOPERATIVE THREAT REDUCTION PROGRAMS FOR PURPOSES OF PUB. L. 111–84

For definition of Cooperative Threat Reduction programs, see section 1301(a) of Pub. L. 111–84, set out as a note under section 5964 of this title.

## CHAPTER 69—CUBAN DEMOCRACY

Sec.
6001. Findings.
6002. Statement of policy.
6003. International cooperation.
6004. Support for Cuban people.
6005. Sanctions.
6006. Policy toward a transitional Cuban Government.
6007. Policy toward a democratic Cuban Government.
6008. Existing claims not affected.
6009. Enforcement.
6010. ''United States person'' defined.

### § 6001. Findings

The Congress makes the following findings:

(1) The government of Fidel Castro has demonstrated consistent disregard for internationally accepted standards of human rights and for democratic values. It restricts the Cuban people's exercise of freedom of speech, press, assembly, and other rights recognized by the Universal Declaration of Human Rights adopted by the General Assembly of the United Nations on December 10, 1948. It has refused to admit into Cuba the representative of the United Nations Human Rights Commission appointed to investigate human rights violations on the island.

(2) The Cuban people have demonstrated their yearning for freedom and their increasing opposition to the Castro government by risking their lives in organizing independent, democratic activities on the island and by undertaking hazardous flights for freedom to the United States and other countries.

(3) The Castro government maintains a military-dominated economy that has decreased the well-being of the Cuban people in order to enable the government to engage in military interventions and subversive activities throughout the world and, especially, in the Western Hemisphere. These have included involvement in narcotics trafficking and support for the FMLN guerrillas in El Salvador.

(4) There is no sign that the Castro regime is prepared to make any significant concessions to democracy or to undertake any form of democratic opening. Efforts to suppress dissent through intimidation, imprisonment, and exile have accelerated since the political changes that have occurred in the former Soviet Union and Eastern Europe.

(5) Events in the former Soviet Union and Eastern Europe have dramatically reduced Cuba's external support and threaten Cuba's food and oil supplies.

(6) The fall of communism in the former Soviet Union and Eastern Europe, the now universal recognition in Latin America and the Caribbean that Cuba provides a failed model of government and development, and the evident inability of Cuba's economy to survive current trends, provide the United States and the international democratic community with an unprecedented opportunity to promote a peaceful transition to democracy in Cuba.

(7) However, Castro's intransigence increases the likelihood that there could be a collapse of the Cuban economy, social upheaval, or widespread suffering. The recently concluded Cuban Communist Party Congress has underscored Castro's unwillingness to respond positively to increasing pressures for reform either from within the party or without.

(8) The United States cooperated with its European and other allies to assist the difficult transitions from Communist regimes in Eastern Europe. Therefore, it is appropriate for those allies to cooperate with United States policy to promote a peaceful transition in Cuba.

(Pub. L. 102–484, div. A, title XVII, § 1702, Oct. 23, 1992, 106 Stat. 2575.)

EFFECTIVE DATE

Section 1712 of title XVII of div. A of Pub. L. 102–484 provided that: ''This title [enacting this chapter, amending section 16 of Title 50, Appendix, War and National Defense, and enacting provisions set out as a note below] shall take effect on the date of the enactment of this Act [Oct. 23, 1992].''

SHORT TITLE

Section 1701 of title XVII of div. A of Pub. L. 102–484 provided that: ''This title [enacting this chapter, amending section 16 of Title 50, Appendix, War and National Defense, and enacting provisions set out as a note above] may be cited as the 'Cuban Democracy Act of 1992'.''

EX. ORD. NO. 12854. IMPLEMENTATION OF CUBAN DEMOCRACY ACT

Ex. Ord. No. 12854, July 4, 1993, 58 F.R. 36587, provided: By the authority vested in me as President by the Constitution and the laws of the United States of America, including the Trading with the Enemy Act, as amended (50 U.S.C. App. 1–6, 7–39, 41–44), the Cuban Democracy Act of 1992 (Public Law 102–484, sections