TITLE XVI—CONSOLIDATION AND MODERNIZATION OF STATUTES RELATING TO THE DEPARTMENT OF DEFENSE COOPERATIVE THREAT REDUCTION PROGRAM

SEC. 1601. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This title may be cited as the "Department of Defense Cooperative Threat Reduction Act".

(b) TABLE OF CONTENTS.—The table of contents for this title is as follows:

Sec. 1601. Short title; table of contents.

Subtitle A—Program Authorities

Sec. 1611. Authority to carry out the Department of Defense Cooperative Threat Reduction Program.
Sec. 1612. Use of Department of Defense Cooperative Threat Reduction funds for certain emergent threats or opportunities.
Sec. 1613. Department of Defense Cooperative Threat Reduction Program authority for urgent threat reduction activities.
Sec. 1614. Use of funds for other purposes or for increased amounts.
Sec. 1615. Use of contributions to the Department of Defense Cooperative Threat Reduction Program.

Subtitle B—Restrictions and Limitations

Sec. 1621. Prohibition on use of funds for specified purposes.
Sec. 1622. Requirement for on-site managers.
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Subtitle C—Recurring Certifications and Reports

Sec. 1631. Annual certifications on use of facilities being constructed for Department of Defense Cooperative Threat Reduction projects or activities.
Sec. 1632. Requirement to submit summary of amounts requested by project category.
Sec. 1633. Reports on activities and assistance under the Department of Defense Cooperative Threat Reduction Program.
Sec. 1634. Metrics for the Department of Defense Cooperative Threat Reduction Program.

Subtitle D—Repeals and Transition Provision

Sec. 1641. Repeals.
Sec. 1642. Transition provision.

SUBTITLE A—PROGRAM AUTHORITIES

SEC. 1611. AUTHORITY TO CARRY OUT THE DEPARTMENT OF DEFENSE COOPERATIVE THREAT REDUCTION PROGRAM.

(a) AUTHORITY.—Subject to any concurrence of the Secretary of State or other appropriate agency head under section 1612 or section 1613 (unless such concurrence is otherwise exempted by section 1642), the Secretary of Defense may, carry out a program, referred to as the "Department of Defense Cooperative Threat Reduction Program," with respect to foreign states to do the following:

(1) Facilitate the elimination, and the safe and secure transportation and storage, of chemical, biological, or other weapons, weapons components, weapons-related materials, and their delivery vehicles.

(2) Facilitate—

(A) the safe and secure transportation and storage of nuclear weapons, nuclear weapons-usable or high-threat radiological materials, nuclear weapons components, and their delivery vehicles; and

(B) the elimination of nuclear weapons components and nuclear weapons delivery vehicles.

(3) Prevent the proliferation of nuclear and chemical weapons, weapons components, and weapons-related materials, technology and expertise.

(4) Prevent the proliferation of biological weapons, weapons components, and weapons-related materials, technology and expertise, which may include activities that facilitate detection and reporting of highly pathogenic diseases or other diseases that are associated with or that could be utilized as an early warning mechanism for disease outbreaks that could impact the Armed Forces of the United States or allies of the United States.

(5) Prevent the proliferation of weapons of mass destruction-related materials, including all materials, equipment, and technology that could be used for the design, development, production, or use of nuclear, chemical, and biological weapons and their means of delivery.

(6) Carry out military-to-military and defense contacts for advancing the mission of the Department of Defense Cooperative Threat Reduction Program, subject to subsection (e).

(b) SCOPE OF AUTHORITY.—The authority to carry out the Program in subsection (a) includes authority to provide equipment, goods, and services, but does not include authority to provide cash directly to such project or activity.

(c) TYPE OF PROGRAM.—The Program carried out under subsection (a) may involve assistance in planning and in resolving technical problems associated with weapons destruction and proliferation. Such cooperation may also involve the funding of critical short-term requirements related to weapons destruction.

(d) REIMBURSEMENT OF OTHER AGENCIES.—The Secretary of Defense may reimburse other United States Government departments and agencies under this section for costs of participation in the Program carried out under subsection (a).

(e) MILITARY-TO-MILITARY AND DEFENSE CONTACTS.—The Secretary of Defense shall ensure that the military-to-military and defense contacts carried out under subsection (a)(6)—

(1) are focused and expanded to support specific relationship-building opportunities, which could lead to Department of Defense Cooperative Threat Reduction Program development in new geographic areas and achieve other Department of Defense Cooperative Threat Reduction Program benefits;

(2) are directly administered as part of the Department of Defense Cooperative Threat Reduction Program; and

(3) include cooperation and coordination with—

(A) the unified combatant commands; and

(B) the Department of State.

(f) PRIOR NOTICE TO CONGRESS OF OBLIGATION OF FUNDS.—

(1) ANNUAL REQUIREMENT.—Not less than 15 days before any obligation of any funds appropriated for any fiscal year for a program specified under this section, the Secretary of Defense shall submit to the congressional defense committees a report on that proposed obligation for that program for that fiscal year.

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

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

(B) the amount of the proposed obligation; and

(C) 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. 1612. USE OF DEPARTMENT OF DEFENSE COOPERATIVE THREAT REDUCTION FUNDS FOR CERTAIN EMERGENT THREATS OR OPPORTUNITIES.

(a) AUTHORITY. —For purposes of the Program specified in section 1611, the Secretary of Defense may obligate and expend Department of Defense Cooperative Threat Reduction

funds for a fiscal year, and any Department of Defense 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 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) assist the United States in the resolution of a critical emerging proliferation threat; or

(B) permit the United States to take advantage of opportunities to achieve long-standing nonproliferation goals; and

(2) That such project or activity will be completed in a short period of time.

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

(b) CONGRESSIONAL NOTIFICATION.—Not later than 10 days after obligating funds under the authority in subsection (a) for a project or activity, the Secretary of Defense shall notify the congressional defense committees and the Secretary of State shall notify the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate in writing of the determinations made under subsection (a) with respect to such project or activity, together with—

(1) a justification for such determinations; and

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

(c) NON-DEFENSE AGENCY PARTNER-NATION CONTACTS.—For military-to-military and defense contacts carried out under section 1611(a)(6), as further described in section 1611(e),

concurrence of the Secretary of State is required only for participation by personnel from non-defense agencies.

SEC. 1613. DEPARTMENT OF DEFENSE COOPERATIVE THREAT REDUCTION PROGRAM AUTHORITY FOR URGENT THREAT REDUCTION ACTIVITIES.

(a) IN GENERAL.—Subject to the requirements under subsection (b) or (c), as applicable, not more than 15 percent of the total amounts appropriated or otherwise made available for any fiscal year for the Department of Defense Cooperative Threat Reduction Program may be expended, notwithstanding any other law, for activities described under subsections (b)(1)(B) and (c)(1)(B).

(b) SECRETARY OF DEFENSE DETERMINATION AND NOTICE.—

(1) DETERMINATION.—Subject to paragraph (2), amounts may be expended by the Secretary of Defense as described in subsection (a) if the Secretary makes a written determination that—

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

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

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

(2) CONCURRENCE REQUIRED.—A determination by the Secretary of Defense under paragraph (1) may only be made with the concurrence of the Secretary of State and the Secretary of Energy.

(3) NOTICE REQUIRED.—Not later than 15 days after obligating or expending funds under the authority provided in subsection (a), the Secretary of Defense shall, after consultation with the Secretary of State, notify the congressional defense committees, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Foreign Relations of the Senate of the determination made under paragraph (1). The notice shall include the following:

(A) The determination.

(B) The activities to be undertaken by the Department of Defense Cooperative Threat Reduction Program.

(C) The expected time frame for such activities.

(D) The expected costs of such activities.

(c) PRESIDENTIAL DETERMINATION AND NOTICE.—

(1) DETERMINATION.—Amounts may be made available if the President makes a written determination that—

(A) a threat arising from the proliferation of chemical, nuclear, or biological weapons or weapons-related materials, technologies, or expertise must be addressed urgently in an ungoverned area or an area that is not controlled by an effective governmental authority, as determined by the Secretary of State; and

(B) it is necessary to make available amounts as described in subsection (a) to carry out activities of the Department of Defense Cooperative Threat Reduction Program to address that threat.

(2) NOTICE REQUIRED.—Not later than 15 days after obligating or expending funds under the authority provided in subsection (a), the Secretary of Defense shall, after consultation with the Secretary of State, notify the congressional defense committees, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Foreign Relations of the Senate of the determination made under paragraph (1). The notice shall include the following:

(A) The determination.

(B) The activities to be undertaken through the Department of Defense Cooperative Threat Reduction Program.

(C) The expected time frame for such activities.

(D) The expected costs of such activities.

SEC. 1614. USE OF FUNDS FOR OTHER PURPOSES OR FOR INCREASED AMOUNTS.

(a) NOTICE TO CONGRESS OF INTENT TO USE FUNDS FOR OTHER PURPOSES.—

(1) REPORT.— For any fiscal year for which amounts are specifically authorized in an Act other than an appropriations Act for specific purposes (specified by law) within the Department of Defense Cooperative Threat Reduction Program, amounts appropriated or otherwise made available for the Department of Defense Cooperative Threat Reduction Program for that fiscal year may be obligated or expended for a

Department of Defense Cooperative Threat Reduction purpose other than one of the purposes so specified if—

(A) the Secretary of Defense determines that it is necessary to do so in the national interest; and

(B) the requirements of subsection (c) have been met.

(2) CONSTRUCTION WITH OTHER LAWS.—Nothing in paragraph (1) shall be construed as authorizing the obligation or expenditure of Department of Defense Cooperative Threat Reduction Program funds for a purpose for which the obligation or expenditure of such funds is specifically prohibited under any provision of law.

(b) LIMITED AUTHORITY TO VARY INDIVIDUAL AMOUNTS PROVIDED FOR ANY FISCAL YEAR FOR SPECIFIED PURPOSES.—For any fiscal year for which amounts are specifically authorized in an Act other than an appropriations Act for specific purposes (specified by law) within the Department of Defense Cooperative Threat Reduction Program, the Secretary of Defense, subject to subsection (c), may obligate funds appropriated or otherwise made available for any such purpose for that fiscal year in excess of the specific amount so authorized for that purpose if—

(1) the Secretary of Defense determines that it is necessary to do so in the national interest; and

(2) the requirements of subsection (c) have been met.

(c) NOTICE-AND-WAIT REQUIREMENTS.—The requirements of this subsection for purposes of subsections (a) and (b) are that—

(1) the Secretary submit to the congressional defense committees notification of the intent to obligate funds as described in subsection (a) or (b), together with a complete

discussion of the justification for doing so and, in the case of a report for purposes of subsection (a), a statement of the purpose for which the funds will be used and the amount of funds to be used; and

(2) 15 days have elapsed following the date of the notification.

SEC. 1615. USE OF CONTRIBUTIONS TO THE DEPARTMENT OF DEFENSE COOPERATIVE THREAT REDUCTION PROGRAM.

(a) AUTHORITY TO ENTER INTO AGREEMENTS.—

(1) AUTHORITY.—Subject to paragraph (2), the Secretary of Defense 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 Department of Defense Cooperative Threat Reduction Program.

(2) REQUIREMENT FOR SECRETARY OF STATE CONCURRENCE.—The Secretary of Defense may enter into an agreement under this subsection only with the concurrence of the Secretary of State.

(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 Department of Defense Cooperative Threat Reduction Program. 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 of Defense shall submit to the congressional defense 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 of Defense may not obligate 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 the first Monday in February of each year, the Secretary of Defense shall submit to the congressional defense 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 of Defense, 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 of Defense intends to obligate or expend the amount.

(f) IMPLEMENTATION PLAN.—The Secretary of Defense shall submit to the congressional defense 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 of Defense shall submit updates to such plan as needed.

SUBTITLE B—RESTRICTIONS AND LIMITATIONS

SEC. 1621. PROHIBITION ON USE OF FUNDS FOR SPECIFIED PURPOSES.

(a) IN GENERAL.—Funds appropriated for the Department of Defense Cooperative Threat Reduction Program may not be obligated or expended for any of the following purposes:

(1) Conducting 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.

(5) Provision of assistance to promote defense conversion.

(b) LIMITATION WITH RESPECT TO CONVENTIONAL WEAPONS.—Funds appropriated for the Department of Defense Cooperative Threat Reduction Program may not be obligated or expended for elimination of—

(1) conventional weapons; or

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

SEC. 1622. REQUIREMENT FOR ON–SITE MANAGERS.

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

(b) PROJECTS COVERED.—Subsection (a) applies to a project—

(1) to be located in a state of the former Soviet Union;

(2) which involves dismantlement, destruction, or storage facilities, or construction of a facility; and

(3) with respect to which the total contribution by the Department of Defense is expected to exceed $50,000,000.

(c) DUTIES OF ON–SITE MANAGER.—The on-site manager appointed under subsection (a) shall—

(1) develop, in cooperation with representatives from governments of states participating in the project, a list of those steps or activities critical to achieving the 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) 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 1623).

(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), the Secretary shall concurrently notify the congressional defense committees of such direction.

SEC. 1623. LIMITATION ON USE OF FUNDS UNTIL CERTAIN PERMITS OBTAINED.

(a) IN GENERAL.—The Secretary of Defense shall seek to obtain all the permits required to complete each phase of construction of a project under the Department of Defense Cooperative Threat Reduction Program in a state of the former Soviet Union 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 (c), with respect to a new construction project to be carried out by the Department of Defense Cooperative Threat Reduction Program, not more than 40 percent of the total costs of the project may be obligated from Department of Defense Cooperative Threat Reduction Program 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) EXCEPTION TO LIMITATIONS ON USE OF FUNDS.—The limitation in subsection (b) on the obligation of funds for a construction project otherwise covered by such subsection shall not apply with respect to the obligation of funds for a particular project if the Secretary of Defense —

(1) determines that it is necessary in the national interest to obligate funds for such project; and

(2) submits to the congressional defense committees a notification of the intent to obligate funds for such project, together with a complete discussion of the justification for doing so.

(d) DEFINITIONS.—In this section, with respect to a project under the Department of Defense Cooperative Threat Reduction Program:

(1) 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.

(2) 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.

SUBTITLE C—RECURRING CERTIFICATIONS AND REPORTS

SEC. 1631. ANNUAL CERTIFICATIONS ON USE OF FACILITIES BEING CONSTRUCTED FOR DEPARTMENT OF DEFENSE COOPERATIVE THREAT REDUCTION PROJECTS OR ACTIVITIES.

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.

SEC. 1632. REQUIREMENT TO SUBMIT SUMMARY OF AMOUNTS REQUESTED BY PROJECT CATEGORY.

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

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

(2) a descriptive summary, with respect to appropriations for the Department of Defense Cooperative Threat Reduction Program 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 Department of Defense 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 Department of Defense 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 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 the Department of Defense Cooperative Threat Reduction Program required in such fiscal year under section 1633.

(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).

SEC. 1633. REPORTS ON ACTIVITIES AND ASSISTANCE UNDER THE DEPARTMENT OF DEFENSE COOPERATIVE THREAT REDUCTION PROGRAM.

(a) ANNUAL REPORT.—In any year in which the budget of the President under section 1105 of title 31, United States Code, for the fiscal year beginning in such year requests funds for the Department of Defense for assistance or activities under the Department of Defense Cooperative Threat Reduction Program, the Secretary of Defense shall, after consultation with the Secretary of State, submit to the congressional defense committees, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Foreign Relations of the Senate a report on activities and assistance during the preceding fiscal year under the Department of Defense Cooperative Threat Reduction Program setting forth the matters in subsection (c).

(b) DEADLINE FOR REPORT.—The report under subsection (a) shall be submitted not later than the first Monday in February of a year.

(c) MATTERS TO BE INCLUDED.—The report under subsection (a) 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 Department of Defense Cooperative Threat Reduction Program.

(2) A five-year plan setting forth the amount of funds and other resources proposed to be provided by the United States for the Department of Defense Cooperative Threat Reduction Program 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 the Department of Defense Cooperative Threat Reduction Program.

(3) A description of the Department of Defense 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 the Department of Defense Cooperative Threat Reduction Program;

(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 the Department of Defense Cooperative Threat Reduction Program; and

(E) such other information as the Secretary of Defense considers appropriate to inform Congress fully of the operation of Department of Defense 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 the Department of Defense Cooperative Threat Reduction Program is fully accounted for, that such assistance is being used for its intended purpose, and that such assistance is being used efficiently and effectively, including—

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

(B) if such assistance consisted of contracts or other services, a description of the status of such contracts or services and the methods used to ensure that such contracts and services are being used for their intended purpose;

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

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

(5) A description of the defense and military activities carried out under the Department of Defense Cooperative Threat Reduction Program, 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 provided, 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 the Department of Defense Cooperative Threat Reduction Program.

SEC. 1634. METRICS FOR THE DEPARTMENT OF DEFENSE COOPERATIVE THREAT REDUCTION PROGRAM.

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

SUBTITLE D—REPEALS AND TRANSITION PROVISION

SEC. 1641. REPEALS.

The following provisions of law are repealed:

(1) Sections 212, 221, 222, and 231 of the Soviet Nuclear Threat Reduction Act of 1991 (Public Law 102-228; 22 U.S.C. 2551 note).

(2) Sections 1412 and 1431 of the Former Soviet Union Demilitarization Act (Public Law 102-484; 22 U.S.C. 5902, 5921).

(3) Sections 1203, 1204, 1206, and 1208 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, 5953, 5955, 5957).

(4) Sections 1205 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106; 22 U.S.C. 5955 note).

(5) Section 1501 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-201; 50 U.S.C. 2362 note).

(6) Section 1307 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261; 22 U.S.C. 5952 note).

(7) Section 1303 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-65; 22 U.S.C. 5952 note).

(8) Sections 1303, 1304, 1306, and 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. 5952 note, 5959).

(9) Section 1304 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107-107; 22 U.S.C. 5952 note).

(10) Sections1305 and 1306 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107-314; 22 U.S.C. 5952 note).

(11) Sections 1303, 1305, 1307, and 1308 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108-136; 22 U.S.C. 5960, 5961, 5962, and 5963).

(12) Sections 1303, 1304, 1305, and 1306 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 22 U.S.C. 5952, 5964, 5965, and 5952 note).

SEC. 1642. TRANSITION PROVISION.

Any determination made before the date of the enactment of this Act under section 1308(a) of the National Defense Authorization Act for Fiscal Year 2004 (22 U.S.C. 5963(a)) shall be treated as a determination under section 1612(a). Any determination made before the date of the enactment of this Act under section 1305(b) of the National Defense Authorization Act for Fiscal Year 2010 (22 U.S.C. 5965) shall be treated as a determination under section 1613(b). The requirement for a determination under section 1612 shall not apply to a state that was part of the former Soviet Union, but regular coordination practices shall apply.

Section-by-Section Analysis

This proposal is primarily a codification of existing law to make the law more readily available for future reference. For the most part, with exceptions noted below, current policy and procedures have been carried forward in the new format.

The body of law covered by this proposal is that relating to the Department of Defense (DoD) Cooperative Threat Reduction (CTR) Program. In 1992, Congress by law established the DoD CTR Program, frequently referred to as the Nunn-Lugar Program (named for former Senators Sam Nunn of Georgia and Richard Lugar of Indiana), with the purpose of securing and dismantling weapons of mass destruction and their associated infrastructure in former Soviet Union states. In the years since, there have been numerous additional statutes enacted relating to that program.

This proposal would organize and consolidate statutes relating to the DoD-specific CTR Program under a single revised National Defense Authorization Act (NDAA) title so that all applicable law can be found in one place. Currently, DoD CTR legislation is spread over more than 20 years of NDAAs and other statutes, making attempts to review the law, with its various amendments, a difficult task. Furthermore, since the revised provisions are permanent law and would be codified in the U.S. Code, all future amendments would be reflected in the Code, obviating the need to conduct extensive reviews of the Statutes-at-Large to ensure currency.

An additional purpose of this organization and consolidation effort is to streamline the law so as reflect only those provisions that have remained applicable. In other words, portions of the various NDAA provisions have become obsolete because required tasks and reports have been completed, express or implied time limitations have passed, or specific provisions have been repealed or amended. Only those provisions, which, in our view, have current applicability, have been brought forward.

These efforts of organization, consolidation, and streamlining have been conducted with the intent to remain true to DoD-specific CTR legislation as it currently exits. However, certain modernization changes have been proposed, as outlined below:

- Textual cross references in current law have been changed to conform to the new organization, using the section numbers and section titles reflected in the table of contents.

- References in current law to "Congress" for submission of reports now indicate the committees by name, except that the term "congressional defense committees," as defined in Title 10, is used frequently throughout. Consultation with the Secretary of State is required in this proposal whenever a report is submitted to the State Department's oversight committees. In section 1611(f) and section 1613, reports are submitted only to the congressional defense committees, which is a change from current law. These reports are believed to be of interest only to those committees. As such, these reports will not be subject to a statutory requirement of consultation with the Secretary of State. We note, however, that the Departments coordinate closely on all CTR activities, and will continue to do so when applicable.

- Section 1611 incorporates current practice by placing authority for the "Department of Defense Cooperative Threat Reduction Program" with the Department of Defense. This also reflects current law since section 221 of the Soviet Nuclear Threat Reduction Act of 1991 (P.L 102-228) designated the Department of Defense as the Executive Agent for CTR Programs (referred to as "Part B" of the Soviet Nuclear Threat Reduction Act of 1991). Also, each NDAA links the DoD CTR Program to the NDAA's section 301, which is the annual authorization of appropriations of funds for "the use of the Armed Forces and other activities and agencies of the Department of Defense" for certain purposes, one of which is "Cooperative Threat Reduction Programs."

- Section 1611. Since 2008 (when programs outside the former Soviet Union (FSU) were first listed), authorized programs in the FSU and authorized programs outside of the FSU have been listed separately, and have differed in substantive respects. Section 1611 consolidates and harmonizes these programs by placing them in a single comprehensive list that is applicable worldwide. In doing so, it also expands current CTR authority for non-FSU countries by including authority to facilitate the elimination of nuclear weapons, weapons components, and their delivery systems. Additionally, it expands the authority applicable to both FSU and non-FSU countries with regard to the safe and secure transportation and storage of weapons-usable or high-threat radiological materials.

- Section 1611. Two provisions of current law found in the Soviet Nuclear Threat Reduction Act of 1991 are conditioned by the words, "should, to the extent feasible," (referring to the employment of U.S. technology and technicians and the use of expertise from the U.S. private sector). Due to the precatory nature of these provisions, re-enactment is not recommended. (Section 1611 would be the logical location for these provisions if they were to be re-enacted.)

- Section 1611. Two provisions of current law found in the Soviet Nuclear Threat Reduction Act of 1991, which concern reimbursement from recipient countries for CTR activities, are not recommended for re-enactment since they are precatory and are considered obsolete. (Section 1611 would be the logical location for these provisions if they were to be re-enacted.)

- Section 1611. It is believed that CTR should be available to prevent the proliferation of weapons of mass destruction-related materials, including all materials, equipment, and technology that could be used for the design, development, production, or use of nuclear, chemical, and biological weapons and their means of delivery. Thus, a new subparagraph has been added to Section 1611's list of authorized programs. Subparagraph (a)(5) permits programs to prevent the proliferation of "related materials" as defined above.

- Section 1611 and 1612. The provision in subsection (e) of Section 1611 concerning "military-to-military and defense contacts" is clarified in section 1612(c) to provide that foreign personnel from non-defense agencies, such as customs and border-security officials, may participate in activities carried out under this authority. The concurrence of the Secretary of State is required only for the participation of such non-defense participation.

- Section 1612. This provision, limited to non-FSU states in current law, no longer includes such geographically restrictive language. However, section 1642 ("Transition provision") excludes activities in FSU states from the "determination process" of section 1612, since Congress has never required such a determination for FSU states. Thus, by operation of section 1642, current practice is maintained.

- Section 1613. Current law authorizes not more than 10 percent of the total amounts appropriated or otherwise made available for any fiscal year to be expended, notwithstanding any other law, for urgent threat reduction activities. This proposal seeks to increase the amount from 10 percent to 15 percent in case future CTR appropriations decrease and/or, when a crisis emerges, unobligated funds from previous fiscal years total a relatively small amount.

- Section 1613. The reporting requirement for activities undertaken to address "urgent" threats must, under current law, be submitted 15 days prior to the obligation or expenditure of funds. To reflect more properly the urgent nature of the circumstances that could lead to activities under this provision, the timing for the required report is amended to 15 days "after" (vice "before") the obligation or expenditure of funds.

- Section 1613. This section proposes a new substantive subparagraph, premised on a presidential determination, which would permit the use of CTR funds to address an urgent threat in an ungoverned area or an area that is not controlled by an effective governmental authority, as determined by the Secretary of State. This provision is accompanied by a congressional notification requirement.

- Section 1614, which permits deviations from appropriated CTR amounts and authorized CTR purposes under limited circumstances, has been reordered and, in some cases, reworded for clarification. However, the only intended substantive change to this modification is to add a requirement for a "national interest" determination before the use of funds for purposes other than those listed in annual authorizations.

- Section 1615. The termination date ("sunset provision") in current law for the current authority to receive and utilize contributions to CTR from outside sources (section 1303 of P.L. 111-184, NDAA FY 2010) has been deleted in this proposal, which would make this authority permanent.

- Section 1615. Current law requires an annual report to Congress no later than October 31 of each year pertaining to contributions received from outside sources for CTR purposes. The proposal recommends substituting "the first Monday in February" instead of October 31 in order to coincide with the annual report of CTR activities and assistance required by section 1633.

- Section 1621. Certain prohibitions on the use of funds were adopted by Congress when CTR was limited to the FSU. In light of the fact that CTR now extends beyond the FSU, section 1621 extends these prohibitions so that they apply globally.

- Section 1621. Current law prohibits the use of CTR for the elimination of conventional weapons or delivery systems "primarily intended" for the delivery of such weapons. Given that some delivery systems can be easily adapted to deliver weapons of mass destruction (WMD), the word "primarily" imposes a balancing test that may foreclose effective action under a CTR program, even though a real possibility exists that conversion efforts are contemplated or can be accomplished in a short period of time. This proposal introduces a different test that would permit a more flexible analysis based on the "reasonable" possibility that the delivery vehicle could be adapted to WMD use.

- Section 1633. Current law requires an annual report to Congress on activities and assistance provided during the previous year in the states of the former Soviet Union. The words in current law restricting the report's applicability to the states of the former Soviet Union have been deleted in this proposal, thus making the annual reporting requirement applicable to CTR activities and assistance worldwide. This section also deletes the requirement in current law to report on Russia's tactical nuclear weapons arsenal. Since the CTR program is no longer used to eliminate strategic weapons in Russia, the CTR program will not have visibility into the status of Russia's tactical weapons.

- Section 1642. This proposal recommends including a transition provision to capture any determination that was made before the date of the enactment of this Act under section 1308(a) of the National Defense Authorization Act for Fiscal Year 2004 (22 U.S.C. 5963(a)) and section 1305(b) of the National Defense Authorization Act for Fiscal Year 2010 (22 U.S.C. 5965). It also notes, in accordance with current law and practice, that activities in the FSU are not subject to the determination process of Section 1612. We note, however, that the Departments coordinate closely on all CTR activities, including those activities in the FSU, and that the Department of Defense will continue to coordinate with the Department of State on such matters.

Upon enactment of this proposal, the annual DoD CTR authorization and appropriation provisions should be revised appropriately to conform with permanent DoD CTR authorities as revised by the proposed title XVI. Upon enactment of this permanent title, the annual DoD CTR authorization in the NDAA could look like the following:

TITLE XIII—COOPERATIVE THREAT REDUCTION

SEC. 1301. [adapted from 1301 of P.L. 112-239, NDAA FY 2013] SPECIFICATION OF DEPARTMENT OF DEFENSE COOPERATIVE THREAT REDUCTION PROGRAMS AND FUNDS.

(a) SPECIFICATION OF DEPARTMENT OF DEFENSE COOPERATIVE THREAT REDUCTION PROGRAMS.—For purposes of section 301 and other provisions of this Act, Department of Defense Cooperative Threat Reduction programs are the programs specified in section 1611 of the Department of Defense Cooperative Threat Reduction Act.

(b) FISCAL YEAR 20XX DEPARTMENT OF DEFENSE COOPERATIVE THREAT REDUCTION FUNDS DEFINED.—As used in this title, the term 'fiscal year 20xx Department of Defense Cooperative Threat Reduction funds' means the funds appropriated pursuant to the authorization of appropriations in section 301 and made available by the funding table in section 4301 for Department of Defense Cooperative Threat Reduction programs.

(c) AVAILABILITY OF FUNDS.—Funds appropriated pursuant to the authorization of appropriations in section 301 and made available by the funding table in section 4301 for Department of Defense Cooperative Threat Reduction programs shall be available for obligation for fiscal years 20xx, 20xx, and 20xx.

SEC. 1302. [adapted from 1302 P.L. 112-239, NDAA FY 2013] FUNDING ALLOCATIONS.

Of the $_____ authorized to be appropriated to the Department of Defense for fiscal year 20xx in section 301 and made available by the funding table in section 4301 for Department of Defense Cooperative Threat Reduction programs, the following amounts may be obligated for the purposes specified:

(1) For strategic offensive arms elimination, $_____.

(2) For chemical weapons destruction, $_____.

(3) For global nuclear security, $_____.

(4) For cooperative biological engagement, $_____.
(5) For proliferation prevention, $_____.
(6) For threat reduction engagement, $_____.
(7) For activities designated as Other Assessments/Administrative Costs, $_____.

Upon enactment of the permanent title, the annual CTR appropriation paragraph could look like the following:

DEPARTMENT OF DEFENSE COOPERATIVE THREAT REDUCTION ACCOUNT
[adapted from P.L. 112-74, DoD Appropriations Act, 2012]

For assistance ~~to the republics of the former Soviet Union and, with appropriate authorization by the Department of Defense and Department of State, to countries outside of the former Soviet Union~~, including assistance provided by contract or by grants, ~~for facilitating the elimination and the safe and secure transportation and storage of nuclear, chemical and other weapons; for establishing programs to prevent the proliferation of weapons, weapons components, and weapon-related technology and expertise; for programs relating to the training and support of defense and military personnel for demilitarization and protection of weapons, weapons components and weapons technology and expertise, and for defense and military contacts~~ under programs and activities of the Department of Defense Cooperative Threat Reduction Program authorized under ~~section 1611 of~~ the Department of Defense Cooperative Threat Reduction Act, $_____, to remain available until September 30, 20XX: *Provided*, That of the amounts provided under this heading, not less than $_____ shall be available only to support the dismantling and disposal of nuclear submarines, submarine reactor components, and security enhancements for transport and storage of nuclear warheads in the Russian Far East and North.

This proposal has been coordinated with the Office of the Under Secretary of Defense for Acquisition, Technology, and Logistics and the Department of State's Political-Military Bureau.

Two tables have been included below. Table 1 shows the source for each section of the new DoD CTR Act. Table 2 shows the disposition of each provision proposed to be repealed.

TABLE #1

SOURCE OF PROVISIONS IN NEW DOD CTR ACT			
Section #	**Source section**	**Heading**	**Comments**
1601	[None]	Short title [of new CTR Act]	
1602	[Various]	Definition of appropriate congressional committees	Derived from most current law.
1611	(a) Sec. 1501 of P.L. 104-201, NDAA FY 1997 (50 U.S.C. 2362 note) (b) Sec. 1308(b) of P.L. 108-136, NDAA FY 2004 (22 U.S.C. 5963(b)) (c) Sec 212(b) [2d sent.] of P.L. 102-228, Soviet Nuclear Threat Reduction Act of 1991 (22 U.S.C. 2551 note) (d) Sec 221(c) of P.L. 102-228, Soviet Nuclear Threat Reduction Act of 1991 (22 U.S.C. 2551 note) (e) Sec. 1306(a) of P.L. 111-84, NDAA FY 2010 (22 U.S.C. 5952 note) (f) Sec. 1205 of P.L. 104-106, NDAA FY 1996 (22 U.S.C. 5955 note)	Authority to carry out Department of Defense Cooperative Threat Reduction programs	Substantially revised — see sectional analysis.
1612	Sec. 1308 of P.L. 108-136, NDAA FY 2004 (22 U.S.C. 5963)	Use of Department of Defense Cooperative Threat Reduction funds for emergent threats or opportunities.	Derived from most current law.
1613	Sec.1305 of P.L. 111-84, NDAA FY 2010 (22 U.S.C. 5965)	Department of Defense Cooperative Threat Reduction Program authority for urgent threat reduction activities.	Subsection (c) is new. See sectional analysis.
1614	Recurring annual NDAA provisions [sec. 1302(b) & (c)]	Use of funds for other purposes or for increased amounts.	See sectional analysis.
1615	Sec. 1303 of P.L. 111-84, NDAA FY 2010 (22 U.S.C. 5952 note)	Utilization of contributions to the Department of Defense Cooperative Threat Reduction Program.	Sunset date from source law omitted. See sectional analysis.
1621	(a) Sec. 1303(a) & (b) of P.L. 106-65, NDAA FY 2000; (b) Sec. 1303 of P.L. 106-398, NDAA FY 2001 (22 U.S.C. 5952 note)	Prohibition on use of funds for specified purposes	See sectional analysis.
1622	Sec. 1305 of P.L. 108-136, NDAA FY 2004 (22 U.S.C. 5961)	Requirement for on-site managers	Reenacted without substantive change.
1623	Sec. 1303 of P.L. 108-136, NDAA FY 2004 (22 U.S.C. 5960)	Limitation on use of funds until certain permits obtained.	Reenacted without substantive change.

1631	Sec. 1307 of P.L. 108-136, NDAA FY 2004 (22 U.S.C. 5962)	Annual certifications on use of facilities being constructed for Department of Defense Cooperative Threat Reduction projects or activities.	
1632	Sec. 1307 of P.L. 105-261, NDAA FY 1999 (22 U.S.C. 5952 note)	Requirement to submit summary of amounts requested by project category.	
1633	Sec. 1308 of P.L. 106-398, NDAA FY 2001 (22 U.S.C. 5959)	Reports on activities and assistance under the Department of Defense Cooperative Threat Reduction Program.	See sectional analysis.
1634	Sec. 1304 of P.L. 111-84, NDAA FY 2010 (22 U.S.C. 5964)	Metrics for the Department of Defense Cooperative Threat Reduction Program.	

TABLE #2

DISPOSITION OF PROVISIONS OF LAW REPEALED BY SECTION 1651		
Section	**Heading**	**Disposition**
Sec. 212 of P.L. 102-228, Soviet Nuclear Threat Reduction Act of 1991 (22 U.S.C. 2551 note)	Authority for program to facilitate Soviet weapons destruction.	(a) Obsolete ("President" replaced by "Secretary of Defense" in later law). (b) [1st sent.] Rendered obsolete by later law (see sec. 1501 of P.L. 104-201). (b) [2nd sent.] Reenacted in sec. 1611(c).
Sec. 221 of P.L. 102-228, Soviet Nuclear Threat Reduction Act of 1991 (22 U.S.C. 2551 note)	Administration of nuclear threat reduction programs.	(a) Expired. (b) Specific identification of SecDef as executive agent is no longer required due to later law. (c) Reenacted in sec. 1611(d). (d) Obsolete. (e) Expired.
Sec. 222 of P.L. 102-228, Soviet Nuclear Threat Reduction Act of 1991 (22 U.S.C. 2551 note)	Repayment arrangements	Obsolete.
Sec. 231of P.L. 102-228, Soviet Nuclear Threat Reduction Act of 1991 (22 U.S.C. 2551 note)	Prior notice of obligations to Congress	Superseded by sec. 1205 of P.L. 104-106.
Sec. 1412 of the Former Soviet Union Demilitarization Act (P.L. 102-484; 22 U.S.C. 5902).	Authority for programs to facilitate demilitarization.	(a) Obsolete. (b) Rendered obsolete by later law (see sec. 1501 of P.L. 104-201). (c) Precatory; not recommended for re-enactment. (d) Superseded by sec. 1203(d) of P.L. 103-160,

		which was repealed by P.L. 110-181 sec. 1304(a)(2).
Sec. 1431 of the Former Soviet Union Demilitarization Act (P.L. 102-484; 22 U.S.C. 5921).	Prior notice to Congress of obligation of funds	(a) Superseded by sec. 1205 of P.L. 104-106. (b) Obsolete.
Sec. 1203 of the Cooperative Threat Reduction Act of 1993 (P.L. 103-160; 22 U.S.C. 5952).	Authority for programs to facilitate cooperative threat reduction.	(a) Obsolete ("President" replaced by "Secretary of Defense" in later law). (b) Rendered obsolete by later law (see sec. 1501 of P.L. 104-201). (c) Precatory; not recommended for re-enactment.
Sec. 1204 of the Cooperative Threat Reduction Act of 1993 (P.L. 103-160; 22 U.S.C. 5953).	Demilitarization Enterprise Fund	Obsolete.
Sec. 1206 of the Cooperative Threat Reduction Act of 1993 (P.L. 103-160; 22 U.S.C. 5955).	Prior notice to congress of obligation of funds.	(a) Superseded by sec. 1205 of P.L. 104-106. (b) Expired.
Sec. 1208 of the Cooperative Threat Reduction Act of 1993 (P.L. 103-160; 22 U.S.C. 5957).	Appropriate congressional committees defined	Obsolete (used committee lists found in later law).
Sec. 1205 of P.L. 104-106, NDAA FY 1996 (22 U.S.C. 5955 note)	Prior notice to congress of obligation of funds.	Reenacted in part in sec. 1611 (f).
Sec. 1501 of P.L. 104-201, NDAA FY 1997 (50 U.S.C. 2362 note)	Specification of cooperative threat reduction programs.	Reenacted in sec. 1611.
Sec. 1307 of P.L. 105-261, NDAA FY 1999 (22 U.S.C. 5952 note)	Requirement to submit summary of amounts requested by project category.	Reenacted in sec. 1632.
Sec. 1303 of P.L. 106-65, NDAA FY 2000 (22 U.S.C. 5952 note)	Prohibition on use of funds for specified purposes	Reenacted in sec. 1621.
Sec. 1303 of P.L. 106-398, NDAA FY 2001 (22 U.S.C. 5952 note)	Prohibition on use of funds for elimination of conventional weapons	Reenacted in sec. 1621.
Sec.1304 of P.L. 106-398, NDAA FY 2001	Limitation on use of funds for fissile material storage facility.	Obsolete.
Sec. 1306 of P.L. 106-398, NDAA FY 2001	Agreement on nuclear weapons storage sites.	Obsolete.
Sec. 1308 of P.L. 106-398, NDAA FY 2001 (22 U.S.C. 5959)	Reports on activities and assistance under cooperative threat reduction programs.	Reenacted in sec. 1633.
Sec. 1304 of P.L. 107-107, NDAA FY 2002 (22 U.S.C. 5952 note)	Requirement to consider use of revenue generated by activities carried out under cooperative threat reduction programs.	Precatory; not recommended for re-enactment.

Sec. 1305 of P.L. 107-314, NDAA FY 2003 (22 U.S.C. 5952 note)	Prohibition against use of funds for second wing of fissile material storage facility.	Obsolete.
Sec. 1306 of P.L. 107-314, NDAA FY 2003 (22 U.S.C. 5952 note)	Limited Waiver of Restrictions on Use of Funds for Threat Reduction in States of the Former Soviet Union	Obsolete.
Sec. 1303 of P.L. 108-136, NDAA FY 2004 (22 U.S.C. 5960)	Limitation on use of funds until certain permits obtained	Reenacted in sec. 1623.
Sec. 1305 of P.L. 108-136, NDAA FY 2004 (22 U.S.C. 5961)	Requirement for on–site managers	Reenacted in sec. 1622.
Sec. 1307 of P.L. 108-136, NDAA FY 2004 (22 U.S.C. 5962)	Annual certifications on use of facilities being constructed for cooperative threat reduction projects or activities.	Reenacted in sec. 1631.
Sec. 1308 of P.L. 108-136, NDAA FY 2004 (22 U.S.C. 5963)	Authority to use cooperative threat reduction funds outside the former Soviet Union.	(a) Reenacted with clarifications in sec. 1612(a). (b) Reenacted in sec.1611(b). (c) Reenacted in sec. 1612(b). (d) Obsolete.
Sec. 1303 of P.L. 111-84, NDAA FY 2010 (22 U.S.C. 5952 note)	Utilization of contributions to the cooperative threat reduction program.	(c)-(f) Reenacted in sec. 1615.
Sec. 1304 of P.L. 111-84, NDAA FY 2010 (22 U.S.C. 5964)	Metrics for the cooperative threat reduction program.	(a) Reenacted in sec. 1634. (b), (c), (d) Expired. (e) Reenacted in sec. 1602.
Sec.1305 of P.L. 111-84, NDAA FY 2010 (22 U.S.C. 5965)	Cooperative threat reduction program authority for urgent threat reduction activities.	(a), (b) Reenacted in sec. 1613. (c) Reenacted in sec. 1602.
Sec. 1306 of P.L. 111-84, NDAA FY 2010 (22 U.S.C. 5952 note)	Cooperative threat reduction defense and military contacts program.	Reenacted in sec. 1611(a)(5) and (e).

Budget Implications: Funding for these activities is included in the fiscal year (FY) 2015 budget request of the Department of Defense Cooperative Threat Reduction (CTR) Program.

RESOURCE REQUIREMENTS ($MILLIONS)									
	FY 2015	**FY 2016**	**FY 2017**	**FY 2018**	**FY 2019**	**Appropriation From**	**Budget Activity**	**Dash-1 Line Item**	**Program Element**
CTR	0	0	0	0	0	Cooperative Threat Reduction Account	BA-01	0134	0901515BR

Changes to Existing Law: This proposal would **repeal** the following provisions of law:

1. PUBLIC LAW 102-228, Soviet Nuclear Threat Reduction Act of 1991

SEC. 212. [22 U.S.C. 2551 note] AUTHORITY FOR PROGRAM TO FACILITATE SOVIET WEAPONS DESTRUCTION.

(a) IN GENERAL.—Notwithstanding any other provision of law, the President, consistent with the findings stated in section 211, may establish a program as authorized in subsection (b) to assist Soviet weapons destruction. Funds for carrying out this program shall be provided as specified in part C.

(b) TYPE OF PROGRAM.—The program under this section shall be limited to cooperation among the United States, the Soviet Union, its republics, and any successor entities to (1) destroy nuclear weapons, chemical weapons, and other weapons, (2) transport, store, disable, and safeguard weapons in connection with their destruction, and (3) establish verifiable safeguards against the proliferation of such weapons. Such cooperation may involve assistance in planning and in resolving technical problems associated with weapons destruction and proliferation. Such cooperation may also involve the funding of critical short-term requirements related to weapons destruction and should, to the extent feasible, draw upon United States technology and United States technicians.

SEC. 221. [22 U.S.C. 2551 note] ADMINISTRATION OF NUCLEAR THREAT REDUCTION PROGRAMS.

(a) FUNDING.—

(1) TRANSFER AUTHORITY.—The President may, to the extent provided in an appropriations Act or joint resolution, transfer to the appropriate defense accounts from amounts appropriated to the Department of Defense for fiscal year 1992 for operation and maintenance or from balances in working capital accounts established under section 2208 of title 10, United States Code, not to exceed $400,000,000 for use in reducing the Soviet military threat under part B.

(2) LIMITATION.—Amounts for transfers under paragraph (1) may not be derived from amounts appropriated for any activity of the Department of Defense that the Secretary of Defense determines essential for the readiness of the Armed Forces, including amounts for—

(A) training activities; and

(B) depot maintenance activities.

(b) DEPARTMENT OF DEFENSE.—The Department of Defense shall serve as the executive agent for any program established under part B.

(c) REIMBURSEMENT OF OTHER AGENCIES.—The Secretary of Defense may reimburse other United States Government departments and agencies under this section for costs of participation, as directed by the President, only in a program established under part B.

(d) CHARGES AGAINST FUNDS.—The value of any material from existing stocks and inventories of the Department of Defense, or any other United States Government department or agency, that is used in providing

assistance under part B to reduce the Soviet military threat may not be charged against funds available pursuant to subsection (a) to the extent that the material contributed is directed by the President to be contributed without subsequent replacement.

(e) DETERMINATION BY DIRECTOR OF OMB—No amount may be obligated for the program under part B unless expenditures for that program have been determined by the Director of the Office of Management and Budget to be counted against the defense category of the discretionary spending limits for fiscal year 1992 (as defined in section 601(a)(2) of the Congressional Budget Act of 1974) for purposes of part C of the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 222. [22 U.S.C. 2551 note] REPAYMENT ARRANGEMENTS.

(a) REIMBURSEMENT ARRANGEMENTS.—Assistance provided under part B to the Soviet Union, any of its republics, or any successor entity shall be conditioned, to the extent that the President determines to be appropriate after consultation with the recipient government, upon the agreement of the recipient government to reimburse the United States Government for the cost of such assistance from natural resources or other materials available to the recipient government.

(b) NATURAL RESOURCES, ETC.—The President shall encourage the satisfaction of such reimbursement arrangements through the provision of natural resources, such as oil and petroleum products and critical and strategic materials, and industrial goods. Materials received by the United States Government pursuant to this section that are suitable for inclusion in the Strategic Petroleum Reserve or the National Defense Stockpile may be deposited in the reserve or stockpile without reimbursement. Other material and services received may be sold or traded on the domestic or international market with the proceeds to be deposited in the General Fund of the Treasury.

SEC. 231. [22 U.S.C. 2551 note] PRIOR NOTICE OF OBLIGATIONS TO CONGRESS.

Not less than 15 days before obligating any funds for a program under part B, the President shall transmit to the Congress a report on the proposed obligation. Each such report shall specify—

(1) the account, budget activity, and particular program or programs from which the funds proposed to be obligated are to be derived and the amount of the proposed obligation; and

(2) the activities and forms of assistance under part B for which the President plans to obligate such funds.

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2. PUBLIC LAW 102-484, Former Soviet Union Demilitarization Act

SEC. 1412. [22 U.S.C. 5902] AUTHORITY FOR PROGRAMS TO FACILITATE DEMILITARIZATION.

(a) IN GENERAL.—Notwithstanding any other provision of law, the President is authorized, in accordance with this title, to establish and conduct programs described in subsection (b) to assist the demilitarization of the independent states of the former Soviet Union.

(b) TYPES OF PROGRAMS.—The programs referred to in subsection (a) are limited to—

(1) transporting, storing, safeguarding, and destroying nuclear, chemical, and other weapons of the independent states of the former Soviet Union, as described in section 212(b) of the Soviet Nuclear Threat Reduction Act of 1991 (title II of Public Law 102–228);

(2) establishing verifiable safeguards against the proliferation of such weapons and their components;

(3) preventing diversion of weapons-related scientific expertise of the former Soviet Union to terrorist groups or third countries;

(4) facilitating the demilitarization of the defense industries of the former Soviet Union and the conversion of military technologies and capabilities into civilian activities;

(5) establishing science and technology centers in the independent states of the former Soviet Union for the purpose of engaging weapons scientists, engineers, and other experts previously involved with nuclear, chemical, and other weapons in productive, nonmilitary undertakings; and

(6) expanding military-to-military contacts between the United States and the independent states of the former Soviet Union.

(c) UNITED STATES PARTICIPATION.—The programs described in subsection (b) should, to the extent feasible, draw upon United States technology and expertise, especially from the United States private sector.

(d) RESTRICTIONS.—United States assistance authorized by subsection (a) may not be provided unless the President certifies to the Congress, on an annual basis, that the proposed recipient country is committed to—

(1) making a substantial investment of its resources for dismantling or destroying such weapons of mass destruction, if such recipient has an obligation under a treaty or other agreement to destroy or dismantle any such weapons;

(2) forgoing any military modernization program that exceeds legitimate defense requirements and forgoing the replacement of destroyed weapons of mass destruction;

(3) forgoing any use in new nuclear weapons of fissionable or other components of destroyed nuclear weapons;

(4) facilitating United States verification of any weapons destruction carried out under this title or section 212 of the Soviet Nuclear Threat Reduction Act of 1991 (title II of Public Law 102–228);

(5) complying with all relevant arms control agreements; and

(6) observing internationally recognized human rights, including the protection of minorities.

SEC. 1431. [22 U.S.C. 5921] PRIOR NOTICE TO CONGRESS OF OBLIGATION OF FUNDS.

(a) IN GENERAL.—Not less than 15 days before obligating any funds made available for a program under this title, the President shall transmit to the Congress a report on the proposed obligation. Each such report shall specify—

(1) the account, budget activity, and particular program or programs from which the funds proposed to be obligated are to be derived and the amount of the proposed obligation; and

(2) the activities and forms of assistance under this title for which the President plans to obligate such funds, including the projected involvement of United States Government departments and agencies and the United States private sector.

(b) INDUSTRIAL DEMILITARIZATION.—Any report under subsection (a) that covers proposed industrial demilitarization projects 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 United States private sector;

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

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

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3. PUBLIC LAW 103-160, Cooperative Threat Reduction Act of 1993 (title XII of the National Defense Authorization Act for Fiscal Year 1994)

SEC. 1203. [22 U.S.C. 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) 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) 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 1412(b) of the Former Soviet Union Demilitarization Act of 1992 (title XIV of Public Law 102–484; 22 U.S.C. 5901 et seq.).

(c) UNITED STATES PARTICIPATION.—The programs described in subsection (b) should, to the extent feasible, draw upon United States technology and expertise, especially from the private sector of the United States.

SEC. 1204. [22 U.S.C. 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).

(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) 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) 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).

(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 201 of the Support for East European Democracy (SEED) Act of 1989 (Public Law 101–179; 22 U.S.C. 5421) 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 201 of the Support for East European Democracy (SEED) Act of 1989 (Public Law 101–179; 22 U.S.C. 5421).

(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 201 of the Support for East European Democracy (SEED) Act of 1989 (22 U.S.C. 5421) 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) shall be temporary. When making the designation, the President shall provide for the eventual termination of the designation.

SEC. 1206. [22.U.S.C. 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 1203, the President shall transmit to the appropriate congressional committees as defined in section 1208 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) that covers proposed demilitarization or conversion projects under paragraph (5) or (6) of section 1203(b) 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.

SEC. 1208. [22 U.S.C. 5957] APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.

In this title, 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 1203, if the subject of separate legislation, would be referred under the rules of the respective House of Congress.

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4. PUBLIC LAW 104-106, National Defense Authorization Act for Fiscal Year 1996

SEC. 1205. [22 U.S.C. 5955 note] 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 National Security, the Committee on International Relations, 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.

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5. Public Law 104-201, NDAA for FY 1997

SEC. 1501. [50 U.S.C. 2362 note] SPECIFICATION OF COOPERATIVE THREAT REDUCTION PROGRAMS.

(a) IN GENERAL.—For purposes of section 301 and other provisions of this Act, Cooperative Threat Reduction programs are the programs specified in subsections (b) and (c).

(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 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, materials, and weapons-related technology and expertise.

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

(c) SPECIFIED PROGRAMS WITH RESPECT TO STATES OUTSIDE THE FORMER SOVIET UNION.—The programs referred to in subsection (a) are the following programs with respect to states that are not states of the former Soviet Union:

(1) Programs to facilitate the elimination, and the safe and secure transportation and storage, of chemical or biological weapons, weapons components, weapons-related materials, and their delivery vehicles.

(2) Programs to facilitate safe and secure transportation and storage of nuclear weapons, weapons components, and their delivery vehicles.

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

(4) Programs to prevent the proliferation of biological weapons, weapons components, and weapons-related military technology and expertise, which may include activities that facilitate detection and reporting of highly pathogenic diseases or other diseases that are associated with or that could be utilized as an early warning mechanism for disease outbreaks that could impact the Armed Forces of the United States or allies of the United States.

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

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6. Public Law 105-261, Strom Thurmond NDAA for FY 1999

SEC. 1307. [22 U.S.C. 5952 note] REQUIREMENT TO SUBMIT SUMMARY OF AMOUNTS REQUESTED BY PROJECT CATEGORY.

(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).

(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).

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7. PUBLIC LAW 106-65, NDAA for FY 2000

SEC. 1303. [22 U.S.C. 5952 note] 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 [Pub.L. 106-65, Div. A, Title III, § 301, Oct. 5, 1999, 113 Stat. 556, which is not classified to the Code], 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.

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8. PUBLIC LAW 106-398, Floyd D. Spence NDAA for FY 2001

SEC. 1303. [22 U.S.C. 5952 note] PROHIBITION ON USE OF FUNDS FOR ELIMINATION OF CONVENTIONAL WEAPONS.

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.

SEC. 1304. [22 U.S.C. 5952 note] LIMITATIONS ON USE OF FUNDS FOR FISSILE MATERIAL STORAGE FACILITY.

Out of funds authorized to be appropriated for Cooperative Threat Reduction programs 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) [Pub.L. 107-107, Div. A, Title XIII, § 1302(a)(5), Dec. 28, 2001, 115 Stat. 1256, which is not classified to the Code] other than planning, design, or construction to improve security at such first wing.

SEC. 1306. AGREEMENT ON NUCLEAR WEAPONS STORAGE SITES.

The Secretary of Defense shall seek to enter into an agreement with Russia regarding procedures to allow the United States appropriate access to nuclear weapons storage sites for which assistance under Cooperative Threat Reduction programs is provided.

Sec. 1308. [22 U.S.C. 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 provided, 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.

[(8) Redesignated (7)]

(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

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9. PUBLIC LAW 107-107, NDAA for FY 2002

SEC. 1304. [22 U.S.C. 5952 note] REQUIREMENT TO CONSIDER USE OF REVENUE GENERATED BY ACTIVITIES CARRIED OUT UNDER COOPERATIVE THREAT REDUCTION PROGRAMS.

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.

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10. PUBLIC LAW 107-314, Bob Stump NDAA for FY 2003

SEC. 1305. [22 U.S.C. 5952 note] PROHIBITION AGAINST USE OF FUNDS FOR SECOND WING OF FISSILE MATERIAL STORAGE FACILITY.

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.

SEC. 1306. [22 U.S.C. 5952 note] LIMITED WAIVER OF RESTRICTIONS ON USE OF FUNDS FOR THREAT REDUCTION IN STATES OF THE FORMER SOVIET UNION.

(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.

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11. PUBLIC LAW 108-136, NDAA for FY 2004.

SEC. 1303. [22 U.S.C. 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), 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 the date of the enactment of this Act.

(d) USE OF FUNDS FOR CERTAIN INCOMPLETE CONSTRUCTION PROJECTS.—Except as provided in subsection (e), with respect to an incomplete construction project carried out by the Department of Defense under Cooperative Threat Reduction programs for which construction has not yet commenced as of the date of the enactment of this Act, 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) 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 the date of the enactment of this Act and which is not completed as of such date.

(2) NEW CONSTRUCTION PROJECT.—The term "new construction project" means a construction project for which no funds have been obligated or expended as of the date of the enactment of this Act.

(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.

SEC. 1305. [22 U.S.C. 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), the Secretary of Defense shall appoint one on-site manager for that project. The manager shall be appointed from among employees of the Federal Government.

(b) PROJECTS COVERED.—Subsection (a) applies to a project—

(1) to be located in a state of the former Soviet Union;

(2) which involves dismantlement, destruction, or storage facilities, or construction of a facility; and

(3) with respect to which the total contribution by the Department of Defense is expected to exceed $50,000,000.

(c) DUTIES OF ON–SITE MANAGER.—The on-site manager appointed under subsection (a) shall—

(1) develop, in cooperation with representatives from governments of 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) 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 1303).

(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), the Secretary shall concurrently notify Congress of such direction.

(g) EFFECTIVE DATE.—This section shall take effect six months after the date of the enactment of this Act.

SEC. 1307. [22 U.S.C. 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) shall apply to—

(1) any facility the construction of which commences on or after the date of the enactment of this Act [Nov. 24, 2003]; and

(2) any facility the construction of which is ongoing as of that date [Nov. 24, 2003].

SEC. 1308. [22 U.S.C. 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 long-standing 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.

[(e) Redesignated (d)]

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12. PUBLIC LAW 111-84, NDAA for FY 2010

SEC. 1303. [22 U.S.C. 5952 note] UTILIZATION OF CONTRIBUTIONS TO THE COOPERATIVE THREAT REDUCTION PROGRAM.

(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, 2018.

(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.

SEC. 1304. [22 U.S.C. 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 the date of the enactment of this Act, 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) 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.

SEC. 1305. [22 U.S.C. 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 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.

SEC. 1306. [22 U.S.C. 5952 note] COOPERATIVE THREAT REDUCTION DEFENSE AND MILITARY CONTACTS PROGRAM.

(a) IN GENERAL.--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.

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