

tion project carried out by the Department of Defense under Cooperative Threat Reduction programs for which construction has not yet commenced as of November 24, 2003, not more than 40 percent of the total costs of the project may be obligated from Cooperative Threat Reduction funds for any fiscal year until the Secretary obtains from the State in which the project is located the permits required to commence construction on the project.

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

The limitation in subsection (b) or (d) of this section on the obligation of funds for a construction project otherwise covered by such subsection shall not apply with respect to the obligation of funds for a particular project if the Secretary—

- (1) determines that it is necessary in the national interest to obligate funds for such project; and
- (2) submits to the congressional defense committees a notification of the intent to obligate funds for such project, together with a complete discussion of the justification for doing so.

**(f) Definitions**

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

**(1) Incomplete construction project**

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

**(2) New construction project**

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

**(3) Permit**

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

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

CODIFICATION

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

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

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

“CONGRESSIONAL DEFENSE COMMITTEES” DEFINED

Congressional defense committees means the Committees on Armed Services and Appropriations of the

Senate and the House of Representatives, see section 3 of Pub. L. 108–136, Nov. 24, 2003, 117 Stat. 1406. See note under section 101 of Title 10, Armed Forces.

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

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

Before obligating any Cooperative Threat Reduction funds for a project described in subsection (b) of this section, the Secretary of Defense shall appoint one on-site manager for that project. The manager shall be appointed from among employees of the Federal Government.

**(b) Projects covered**

Subsection (a) of this section applies to a project—

- (1) to be located in a state of the former Soviet Union;
- (2) which involves dismantlement, destruction, or storage facilities, or construction of a facility; and
- (3) with respect to which the total contribution by the Department of Defense is expected to exceed \$50,000,000.

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

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

- (1) develop, in cooperation with representatives from governments of countries participating in the project, a list of those steps or activities critical to achieving the project’s disarmament or nonproliferation goals;
- (2) establish a schedule for completing those steps or activities;
- (3) meet with all participants to seek assurances that those steps or activities are being completed on schedule; and
- (4) suspend United States participation in a project when a non-United States participant fails to complete a scheduled step or activity on time, unless directed by the Secretary of Defense to resume United States participation.

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

(1) Subject to paragraph (2), an employee of the Federal Government may serve as on-site manager for more than one project, including projects at different locations.

(2) If such an employee serves as on-site manager for more than one project in a fiscal year, the total cost of the projects for that fiscal year may not exceed \$150,000,000.

**(e) Steps or activities**

Steps or activities referred to in subsection (c)(1) of this section are those activities that, if not completed, will prevent a project from achieving its disarmament or nonproliferation goals, including, at a minimum, the following:

- (1) Identification and acquisition of permits (as defined in section 5960 of this title).
- (2) Verification that the items, substances, or capabilities to be dismantled, secured, or otherwise modified are available for dismantlement, securing, or modification.
- (3) Timely provision of financial, personnel, management, transportation, and other resources.

**(f) Notification to Congress**

In any case in which the Secretary of Defense directs an on-site manager to resume United

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

**(g) Effective date**

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

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

CODIFICATION

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

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

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

Before obligating any defense nuclear non-proliferation funds for a project described in subsection (b) of this section, the Secretary of Energy shall appoint one on-site manager for that project. The manager shall be appointed from among employees of the Federal Government.

**(b) Projects covered**

Subsection (a) of this section applies to a project—

- (1) to be located in a state of the former Soviet Union;
- (2) which involves dismantlement, destruction, or storage facilities, or construction of a facility; and
- (3) with respect to which the total contribution by the Department of Energy is expected to exceed \$50,000,000.

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

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

- (1) develop, in cooperation with representatives from governments of countries participating in the project, a list of those steps or activities critical to achieving the project's disarmament or nonproliferation goals;
- (2) establish a schedule for completing those steps or activities;
- (3) meet with all participants to seek assurances that those steps or activities are being completed on schedule; and
- (4) suspend United States participation in a project when a non-United States participant fails to complete a scheduled step or activity on time, unless directed by the Secretary of Energy to resume United States participation.

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

(1) Subject to paragraph (2), an employee of the Federal Government may serve as on-site manager for more than one project, including projects at different locations.

(2) If such an employee serves as on-site manager for more than one project in a fiscal year, the total cost of the projects for that fiscal year may not exceed \$150,000,000.

**(e) Steps or activities**

Steps or activities referred to in subsection (c)(1) of this section are those activities that, if not completed, will prevent a project from achieving its disarmament or nonproliferation goals, including, at a minimum, the following:

(1) Identification and acquisition of permits (as defined in subsection (g) of this section).

(2) Verification that the items, substances, or capabilities to be dismantled, secured, or otherwise modified are available for dismantlement, securing, or modification.

(3) Timely provision of financial, personnel, management, transportation, and other resources.

**(f) Notification to Congress**

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

**(g) Permit defined**

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

**(h) Effective date**

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

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

CODIFICATION

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

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

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

Not later than the first Monday of February each year, the Secretary of Defense shall submit to the congressional defense committees a certification for each facility for a Cooperative Threat Reduction project or activity for which construction occurred during the preceding fiscal year on matters as follows:

(1) Whether or not such facility will be used for its intended purpose by the government of the state of the former Soviet Union in which the facility is constructed.

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

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

**(b) Applicability**

Subsection (a) of this section shall apply to—

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

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

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

CODIFICATION

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