

the account “Operation and Maintenance, Defense Agencies” for fiscal year 1993 a sum not to exceed the amount appropriated pursuant to the authorization in subsection (a) of this section to—

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

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

**(c) Administrative provisions**

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

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

**(d) Coordination of programs**

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

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

REFERENCES IN TEXT

The Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992, referred to in subsec. (d), is Pub. L. 102-511, Oct. 24, 1992, 106 Stat. 3320, as amended. For complete classification of this Act to the Code, see Short Title note set out under section 5801 of this title and Tables.

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

**(a) Annual report**

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

**(b) Deadline for report**

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

**(c) Matters to be included**

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

(1) An estimate of the total amount that will be required to be expended by the United

States in order to achieve the objectives of the Cooperative Threat Reduction programs.

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

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

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

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

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

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

(E) such other information as the Secretary of Defense considers appropriate to inform Congress fully of the operation of Cooperative Threat Reduction programs and activities, including with respect to proposed demilitarization or conversion projects, information on the progress toward demilitarization of facilities and the conversion of the demilitarized facilities to civilian activities.

(4) A description of the means (including program management, audits, examinations, and other means) used by the United States during the fiscal year ending in the year preceding the year of the report to ensure that assistance provided under Cooperative Threat Reduction programs is fully accounted for, that such assistance is being used for its intended purpose, and that such assistance is being used efficiently and effectively, including—

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

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

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

(D) a description of the efforts planned to be carried out during the fiscal year begin-

ning 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.

**(d) Input of DCI**

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

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

**(f) First report**

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

**(g) Omitted**

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

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

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

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

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

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

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

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

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

REFERENCES IN TEXT

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

CODIFICATION

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

Section was enacted as part of the Floyd D. Spence National Defense Authorization Act for Fiscal Year

2001, and not as part of the Cooperative Threat Reduction Act of 1993 which comprises this chapter.

#### AMENDMENTS

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

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

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

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

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

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

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

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

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

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

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

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

#### CHANGE OF NAME

Reference to the Director of Central Intelligence or the Director of the Central Intelligence Agency in the Director’s capacity as the head of the intelligence community deemed to be a reference to the Director of National Intelligence. Reference to the Director of Central Intelligence or the Director of the Central Intelligence Agency in the Director’s capacity as the head of the Central Intelligence Agency deemed to be a reference to the Director of the Central Intelligence Agency. See section 1081(a), (b) of Pub. L. 108-458, set out as a note under section 3001 of Title 50, War and National Defense.

#### EFFECTIVE DATE OF 2011 AMENDMENT

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

#### EFFECTIVE DATE OF 2002 AMENDMENT

Pub. L. 107-314, div. A, title XIII, § 1304(b), Dec. 2, 2002, 116 Stat. 2673, provided that: “Paragraphs (6) and (7) of section 1308(c) of such Act [22 U.S.C. 5959(c)(6), (7)], as

added by subsection (a), shall apply beginning with the report submitted under that section in 2004.”

#### ANNUAL REPORT CONCERNING DISMANTLING OF STRATEGIC NUCLEAR WARHEADS

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

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

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

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

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

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

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

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

#### COMPREHENSIVE INVENTORY OF RUSSIAN TACTICAL NUCLEAR WEAPONS

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

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

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

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

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

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

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

ropriations in section 301 for Cooperative Threat Reduction programs.”

**§ 5960. Limitation on use of funds until certain permits obtained**

**(a) In general**

The Secretary of Defense shall seek to obtain all the permits required to complete each phase of construction of a project under Cooperative Threat Reduction programs before obligating significant amounts of funding for that phase of the project.

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

Except as provided in subsection (e) of this section, with respect to a new construction project to be carried out by the Department of Defense under Cooperative Threat Reduction programs, not more than 40 percent of the total costs of the project may be obligated from Cooperative Threat Reduction funds for any fiscal year until the Secretary of Defense—

(1) determines the number and type of permits that may be required for the lifetime of the project in the proposed location or locations of the project; and

(2) obtains from the State in which the project is to be located any permits that may be required to begin construction.

**(c) Identification of required permits for ongoing incomplete construction projects**

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

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

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