

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.)

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“CONGRESSIONAL DEFENSE COMMITTEES” DEFINED

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

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

(a) Authority

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

- (1) That such project or activity will—
 - (A)(i) assist the United States in the resolution of a critical emerging proliferation threat; or

(ii) permit the United States to take advantage of opportunities to achieve 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.

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

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AMENDMENTS

2008—Subsec. (a). Pub. L. 110-181, § 1305(1), substituted “Subject to the provisions of this section, the Secretary of Defense may obligate and expend Cooperative Threat Reduction funds for a fiscal year, and any Cooperative Threat Reduction funds for a fiscal year before