

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

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

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

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

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

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

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

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

§ 5964. Metrics for the Cooperative Threat Reduction Program

(a) Metrics required

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

(b) Secretary of Defense report on metrics

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

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

(1) Assessment

Not later than 30 days after the date on which the report is submitted by the Secretary of Defense under subsection (b), the Secretary shall enter into an arrangement with the National Academy of Sciences under which the Academy shall carry out an assess-

ment to review the metrics developed and implemented under subsection (a) and identify possible additional or alternative metrics, if necessary.

(2) Report

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

(3) Secretary of Defense report

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

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

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

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

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

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

(d) Funding

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

(e) Appropriate congressional committees defined

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

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

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

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

REFERENCES IN TEXT

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

CODIFICATION

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

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

Pub. L. 111-84, div. A, title XIII, §1301(a), Oct. 28, 2009, 123 Stat. 2555, provided that: "For purposes of section

¹ See References in Text note below.

301 [123 Stat. 2246] and other provisions of this Act [see Tables for classification], Cooperative Threat Reduction programs are the programs specified in section 1501 of the National Defense Authorization Act for Fiscal Year 1997 [Pub. L. 104-201] (50 U.S.C. 2362 note).”

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

(a) In general

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

(b) Determination and notice

(1) Determination

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

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

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

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

(2) Notice required

Not later than 15 days before obligating or expending funds under the authority provided in subsection (a), the Secretary of Defense shall notify the appropriate congressional committees of the determination made under paragraph (1). The notice shall include—

(A) the determination;

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

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

(D) the expected costs of such activities.

(c) Appropriate congressional committees

In this section, the term “appropriate congressional committees” means—

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

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

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

CODIFICATION

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

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

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

CHAPTER 69—CUBAN DEMOCRACY

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§ 6001. Findings

The Congress makes the following findings:

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

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

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

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

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

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