

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

(Pub. L. 113–291, div. A, title XIII, § 1331, Dec. 19, 2014, 128 Stat. 3601.)

§ 3732. 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 states participating in the project, a list of those steps or activities critical to achieving the disarmament or nonproliferation goals of the project;
- (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 the participation of the United States in a project when a participant other than the United States fails to complete a scheduled step or activity on time, unless the Secretary of Defense directs the on-site manager to resume the participation of the United States.

(d) Authority to manage more than one project

(1) In general

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) Limitation

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 steps or 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 3733 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 directs an on-site manager to resume the participation of the United States in a project under subsection (c)(4), the Secretary shall notify the congressional defense committees of such direction by not later than 30 days after the date of such direction.

(Pub. L. 113–291, div. A, title XIII, § 1332, Dec. 19, 2014, 128 Stat. 3601.)

§ 3733. 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 Program in a state of the former Soviet Union before obligating more than 40 percent of the total costs of 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 Program, 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—

- (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—

- (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 Program:

- (1) The term “new construction project” means a construction project for which no funds have been obligated or expended as of November 24, 2003.
- (2) 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.

(Pub. L. 113–291, div. A, title XIII, § 1333, Dec. 19, 2014, 128 Stat. 3602.)