

108TH CONGRESS
1ST SESSION

H. R. 2063

To authorize the use of Cooperative Threat Reduction funds for projects and activities to address proliferation threats outside the states of the former Soviet Union, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 9, 2003

Mr. SCHIFF (for himself, Mr. DINGELL, Mr. FROST, Mr. LARSEN of Washington, Mr. SPRATT, Mr. McDERMOTT, Mrs. JONES of Ohio, Mr. FRANK of Massachusetts, Mr. CASE, Ms. WATSON, Mr. BROWN of Ohio, and Mr. WEXLER) introduced the following bill; which was referred to the Committee on International Relations

A BILL

To authorize the use of Cooperative Threat Reduction funds for projects and activities to address proliferation threats outside the states of the former Soviet Union, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. AUTHORIZATION OF USE OF COOPERATIVE**
2 **THREAT REDUCTION FUNDS FOR PROJECTS**
3 **AND ACTIVITIES OUTSIDE THE FORMER SO-**
4 **VIET UNION.**

5 (a) PURPOSE.—The purpose of this section is to au-
6 thorize the use of Cooperative Threat Reduction funds for
7 proliferation threat reduction projects and activities out-
8 side the former Soviet Union in order to resolve critical
9 emerging proliferation threats and to take advantage of
10 opportunities to achieve long-standing United States non-
11 proliferation goals.

12 (b) COOPERATIVE THREAT REDUCTION PROGRAMS
13 AND FUNDS.—For purposes of this section:

14 (1) Cooperative Threat Reduction programs
15 are—

16 (A) the programs specified in section
17 1501(b) of the National Defense Authorization
18 Act for Fiscal Year 1997 (Public Law 104–201;
19 110 Stat. 2731; 50 U.S.C. 2362 note); and

20 (B) any other similar programs, as des-
21 ignated by the Secretary, to address critical
22 emerging proliferation threats in the states of
23 the former Soviet Union that jeopardize United
24 States national security.

25 (2) Cooperative Threat Reduction funds, for a
26 fiscal year, are the funds authorized to be appro-

1 priated for Cooperative Threat Reduction programs
2 for that fiscal year.

3 (c) AUTHORIZATION OF USE OF CTR FUNDS FOR
4 THREAT REDUCTION ACTIVITIES OUTSIDE THE FORMER
5 SOVIET UNION.—(1) Notwithstanding any other provision
6 of law and subject to the succeeding provisions of this sec-
7 tion, the Secretary of Defense may obligate and expend
8 Cooperative Threat Reduction funds for a fiscal year be-
9 fore fiscal year 2003 that remain available for obligation
10 as of the date of the enactment of this Act for proliferation
11 threat reduction projects and activities outside the states
12 of the former Soviet Union if the Secretary determines
13 that such projects and activities will—

14 (A) assist the United States in the resolution of
15 critical emerging proliferation threats; or

16 (B) permit the United States to take advantage
17 of opportunities to achieve long-standing United
18 States nonproliferation goals.

19 (2) The amount that may be obligated under para-
20 graph (1) for projects and activities described in that
21 paragraph may not exceed \$50,000,000.

22 (d) AUTHORIZED USES OF FUNDS.—The authority
23 under subsection (c) to obligate and expend Cooperative
24 Threat Reduction funds for a project or activity includes
25 authority to provide equipment, goods, and services for the

1 project or activity, but does not include authority to pro-
2 vide cash directly to the project or activity.

3 (e) SOURCE AND REPLACEMENT OF FUNDS USED.—

4 (1) The Secretary shall, to the maximum extent prac-
5 ticable, ensure that funds for projects and activities under
6 subsection (c) are derived from funds that would otherwise
7 be obligated for a range of Cooperative Threat Reduction
8 programs, so that no particular Cooperative Threat Re-
9 duction program is the exclusive or predominate source
10 of funds for such projects and activities.

11 (2) If the Secretary obligates Cooperative Threat Re-
12 duction funds under subsection (c) in a fiscal year, the
13 first budget of the President that is submitted under sec-
14 tion 1105(a) of title 31, United States Code, after such
15 fiscal year shall set forth, in addition to any other amounts
16 requested for Cooperative Threat Reduction programs in
17 the fiscal year covered by such budget, a request for Coop-
18 erative Threat Reduction funds in the fiscal year covered
19 by such budget in an amount equal to the amount so obli-
20 gated. The request shall also set forth the Cooperative
21 Threat Reduction program or programs for which such
22 funds would otherwise have been obligated, but for obliga-
23 tion under subsection (c).

24 (3) Amounts authorized to be appropriated pursuant
25 to a request under paragraph (2) shall be available only

1 for the Cooperative Threat Reduction program or pro-
2 grams set forth in the request under the second sentence
3 of that paragraph.

4 (f) LIMITATION ON OBLIGATION OF FUNDS.—Except
5 as provided in subsection (g), the Secretary may not obli-
6 gate and expend Cooperative Threat Reduction funds for
7 a project or activity under subsection (c) until 30 days
8 after the date on which the Secretary submits to Congress
9 a report on the purpose for which the funds will be obli-
10 gated and expended, and the amount of the funds to be
11 obligated and expended.

12 (g) EXCEPTION.—(1) The Secretary may obligate
13 and expend Cooperative Threat Reduction funds for a
14 project or activity under subsection (c) without regard to
15 subsection (f) if the Secretary determines that a critical
16 emerging proliferation threat warrants immediate obliga-
17 tion and expenditure of such funds.

18 (2) Not later than 72 hours after first obligating
19 funds for a project or activity under paragraph (1), the
20 Secretary shall submit to the appropriate congressional of-
21 ficials a report containing a detailed justification for the
22 obligation of funds. The report on a project or activity
23 shall include the following:

24 (A) A description of the critical emerging pro-
25 liferation threat to be addressed, or the long-stand-

1 ing United States nonproliferation goal to be
2 achieved, by the project or activity.

3 (B) A description of the agreement, if any,
4 under which the funds will be used, including wheth-
5 er or not the agreement provides that the funds will
6 not be used for purposes contrary to the national se-
7 curity interests of the United States.

8 (C) A description of the contracting process, if
9 any, that will be used in the implementation of the
10 project or activity.

11 (D) An analysis of the effect of the obligation
12 of funds for the project or activity on ongoing Coop-
13 erative Threat Reduction programs.

14 (E) An analysis of the need for additional or
15 follow-up threat reduction assistance, including
16 whether or not the need for such assistance justifies
17 the establishment of a new cooperative threat reduc-
18 tion program or programs to account for such assist-
19 ance.

20 (F) A description of the mechanisms to be used
21 by the Secretary to assure that proper audits and
22 examinations of the project or activity are carried
23 out.

24 (3) In this subsection, the term “appropriate congres-
25 sional officials” means—

1 (A) the Speaker of the House of Representa-
2 tives;

3 (B) the President pro tempore of the Senate;

4 (C) the Chairmen and Ranking Members of the
5 Committees on Armed Services of the Senate and
6 House of Representatives;

7 (D) the Chairmen and Ranking Members of the
8 Committees on Appropriations of the Senate and
9 House of Representatives;

10 (E) the Chairman and Ranking Member of the
11 Committee on Foreign Relations of the Senate;

12 (F) the Chairman and Ranking Member of the
13 Committee on International Relations of the House
14 of Representatives;

15 (G) the Chairman and Vice Chairman of the
16 Select Committee on Intelligence of the Senate; and

17 (H) the Chairman and Vice Chairman of the
18 Permanent Select Committee on Intelligence of the
19 House of Representatives.

20 (h) REPORT ON ESTABLISHMENT OF NEW COOPERA-
21 TIVE THREAT REDUCTION PROGRAMS.—(1) If the Sec-
22 retary employs the authority in subsection (c) in two con-
23 secutive fiscal years, the Secretary shall submit to Con-
24 gress a report on the advisability of establishing one or
25 more new cooperative threat reduction programs to ac-

1 count for projects and activities funded using such author-
2 ity.

3 (2) The report required by paragraph (1) shall be
4 submitted along with the budget justification materials in
5 support of the Department of Defense budget (as sub-
6 mitted with the budget of the President under section
7 1105(a) of title 31, United States Code) in the first budg-
8 et submitted after the end of the two consecutive fiscal
9 years referred to in that paragraph.

○