

107TH CONGRESS
2^D SESSION

S. 2026

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 SENATE OF THE UNITED STATES

MARCH 18, 2002

Mr. LUGAR introduced the following bill; which was read twice and referred to the Committee on Armed Services

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,*

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

7 (a) PURPOSE.—The purpose of this section is to au-
8 thorize the use of Cooperative Threat Reduction funds for

1 proliferation threat reduction projects and activities out-
2 side the former Soviet Union in order to resolve critical
3 emerging proliferation threats and to take advantage of
4 opportunities to achieve long-standing United States non-
5 proliferation goals.

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

8 (1) Cooperative Threat Reduction programs
9 are—

10 (A) the programs specified in section
11 1501(b) of the National Defense Authorization
12 Act for Fiscal Year 1997 (Public Law 104–201;
13 110 Stat. 2731; 50 U.S.C. 2362 note); and

14 (B) any other similar programs, as des-
15 ignated by the Secretary, to address critical
16 emerging proliferation threats in the states of
17 the former Soviet Union that jeopardize United
18 States national security.

19 (2) Cooperative Threat Reduction funds, for a
20 fiscal year, are the funds authorized to be appro-
21 priated for Cooperative Threat Reduction programs
22 for that fiscal year.

23 (c) AUTHORIZATION OF USE OF CTR FUNDS FOR
24 THREAT REDUCTION ACTIVITIES OUTSIDE THE FORMER
25 SOVIET UNION.—(1) Notwithstanding any other provision

1 of law and subject to the succeeding provisions of this sec-
2 tion, the Secretary of Defense may obligate and expend
3 Cooperative Threat Reduction funds for a fiscal year be-
4 fore fiscal year 2003 that remain available for obligation
5 as of the date of the enactment of this Act for proliferation
6 threat reduction projects and activities outside the states
7 of the former Soviet Union if the Secretary determines
8 that such projects and activities will—

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

11 (B) permit the United States to take advantage
12 of opportunities to achieve long-standing United
13 States nonproliferation goals.

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

17 (d) AUTHORIZED USES OF FUNDS.—The authority
18 under subsection (c) to obligate and expend Cooperative
19 Threat Reduction funds for a project or activity includes
20 authority to provide equipment, goods, and services for the
21 project or activity, but does not include authority to pro-
22 vide cash directly to the project or activity.

23 (e) SOURCE AND REPLACEMENT OF FUNDS USED.—
24 (1) The Secretary shall, to the maximum extent prac-
25 ticable, ensure that funds for projects and activities under

1 subsection (c) are derived from funds that would otherwise
2 be obligated for a range of Cooperative Threat Reduction
3 programs, so that no particular Cooperative Threat Re-
4 duction program is the exclusive or predominate source
5 of funds for such projects and activities.

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

19 (3) Amounts authorized to be appropriated pursuant
20 to a request under paragraph (2) shall be available only
21 for the Cooperative Threat Reduction program or pro-
22 grams set forth in the request under the second sentence
23 of that paragraph.

24 (f) LIMITATION ON OBLIGATION OF FUNDS.—Except
25 as provided in subsection (g), the Secretary may not obli-

1 gate and expend Cooperative Threat Reduction funds for
2 a project or activity under subsection (c) until 30 days
3 after the date on which the Secretary submits to Congress
4 a report on the purpose for which the funds will be obli-
5 gated and expended, and the amount of the funds to be
6 obligated and expended.

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

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

19 (A) A description of the critical emerging pro-
20 liferation threat to be addressed, or the long-stand-
21 ing United States nonproliferation goal to be
22 achieved, by the project or activity.

23 (B) A description of the agreement, if any,
24 under which the funds will be used, including wheth-
25 er or not the agreement provides that the funds will

1 not be used for purposes contrary to the national se-
2 curity interests of the United States.

3 (C) A description of the contracting process, if
4 any, that will be used in the implementation of the
5 project or activity.

6 (D) An analysis of the effect of the obligation
7 of funds for the project or activity on ongoing Coop-
8 erative Threat Reduction programs.

9 (E) An analysis of the need for additional or
10 follow-up threat reduction assistance, including
11 whether or not the need for such assistance justifies
12 the establishment of a new cooperative threat reduc-
13 tion program or programs to account for such assist-
14 ance.

15 (F) A description of the mechanisms to be used
16 by the Secretary to assure that proper audits and
17 examinations of the project or activity are carried
18 out.

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

21 (A) the Speaker of the House of Representa-
22 tives;

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

1 (C) the Chairmen and Ranking Members of the
2 Committees on Armed Services of the Senate and
3 House of Representatives;

4 (D) the Chairmen and Ranking Members of the
5 Committees on Appropriations of the Senate and
6 House of Representatives;

7 (E) the Chairman and Ranking Member of the
8 Committee on Foreign Relations of the Senate;

9 (F) the Chairman and Ranking Member of the
10 Committee on International Relations of the House
11 of Representatives;

12 (G) the Chairman and Vice Chairman of the
13 Select Committee on Intelligence of the Senate; and

14 (H) the Chairman and Vice Chairman of the
15 Permanent Select Committee on Intelligence of the
16 House of Representatives.

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

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

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