

such activities that were supported by the obligation and expenditure of funds for Cooperative Threat Reduction programs; and

(E) such other information as the Secretary of Defense considers appropriate to inform Congress fully of the operation of Cooperative Threat Reduction programs and activities, including with respect to proposed demilitarization or conversion projects, information on the progress toward demilitarization of facilities and the conversion of the demilitarized facilities to civilian activities.

(4) A description of the means (including program management, audits, examinations, and other means) used by the United States during the fiscal year ending in the year preceding the year of the report to ensure that assistance provided under Cooperative Threat Reduction programs is fully accounted for, that such assistance is being used for its intended purpose, and that such assistance is being used efficiently and effectively, including—

(A) if such assistance consisted of equipment, a description of the current location of such equipment and the current condition of such equipment;

(B) if such assistance consisted of contracts or other services, a description of the status of such contracts or services and the methods used to ensure that such contracts and services are being used for their intended purpose;

(C) a determination whether the assistance described in subparagraphs (A) and (B) has been used for its intended purpose and an assessment of whether the assistance being provided is being used effectively and efficiently; and

(D) a description of the efforts planned to be carried out during the fiscal year beginning in the year of the report to ensure that Cooperative Threat Reduction assistance provided during such fiscal year is fully accounted for and is used for its intended purpose.

(5) A current description of the tactical nuclear weapons arsenal of Russia, including—

(A) an estimate of the current types, numbers, yields, viability, locations, and deployment status of the nuclear warheads in that arsenal;

(B) an assessment of the strategic relevance of such warheads;

(C) an assessment of the current and projected threat of theft, sale, or unauthorized use of such warheads; and

(D) a summary of past, current, and planned United States efforts to work cooperatively with Russia to account for, secure, and reduce Russia's stockpile of tactical nuclear warheads and associated fissile materials.

(6)¹ A description of the amount of the financial commitment from the international community, and from Russia, for the chemical weapons destruction facility located at

Shchuch'ye, Russia, for the fiscal year beginning in the year in which the report is submitted.

(6)¹ To the maximum extent practicable, a description of how revenue generated by activities carried out under Cooperative Threat Reduction programs in recipient States is being utilized, monitored, and accounted for.

(7) A description of the defense and military activities carried out under Cooperative Threat Reduction programs during the fiscal year ending in the year preceding the year of the report, including—

(A) the amounts obligated or expended for such activities;

(B) the purposes, goals, and objectives for which such amounts were obligated and expended;

(C) a description of the activities carried out, including the forms of assistance provided, and the justification for each form of assistance provided;

(D) the success of each activity, including the goals and objectives achieved for each;

(E) a description of participation by private sector entities in the United States in carrying out such activities, and the participation of any other Federal department or agency in such activities; and

(F) any other information that the Secretary considers relevant to provide a complete description of the operation and success of activities carried out under Cooperative Threat Reduction programs.

(d) Input of DCI

The Director of Central Intelligence shall submit to the Secretary of Defense the views of the Director on any matters covered by subsection (c)(5) of this section in a report under subsection (a) of this section. Such views shall be included in such report as a classified annex to such report.

(e) Comptroller General assessment

Not later than 90 days after the date on which a report is submitted to Congress under subsection (a) of this section, the Comptroller General shall submit to Congress a report setting forth the Comptroller General's assessment of the information described in paragraphs (2) and (4) of subsection (c) of this section.

(f) First report

The first report submitted under subsection (a) of this section shall be submitted in 2001.

(g) Omitted

(h) Limitation on use of funds until submission of multiyear plan

Not more than 10 percent of fiscal year 2001 Cooperative Threat Reduction funds may be obligated or expended until the Secretary of Defense submits to Congress an updated version of the multiyear plan for fiscal year 2001 required to be submitted under section 1205 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103-337; 22 U.S.C. 5952 note).

(i) Report on Russian nonstrategic nuclear arms

Not later than 30 days after October 30, 2000, the Secretary of Defense shall submit to Con-

¹ So in original. Two pars. (6) have been enacted.

gress a report on the following regarding Russia's arsenal of tactical nuclear warheads:

(1) Estimates regarding current types, numbers, yields, viability, locations, and deployment status of the warheads.

(2) An assessment of the strategic relevance of the warheads.

(3) An assessment of the current and projected threat of theft, sale, or unauthorized use of the warheads.

(4) A summary of past, current, and planned United States efforts to work cooperatively with Russia to account for, secure, and reduce Russia's stockpile of tactical nuclear warheads and associated fissile material.

(Pub. L. 106-398, § 1 [[div. A], title XIII, § 1308], Oct. 30, 2000, 114 Stat. 1654, 1654A-341; Pub. L. 107-107, div. A, title XIII, §§ 1307, 1309, Dec. 28, 2001, 115 Stat. 1256, 1257; Pub. L. 107-314, div. A, title XIII, § 1304(a), Dec. 2, 2002, 116 Stat. 2672.)

REFERENCES IN TEXT

Section 1205 of the National Defense Authorization Act for Fiscal Year 1995, referred to in subsec. (h), is section 1205 of Pub. L. 103-337, div. A, title XII, Oct. 5, 1994, 108 Stat. 2883, which was partially set out as a note under section 5952 of this title and was repealed by Pub. L. 106-398, § 1 [[div. A], title XIII, § 1308(g)(2)], Oct. 30, 2000, 114 Stat. 1654, 1654A-343.

CODIFICATION

Section is comprised of section 1 [[div. A], title XIII, § 1308] of Pub. L. 106-398. Section 1 [[div. A], title XIII, § 1308(g)] of Pub. L. 106-398 repealed section 5956 of this title, repealed section 1206 of Pub. L. 104-106 which was set out in a note under section 5955 of this title, repealed, effective on the date the Secretary of Defense submits to Congress an updated version of the multiyear plan for fiscal year 2001 as described in subsec. (h) of this section, section 1205 of Pub. L. 103-337, 108 Stat. 2883, which is set out in part as a note under section 5952 of this title, amended section 1312 of Pub. L. 106-65 which is set out as a note under section 5955 of this title, and repealed sections 1203 of Pub. L. 103-337, 108 Stat. 2882, and 1307 of Pub. L. 106-65, 113 Stat. 795, which are not classified to the Code.

Section was enacted as part of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001, and not as part of the Cooperative Threat Reduction Act of 1993 which comprises this chapter.

AMENDMENTS

2002—Subsec. (c)(6), (7). Pub. L. 107-314 added par. (6), relating to description of how revenue is being utilized, monitored, and accounted for, and par. (7).

2001—Subsec. (c)(4). Pub. L. 107-107, § 1307(1), in introductory provisions, substituted “means (including program management, audits, examinations, and other means) used” for “audits, examinations, and other efforts, such as on-site inspections, conducted” and “, that such assistance is being used for its intended purpose, and that such assistance is being used efficiently and effectively” for “and that such assistance is being used for its intended purpose”.

Subsec. (c)(4)(C). Pub. L. 107-107, § 1307(2), inserted “and an assessment of whether the assistance being provided is being used effectively and efficiently” before semicolon.

Subsec. (c)(4)(D). Pub. L. 107-107, § 1307(3), struck out “audits, examinations, and other” before “efforts”.

Subsec. (c)(6). Pub. L. 107-107, § 1309, added par. (6).

EFFECTIVE DATE OF 2002 AMENDMENT

Pub. L. 107-314, div. A, title XIII, § 1304(b), Dec. 2, 2002, 116 Stat. 2673, provided that: “Paragraphs (6) and (7) of section 1308(c) of such Act [22 U.S.C. 5959(c)(6), (7)], as

added by subsection (a), shall apply beginning with the report submitted under that section in 2004.”

SPECIFICATION OF COOPERATIVE THREAT REDUCTION PROGRAMS AND FUNDS FOR PURPOSES OF H.R. 5408, AS ENACTED BY PUB. L. 106-398

Pub. L. 106-398, § 1 [[div. A], title XIII, § 1301(a), (b)], Oct. 30, 2000, 114 Stat. 1654, 1654A-338, 1654A-339, provided that:

“(a) SPECIFICATION OF CTR PROGRAMS.—For purposes of section 301 [114 Stat. 1654A-52] and other provisions of this Act [H.R. 5408, as enacted by section 1 of Pub. L. 106-398, see Tables for classification], Cooperative Threat Reduction programs are the programs specified in section 1501(b) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-201; 110 Stat. 2731; 50 U.S.C. 2362 note).

“(b) FISCAL YEAR 2001 COOPERATIVE THREAT REDUCTION FUNDS DEFINED.—As used in this title [enacting this section, repealing section 5656 of this title, enacting provisions set out as notes under section 5952 of this title, and amending provisions set out as notes under sections 5952 and 5955 of this title], the term ‘fiscal year 2001 Cooperative Threat Reduction funds’ means the funds appropriated pursuant to the authorization of appropriations in section 301 for Cooperative Threat Reduction programs.”

CHAPTER 69—CUBAN DEMOCRACY

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CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 6021, 6023, 6032 of this title.

§ 6001. Findings

The Congress makes the following findings:

(1) The government of Fidel Castro has demonstrated consistent disregard for internation-

ally 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 unprecedented opportunity to promote a peaceful transition to democracy in Cuba.

(7) However, Castro's intransigence increases the likelihood that there could be a collapse of the Cuban economy, social upheaval, or widespread suffering. The recently concluded Cuban Communist Party Congress has underscored Castro's unwillingness to respond positively to increasing pressures for reform either from within the party or without.

(8) The United States cooperated with its European and other allies to assist the difficult transitions from Communist regimes in Eastern Europe. Therefore, it is appropriate for those allies to cooperate with United States policy to promote a peaceful transition in Cuba.

(Pub. L. 102-484, div. A, title XVII, § 1702, Oct. 23, 1992, 106 Stat. 2575.)

EFFECTIVE DATE

Section 1712 of title XVII of div. A of Pub. L. 102-484 provided that: "This title [enacting this chapter, amending section 16 of Title 50, Appendix, War and Na-

tional Defense, and enacting provisions set out as a note below] shall take effect on the date of the enactment of this Act [Oct. 23, 1992]."

SHORT TITLE

Section 1701 of title XVII of div. A of Pub. L. 102-484 provided that: "This title [enacting this chapter, amending section 16 of Title 50, Appendix, War and National Defense, and enacting provisions set out as a note above] may be cited as the 'Cuban Democracy Act of 1992.'"

EX. ORD. NO. 12854. IMPLEMENTATION OF CUBAN DEMOCRACY ACT

Ex. Ord. No. 12854, July 4, 1993, 58 F.R. 36587, provided:

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the Trading with the Enemy Act, as amended (50 U.S.C. App. 1-6, 7-39, 41-44), the Cuban Democracy Act of 1992 (Public Law 102-484, sections 1701-1712, October 23, 1992, 106 Stat. 2575) (the "Act") [22 U.S.C. 6001 et seq.], and section 301 of title 3, United States Code,

I, WILLIAM J. CLINTON, President of the United States of America, hereby order:

SECTION 1. *Implementation of the Act.* All agencies are hereby directed to take all appropriate measures within their authority, including the promulgation of rules and regulations, to carry out the provisions of the Act.

SEC. 2. *Functions of the Department of State.* The Secretary of State shall be responsible for implementing sections 1704, 1707, and 1708 of the Act [22 U.S.C. 6003, 6006, 6007]. Responsibility for transmitting the certification required by section 1707 and the report required by section 1708 of the Act is delegated to the Secretary of State.

SEC. 3. *Functions of the Department of the Treasury.* Except as provided in section 4 of this order, the Secretary of the Treasury shall be responsible for implementing sections 1705(b)-(e) and 1706 [22 U.S.C. 6004(b)-(e), 6005] of the Act, to the extent that these sections pertain to transactions with Cuba.

SEC. 4. *Functions of the Department of Commerce.* The Secretary of Commerce shall be responsible for implementing sections 1705(b)-(e) of the Act, to the extent that these sections pertain to the exportation to Cuba from the United States or from a third country of goods and technology subject to the jurisdiction of the Department of Commerce.

SEC. 5. *Consultation.* In consultation with the Secretary of State, the Secretary of the Treasury and the Secretary of Commerce are hereby authorized to take such actions, including the promulgation of rules and regulations, as may be necessary to carry out the purposes of the Act and this order.

SEC. 6. Nothing in this order shall be deemed to affect any functions vested by law in the Federal Communications Commission.

SEC. 7. *Effective Date.* This order shall be effective immediately.

WILLIAM J. CLINTON.

§ 6002. Statement of policy

It should be the policy of the United States—

(1) to seek a peaceful transition to democracy and a resumption of economic growth in Cuba through the careful application of sanctions directed at the Castro government and support for the Cuban people;

(2) to seek the cooperation of other democratic countries in this policy;

(3) to make clear to other countries that, in determining its relations with them, the United States will take into account their willingness to cooperate in such a policy;

(4) to seek the speedy termination of any remaining military or technical assistance, sub-