

Sec.

- (c) Matters to be included.
- (d) Input of DCI.
- (e) Comptroller General assessment.
- (f) First report.
- (g) Omitted.
- (h) Limitation on use of funds until submission of multiyear plan.
- (i) Report on Russian nonstrategic nuclear arms.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 2295a, 6041 of this title.

§ 5951. Findings on cooperative threat reduction

The Congress finds that it is in the national security interest of the United States for the United States to do the following:

(1) Facilitate, on a priority basis, the transportation, storage, safeguarding, and elimination of nuclear and other weapons of the independent states of the former Soviet Union, including—

(A) the safe and secure storage of fissile materials derived from the elimination of nuclear weapons;

(B) the dismantlement of (i) intercontinental ballistic missiles and launchers for such missiles, (ii) submarine-launched ballistic missiles and launchers for such missiles, and (iii) heavy bombers; and

(C) the elimination of chemical, biological and other weapons capabilities.

(2) Facilitate, on a priority basis, the prevention of proliferation of weapons (and components of weapons) of mass destruction and destabilizing conventional weapons of the independent states of the former Soviet Union and the establishment of verifiable safeguards against the proliferation of such weapons and components.

(3) Facilitate, on a priority basis, the prevention of diversion of weapons-related scientific expertise of the independent states of the former Soviet Union to terrorist groups or third world countries.

(4) Support (A) the demilitarization of the defense-related industry and equipment of the independent states of the former Soviet Union, and (B) the conversion of such industry and equipment to civilian purposes and uses.

(5) Expand military-to-military and defense contacts between the United States and the independent states of the former Soviet Union.

(Pub. L. 103-160, div. A, title XII, § 1202, Nov. 30, 1993, 107 Stat. 1777.)

SHORT TITLE

Section 1201 of title XII of div. A of Pub. L. 103-160 provided that: "This title [enacting this chapter] may be cited as the 'Cooperative Threat Reduction Act of 1993'."

§ 5952. Authority for programs to facilitate cooperative threat reduction

(a) In general

Notwithstanding any other provision of law, the President may conduct programs described in subsection (b) of this section to assist the independent states of the former Soviet Union

in the demilitarization of the former Soviet Union. Any such program may be carried out only to the extent that the President determines that the program will directly contribute to the national security interests of the United States.

(b) Authorized programs

The programs referred to in subsection (a) of this section are the following:

(1) Programs to facilitate the elimination, and the safe and secure transportation and storage, of nuclear, chemical, and other weapons and their delivery vehicles.

(2) Programs to facilitate the safe and secure storage of fissile materials derived from the elimination of nuclear weapons.

(3) Programs to prevent the proliferation of weapons, weapons components, and weapons-related technology and expertise.

(4) Programs to expand military-to-military and defense contacts.

(5) Programs to facilitate the demilitarization of defense industries and the conversion of military technologies and capabilities into civilian activities.

(6) Programs to assist in the environmental restoration of former military sites and installations when such restoration is necessary to the demilitarization or conversion programs authorized in paragraph (5).

(7) Programs to provide housing for former military personnel of the former Soviet Union released from military service in connection with the dismantlement of strategic nuclear weapons, when provision of such housing is necessary for dismantlement of strategic nuclear weapons and when no other funds are available for such housing.

(8) Other programs as described in section 212(b) of the Soviet Nuclear Threat Reduction Act of 1991 (title II of Public Law 102-228; 22 U.S.C. 2551 note) and section 5902(b) of this title.

(c) United States participation

The programs described in subsection (b) of this section should, to the extent feasible, draw upon United States technology and expertise, especially from the private sector of the United States.

(d) Restrictions

Assistance authorized by subsection (a) of this section may not be provided to any independent state of the former Soviet Union for any fiscal year unless the President certifies to Congress for such fiscal year that the proposed recipient state is committed to each of the following:

(1) Making substantial investment of its resources for dismantling or destroying its weapons of mass destruction, if such state has an obligation under a treaty or other agreement to destroy or dismantle any such weapons.

(2) Foregoing any military modernization program that exceeds legitimate defense requirements and foregoing the replacement of destroyed weapons of mass destruction.

(3) Foregoing any use in new nuclear weapons of fissionable or other components of destroyed nuclear weapons.

(4) Facilitating United States verification of any weapons destruction carried out under this chapter, section 5902(b) of this title, or section 212(b) of the Soviet Nuclear Threat Reduction Act of 1991 (title II of Public Law 102-228; 22 U.S.C. 2551 note).

(5) Complying with all relevant arms control agreements.

(6) Observing internationally recognized human rights, including the protection of minorities.

(Pub. L. 103-160, div. A, title XII, §1203, Nov. 30, 1993, 107 Stat. 1778; Pub. L. 107-314, div. A, title XIII, §1306(e), Dec. 2, 2002, 116 Stat. 2673.)

AMENDMENTS

2002—Subsec. (d). Pub. L. 107-314 in introductory provisions substituted “any fiscal year” for “any year” and “such fiscal year” for “that year”.

DELEGATION OF FUNCTIONS

Memorandum of President of the United States, Jan. 29, 1994, 59 F.R. 5929, provided:

Memorandum for the Secretary of State, the Secretary of Defense, [and] the Director of the Office of Management and Budget

By the authority vested in me by the Constitution and the laws of the United States of America, including section 301 of title 3 of the United States Code, I hereby delegate:

1. to the Secretary of State the authority and duty vested in the President under section 1203(d) of the Cooperative Threat Reduction Act of 1993, Title XII of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103-160) [22 U.S.C. 5952(d)];

2. to the Secretary of Defense the authorities and duties vested in the President under sections 1203(a), 1204, 1206, and 1207 of Public Law 103-160 [22 U.S.C. 5952(a), 5953, 5955, former 5956].

The Secretary of Defense shall not exercise authority delegated by number 2 hereof with respect to any former Soviet republic unless the Secretary of State has exercised his authority and performed the duty delegated by number 1 hereof, as applicable, with respect to that former Soviet republic. The Secretary of Defense shall not obligate funds in exercise of authority delegated by number 2 hereof unless the Director of the Office of Management and Budget has made the determination that expenditures are to be counted as discretionary spending in the national defense function (050), as applicable to the funds to be transferred.

The Secretary of State is authorized and directed to publish this memorandum in the Federal Register.

WILLIAM J. CLINTON.

REPORT REQUIREMENT REGARDING RUSSIAN PROLIFERATION TO IRAN AND OTHER COUNTRIES OF PROLIFERATION CONCERN

Pub. L. 107-314, div. A, title XII, §1206, Dec. 2, 2002, 116 Stat. 2665, provided that:

“(a) REPORT REQUIREMENT.—Not later than March 15 of 2003 through 2009, the President shall submit to Congress a report (in unclassified and classified form as necessary) describing in detail Russian proliferation of weapons of mass destruction and ballistic missile goods, technology, expertise, and information, and of dual-use items that may contribute to the development of weapons of mass destruction and ballistic missiles, to Iran and to other countries of proliferation concern during the year preceding the year in which the report is submitted. The report shall include a detailed description of the following, for the year covered by the report:

“(1) The number, type, and quality of direct and dual-use weapons of mass destruction and ballistic missile goods, technology, expertise, and information transferred.

“(2) The form, location, and manner in which such transfers took place.

“(3) The contribution that such transfers could make to the recipient countries’ weapons of mass destruction and ballistic missile programs, and an estimate of how soon such countries will test, possess, and deploy weapons of mass destruction and ballistic missiles.

“(4) The impact and consequences that such transfers have, and could have over the next 10 years—

“(A) on United States national security;

“(B) on United States military forces deployed in the region to which such transfers are being made;

“(C) on United States allies, friends, and interests in that region; and

“(D) on the military capabilities of the country receiving such transfers from Russia.

“(5) The policy and strategy that the President intends to employ to halt Russian proliferation, the policy tools that the President intends to use to carry out that policy and strategy, the rationale for employing such tools, and the timeline by which the President expects to see material progress in ending Russian proliferation of direct and dual-use weapons of mass destruction and missile goods, technology, expertise, and information.

“(b) DEFINITION.—In this section, the term ‘country of proliferation concern’ means any country identified by the Director of Central Intelligence as having engaged in the acquisition of dual-use and other technology useful for the development or production of weapons of mass destruction (including nuclear weapons, chemical weapons, and biological weapons) or advanced conventional munitions—

“(1) in the most recent report under section 721 of the Combatting Proliferation of Weapons of Mass Destruction Act of 1996 (title VII of Public Law 104-293; 50 U.S.C. 2366); or

“(2) in any successor report on the acquisition by foreign countries of dual-use and other technology useful for the development or production of weapons of mass destruction.”

SPECIFICATION OF COOPERATIVE THREAT REDUCTION PROGRAMS FOR PURPOSES OF PUB. L. 107-314

Pub. L. 107-314, div. A, title XIII, §1301(a), Dec. 2, 2002, 116 Stat. 2670, provided that: “For purposes of section 301 [116 Stat. 2505] and other provisions of this Act [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).”

LIMITED WAIVER OF RESTRICTIONS ON USE OF FUNDS FOR THREAT REDUCTION IN STATES OF THE FORMER SOVIET UNION

Pub. L. 107-314, div. A, title XIII, §1306(a)–(d), Dec. 2, 2002, 116 Stat. 2673, provided that:

“(a) AUTHORITY TO WAIVE RESTRICTIONS AND ELIGIBILITY REQUIREMENTS.—If the President submits the certification and report described in subsection (b) with respect to an independent state of the former Soviet Union for a fiscal year—

“(1) the restrictions in subsection (d) of section 1203 of the Cooperative Threat Reduction Act of 1993 (22 U.S.C. 5952) shall cease to apply, and funds may be obligated and expended under that section for assistance, to that state during that fiscal year; and

“(2) funds may be obligated and expended during that fiscal year under section 502 of the FREEDOM Support Act (22 U.S.C. 5852) for assistance or other programs and activities for that state even if that state has not met one or more of the requirements for eligibility under paragraphs (1) through (4) of that section.

“(b) CERTIFICATION AND REPORT.—(1) The certification and report referred to in subsection (a) are a written certification submitted by the President to Congress

that the waiver of the restrictions and requirements described in paragraphs (1) and (2) of that subsection during such fiscal year is important to the national security interests of the United States, together with a report containing the following:

“(A) A description of the activity or activities that prevent the President from certifying that the state is committed to the matters set forth in the provisions of law specified in paragraphs (1) and (2) of subsection (a) in such fiscal year.

“(B) An explanation of why the waiver is important to the national security interests of the United States.

“(C) A description of the strategy, plan, or policy of the President for promoting the commitment of the state to, and compliance by the state with, such matters, notwithstanding the waiver.

“(2) The matter included in the report under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

“(c) FISCAL YEARS COVERED.—The authority under subsection (a) shall apply only with respect to fiscal years 2003, 2004, and 2005.

“(d) EXPIRATION OF AUTHORITY.—The authority under subsection (a) shall expire on September 30, 2005.”

TRANSFER TO NATIONAL NUCLEAR SECURITY ADMINISTRATION OF DEPARTMENT OF DEFENSE'S COOPERATIVE THREAT REDUCTION PROGRAM RELATING TO ELIMINATION OF WEAPONS GRADE PLUTONIUM PRODUCTION IN RUSSIA

Pub. L. 107–314, div. C, title XXXI, §3151, Dec. 2, 2002, 116 Stat. 2736, provided that:

“(a) TRANSFER OF PROGRAM.—There are hereby transferred to the Administrator for Nuclear Security the following:

“(1) The program, within the Cooperative Threat Reduction program of the Department of Defense, relating to the elimination of weapons grade plutonium production in Russia.

“(2) All functions, powers, duties, and activities of that program performed before the date of the enactment of this Act [Dec. 2, 2002] by the Department of Defense.

“(b) TRANSFER OF ASSETS.—(1) Notwithstanding any restriction or limitation in law on the availability of Cooperative Threat Reduction funds specified in paragraph (2), so much of the property, records, and unexpended balances of appropriations, allocations, and other funds employed, used, held, available, or to be made available in connection with the program transferred by subsection (a) are transferred to the Administrator for use in connection with the program transferred.

“(2) The Cooperative Threat Reduction funds specified in this paragraph are the following:

“(A) Fiscal year 2002 Cooperative Threat Reduction funds, as specified in section 1301(b) of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1254; 22 U.S.C. 5952 note).

“(B) Fiscal year 2001 Cooperative Threat Reduction funds, as specified in section 1301(b) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–339; 22 U.S.C. 5959 note).

“(C) Fiscal year 2000 Cooperative Threat Reduction funds, as specified in section 1301(b) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 792; 22 U.S.C. 5952 note).

“(c) AVAILABILITY OF TRANSFERRED FUNDS.—(1) Notwithstanding any restriction or limitation in law on the availability of Cooperative Threat Reduction funds specified in subsection (b)(2), the Cooperative Threat Reduction funds transferred under subsection (b) for the program referred to in subsection (a) shall be available for activities as follows:

“(A) To design and construct, refurbish, or both, fossil fuel energy plants in Russia that provide alternative sources of energy to the energy plants in Russia that produce weapons grade plutonium.

“(B) To carry out limited safety upgrades of not more than three energy plants in Russia that produce weapons grade plutonium, provided that such upgrades do not extend the life of those plants.

“(2) Amounts available under paragraph (1) for activities referred to in that paragraph shall remain available for obligation for three fiscal years.

“(d) LIMITATION.—(1) Of the amounts authorized to be appropriated by this title or any other Act for the program referred to in subsection (a), the Administrator for Nuclear Security may not obligate any funds for construction, or obligate or expend more than \$100,000,000 for that program, until 30 days after the later of—

“(A) the date on which the Administrator submits to the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives], the Committee on International Relations of the House of Representatives, and the Committee on Foreign Relations of the Senate, a copy of an agreement or agreements entered into between the United States Government and the Government of the Russian Federation to shut down the three plutonium-producing reactors in Russia as specified under paragraph (2); and

“(B) the date on which the Administrator submits to the committees specified in subparagraph (A) a report on a plan to achieve international participation in the program referred to in subsection (a), including cost sharing.

“(2) The agreement (or agreements) under paragraph (1)(A) shall contain—

“(A) a commitment to shut down the three plutonium-producing reactors;

“(B) the date on which each such reactor will be shut down;

“(C) a schedule and milestones for each such reactor to complete the shutdown of such reactor by the date specified under subparagraph (B);

“(D) a schedule and milestones for refurbishment or construction of fossil fuel energy plants to be undertaken by the Government of the Russian Federation in support of the program;

“(E) an arrangement for access to sites and facilities necessary to meet such schedules and milestones;

“(F) an arrangement for audit and examination procedures in order to evaluate progress in meeting such schedules and milestones; and

“(G) any cost sharing arrangements between the United States Government and the Government of the Russian Federation in undertaking activities under such agreement (or agreements).”

ACCELERATED DISPOSITION OF HIGHLY ENRICHED URANIUM

Pub. L. 107–314, div. C, title XXXI, §3157, Dec. 2, 2002, 116 Stat. 2740, provided that:

“(a) PROGRAM ON ACCELERATED DISPOSITION OF HEU AUTHORIZED.—(1) The Secretary of Energy may carry out a program to pursue with the Russian Federation options for blending highly enriched uranium so that the concentration of U–235 in such uranium is below 20 percent.

“(2) The options pursued under paragraph (1) shall include expansion of the Material Consolidation and Conversion program of the Department of Energy to include—

“(A) additional facilities for the blending of highly enriched uranium; and

“(B) additional centralized secure storage facilities for highly enriched uranium designated for blending.

“(3) Any site selected for the storage of uranium or blended material under paragraph (2)(B) shall undergo complete materials protection, control, and accounting upgrades before the commencement of the storage of uranium or blended material at such site under the program.

“(b) CONSTRUCTION WITH HEU DISPOSITION AGREEMENT.—Nothing in this section may be construed as terminating, modifying, or otherwise affecting require-

ments for the disposition of highly enriched uranium under the Agreement Between the Government of the United States of America and the Government of the Russian Federation Concerning the Disposition of Highly Enriched Uranium Extracted from Nuclear Weapons, signed at Washington on February 18, 1993.

“(c) LIMITATION ON RELEASE FOR SALE OF BLENDED URANIUM.—Uranium blended under this section may not be released for sale until the earlier of—

“(1) January 1, 2014; or

“(2) the date on which the Secretary certifies that such uranium can be absorbed into the global market without undue disruption to the uranium mining, conversion, and enrichment industry in the United States.

“(d) AMOUNT FOR ACTIVITIES.—Of the amount to be appropriated by section 3101(a)(2) [116 Stat. 2729] for the Department of Energy for the National Nuclear Security Administration for defense nuclear nonproliferation, up to \$10,000,000 may be available for carrying out this section.”

PLAN FOR ACCELERATED RETURN OF WEAPONS-USABLE NUCLEAR MATERIALS

Pub. L. 107–314, div. C, title XXXI, § 3160, Dec. 2, 2002, 116 Stat. 2742, provided that:

“(a) PLAN FOR ACCELERATED RETURN.—The Secretary of Energy shall work with the Russian Federation to develop a plan to accelerate the return to Russia of all weapons-usable nuclear materials located in research reactors and other facilities outside Russia that were supplied by the former Soviet Union.

“(b) FUNDING AND SCHEDULES.—As part of the plan under subsection (a), the Secretary shall identify the funding and schedules required to assist the research reactors and facilities referred to in that subsection in—

“(1) transferring highly enriched uranium to Russia; and

“(2) upgrading the materials protection, control, and accounting procedures at such research reactors and facilities until the weapons-usable nuclear materials in such reactors and facilities are returned in accordance with that subsection.

“(c) COORDINATION.—The provision of assistance under subsection (b) shall be closely coordinated with the International Atomic Energy Agency.”

RUSSIAN FEDERATION DEBT REDUCTION FOR NONPROLIFERATION

Pub. L. 107–228, div. B, title XIII, subtitle B, Sept. 30, 2002, 116 Stat. 1442, provided that:

“SEC. 1311. SHORT TITLE.

“This subtitle may be cited as the ‘Russian Federation Debt for Nonproliferation Act of 2002’.

“SEC. 1312. FINDINGS AND PURPOSES.

“(a) FINDINGS.—Congress finds the following:

“(1) It is in the vital security interests of the United States to prevent the spread of weapons of mass destruction to additional states or to terrorist organizations, and to ensure that other nations’ obligations to modify their stockpiles of such arms in accordance with treaties, executive agreements, or political commitments are fulfilled.

“(2) In particular, it is in the vital national security interests of the United States to ensure that—

“(A) all stocks of nuclear weapons and weapons-usable nuclear material in the Russian Federation are secure and accounted for;

“(B) stocks of nuclear weapons and weapons-usable nuclear material that are excess to military needs in the Russian Federation are monitored and reduced;

“(C) any chemical or biological weapons, related materials, and facilities in the Russian Federation are destroyed;

“(D) the Russian Federation’s nuclear weapons complex is reduced to a size appropriate to its post-

Cold War missions, and its experts in weapons of mass destruction technologies are shifted to gainful and sustainable civilian employment;

“(E) the Russian Federation’s export control system blocks any proliferation of weapons of mass destruction, the means of delivering such weapons, and materials, equipment, know-how, or technology that would be used to develop, produce, or deliver such weapons; and

“(F) these objectives are accomplished with sufficient monitoring and transparency to provide confidence that they have in fact been accomplished and that the funds provided to accomplish these objectives have been spent efficiently and effectively.

“(3) United States programs should be designed to accomplish these vital objectives in the Russian Federation as rapidly as possible, and the President should develop and present to Congress a plan for doing so.

“(4) Substantial progress has been made in United States-Russian Federation cooperative programs to achieve these objectives, but much more remains to be done to reduce the urgent risks to United States national security posed by the current state of the Russian Federation’s weapons of mass destruction stockpiles and complexes.

“(5) The threats posed by inadequate management of weapons of mass destruction stockpiles and complexes in the Russian Federation remain urgent. Incidents in years immediately preceding 2001, which have been cited by the Russia Task Force of the Secretary of Energy Advisory Board, include—

“(A) a conspiracy at one of the Russian Federation’s largest nuclear weapons facilities to steal nearly enough highly enriched uranium for a nuclear bomb;

“(B) an attempt by an employee of the Russian Federation’s premier nuclear weapons facility to sell nuclear weapons designs to agents of Iraq and Afghanistan; and

“(C) the theft of radioactive material from a Russian Federation submarine base.

“(6) Addressing these threats to United States and world security will ultimately consume billions of dollars, a burden that will have to be shared by the Russian Federation, the United States, and other governments, if these threats are to be neutralized.

“(7) The creation of new funding streams could accelerate progress in reducing these threats to United States security and help the government of the Russian Federation to fulfill its responsibility for secure management of its weapons stockpiles and complexes as United States assistance phases out.

“(8) The Russian Federation has a significant foreign debt, a substantial proportion of which it inherited from the Soviet Union.

“(9) Past debt-for-environment exchanges, in which a portion of a country’s foreign debt is canceled in return for certain environmental commitments or payments by that country, suggest that a debt-for-nonproliferation exchange with the Russian Federation could be designed to provide additional funding for nonproliferation and arms reduction initiatives.

“(10) Most of the Russian Federation’s official bilateral debt is held by United States allies that are advanced industrial democracies. Since the issues described pose threats to United States allies as well, United States leadership that results in a larger contribution from United States allies to cooperative threat reduction activities will be needed.

“(11) At the June 2002 meeting of the G-8 countries, agreement was achieved on a G-8 Global Partnership against the Spread of Weapons and Materials of Mass Destruction, under which the advanced industrial democracies committed to contribute \$20,000,000,000 to nonproliferation programs in the Russian Federation during a 10-year period, with each contributing country having the option to fund some or all of its contribution through reduction in the Russian Federation’s official debt to that country.

“(12) The Russian Federation’s Soviet-era official debt to the United States is estimated to be \$480,000,000 in Lend-Lease debt and \$2,250,000,000 in debt as a result of credits extended under title I of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1701 et seq.).

“(b) PURPOSES.—The purposes of this subtitle are—

“(1) to facilitate the accomplishment of the United States objectives described in the findings set forth in subsection (a) by providing for the use of a portion of the Russian Federation’s foreign debt to fund non-proliferation programs, thus allowing the use of additional resources for these purposes; and

“(2) to help ensure that the resources made available to the Russian Federation are targeted to the accomplishment of the United States objectives described in the findings set forth in subsection (a).

“SEC. 1313. DEFINITIONS.

“In this subtitle:

“(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ‘appropriate congressional committees’ means—

“(A) the Committee on International Relations and the Committee on Appropriations of the House of Representatives; and

“(B) the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

“(2) COST.—The term ‘cost’ has the meaning given that term in section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5)).

“(3) RUSSIAN FEDERATION NONPROLIFERATION INVESTMENT AGREEMENT OR AGREEMENT.—The term ‘Russian Federation Nonproliferation Investment Agreement’ or ‘Agreement’ means the agreement between the United States and the Russian Federation entered into under section 1315(a).

“(4) SOVIET-ERA DEBT.—The term ‘Soviet-era debt’ means debt owed as a result of loans or credits provided by the United States (or any agency of the United States) to the Union of Soviet Socialist Republics under the Lend Lease Act of 1941 [former 22 U.S.C. 411 et seq.] or the Commodity Credit Corporation Charter Act [15 U.S.C. 714 et seq.].

“(5) STATE SPONSOR OF INTERNATIONAL TERRORISM.—The term ‘state sponsor of international terrorism’ means those countries that have been determined by the Secretary of State, for the purposes of section 40 of the Arms Export Control Act [22 U.S.C. 2780], section 620A of the Foreign Assistance Act of 1961 [22 U.S.C. 2371], or section 6(j) of the Export Administration Act of 1979 [50 App. U.S.C. 2405(j)], to have repeatedly provided support for acts of international terrorism.

“SEC. 1314. AUTHORITY TO REDUCE THE RUSSIAN FEDERATION’S SOVIET-ERA DEBT OBLIGATIONS TO THE UNITED STATES.

“(a) AUTHORITY TO REDUCE DEBT.—

“(1) IN GENERAL.—Upon the entry into force of a Russian Federation Nonproliferation Investment Agreement, the President may reduce amounts of Soviet-era debt owed by the Russian Federation to the United States (or any agency or instrumentality of the United States) that are outstanding as of the last day of the fiscal year preceding the fiscal year for which appropriations are available for the reduction of debt, in accordance with this subtitle.

“(2) LIMITATION.—The authority provided by paragraph (1) shall be available only to the extent that appropriations for the cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990 [2 U.S.C. 661a(5)]) of reducing any debt pursuant to such subsection are made in advance.

“(3) SUPERSEDES EXISTING LAW.—The authority provided by paragraph (1) may be exercised notwithstanding section 620(r) of the Foreign Assistance Act of 1961 (22 U.S.C. 2370(r)) or section 321 of the International Development and Food Assistance Act of 1975 [Pub. L. 94-161, set out as a note under section 2220a of this title].

“(b) IMPLEMENTATION.—

“(1) DELEGATION OF AUTHORITY.—The President may delegate any authority conferred upon the President in this subtitle to the Secretary of State.

“(2) ESTABLISHMENT OF TERMS AND CONDITIONS.—Consistent with this subtitle, the President shall establish the terms and conditions under which loans and credits may be reduced pursuant to subsection (a).

“(3) IMPLEMENTATION.—In exercising the authority of subsection (a), the President—

“(A) shall notify—

“(i) the Department of State, with respect to obligations of the former Soviet Union under the Lend Lease Act of 1941 [former 22 U.S.C. 411 et seq.]; and

“(ii) the Commodity Credit Corporation, with respect to obligations of the former Soviet Union under the Commodity Credit Corporation Act [15 U.S.C. 713a et seq.];

“(B) shall direct the cancellation of old obligations and the substitution of new obligations consistent with the Russian Federation Nonproliferation Investment Agreement; and

“(C) shall direct the appropriate agency to make an adjustment in the relevant accounts to reflect the new debt treatment.

“(4) DEPOSIT OF REPAYMENTS.—All repayments of outstanding loan amounts under subsection (a) that are not designated under a Russian Federation Nonproliferation Investment Agreement shall be deposited in the United States Government accounts established for repayments of the original obligations.

“(5) NOT TREATED AS FOREIGN ASSISTANCE.—Any reduction of Soviet-era debt pursuant to this subtitle shall not be considered assistance for the purposes of any provision of law limiting assistance to a country.

“(c) AUTHORIZATION OF APPROPRIATION.—

“(1) IN GENERAL.—For the cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990 [2 U.S.C. 661a(5)]) of modifying any Soviet-era debt obligation pursuant to subsection (a), there are authorized to be appropriated to the President such sums as may be necessary.

“(2) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to paragraph (1) are authorized to remain available until expended.

“SEC. 1315. RUSSIAN FEDERATION NONPROLIFERATION INVESTMENT AGREEMENT.

“(a) IN GENERAL.—

“(1) IN GENERAL.—The President is authorized to enter into an agreement with the Russian Federation under which an amount equal to the value of the debt reduced pursuant to section 1314 will be used to promote the nonproliferation of weapons of mass destruction and the means of delivering such weapons. An agreement entered into under this section may be referred to as the ‘Russian Federation Nonproliferation Investment Agreement’.

“(2) CONGRESSIONAL NOTIFICATION.—The President shall notify the appropriate congressional committees at least 15 days in advance of the United States entering into a Russian Federation Nonproliferation Investment Agreement.

“(b) CONTENT OF THE AGREEMENT.—The Russian Federation Nonproliferation Investment Agreement shall ensure that—

“(1) an amount equal to the value of the debt reduced pursuant to this subtitle will be made available by the Russian Federation for agreed nonproliferation programs and projects;

“(2) each program or project funded pursuant to the Agreement will be approved by the President;

“(3) the administration and oversight of nonproliferation programs and projects will incorporate best practices from established threat reduction and nonproliferation assistance programs;

“(4) each program or project funded pursuant to the Agreement will be subject to monitoring and audits conducted by or for the United States Government to

confirm that agreed funds are expended on agreed projects and meet agreed targets and benchmarks;

“(5) unobligated funds for investments pursuant to the Agreement will not be diverted to other purposes;

“(6) funds allocated to programs and projects pursuant to the Agreement will not be subject to any taxation by the Russian Federation;

“(7) all matters relating to the intellectual property rights and legal liabilities of United States firms in any project will be agreed upon before the expenditure of funds would be authorized for that project; and

“(8) not less than 75 percent of the funds made available for each nonproliferation program or project under the Agreement will be spent in the Russian Federation.

“(c) **USE OF EXISTING MECHANISMS.**—It is the sense of Congress that, to the extent practicable, the boards and administrative mechanisms of existing threat reduction and nonproliferation programs should be used in the administration and oversight of programs and projects under the Agreement.

“(d) **JOINT AUDITING.**—It is the sense of Congress that the United States and the Russian Federation should consider commissioning the United States General Accounting Office and the Russian Chamber of Accounts to conduct joint audits to ensure that the funds saved by the Russian Federation as a result of any debt reduction are used exclusively, efficiently, and effectively to implement agreed programs or projects pursuant to the Agreement.

“(e) **STRUCTURE OF THE AGREEMENT.**—It is the sense of Congress that the Agreement should provide for significant penalties—

“(1) if funds obligated for approved programs or projects are determined to have been misappropriated; and

“(2) if the President is unable to make the certification required by section 1317(a) for two consecutive years.

“**SEC. 1316. INDEPENDENT MEDIA AND THE RULE OF LAW.**

“Notwithstanding section 1315 (a)(1) and (b)(1), up to 10 percent of the amount equal to the value of the debt reduced pursuant to this subtitle may be used to promote a vibrant, independent media sector and the rule of law in the Russian Federation through an endowment to support the establishment of a ‘Center for an Independent Press and the Rule of Law’ in the Russian Federation, which shall be directed by a joint United States-Russian Board of Directors in which the majority of members, including the chairman, shall be United States personnel, and which shall be responsible for management of the endowment, its funds, and the Center’s programs.

“**SEC. 1317. RESTRICTION ON DEBT REDUCTION AUTHORITY.**

“(a) **PROLIFERATION TO STATE SPONSORS OF TERRORISM.**—Subject to the provisions of subsection (c), the debt reduction authority provided by section 1314 may not be exercised unless and until the President certifies to the appropriate congressional committees that the Russian Federation has made material progress in stemming the flow of sensitive goods, technologies, material, and know-how related to the design, development, and production of weapons of mass destruction and the means to deliver them to state sponsors of international terrorism.

“(b) **ANNUAL DETERMINATION.**—If, in any annual report to Congress submitted pursuant to section 1321, the President cannot certify that the Russian Federation continues to meet the condition required in subsection (a), then, subject to the provisions of subsection (c), the debt reduction authority provided by section 1314 may not be exercised unless and until such certification is made to the appropriate congressional committees.

“(c) **PRESIDENTIAL WAIVER.**—The President may waive the requirements of subsection (a) or (b) for a fiscal year if the President—

“(1) determines that application of the subsection for a fiscal year would be counter to the national interest of the United States; and

“(2) so reports to the appropriate congressional committees.

“**SEC. 1318. DISCUSSION OF RUSSIAN FEDERATION DEBT REDUCTION FOR NONPROLIFERATION WITH OTHER CREDITOR STATES.**

“It is the sense of Congress that the President and such other appropriate officials as the President may designate should pursue discussions with other creditor states with the objectives of—

“(1) ensuring that other advanced industrial democracies, especially the largest holders of Soviet-era Russian debt, dedicate significant proportions of their bilateral official debt with the Russian Federation or equivalent amounts of direct assistance to the G-8 Global Partnership against the Spread of Weapons and Materials of Mass Destruction, as agreed upon in the Statement by G-8 Leaders on June 27, 2002; and

“(2) reaching agreement, as appropriate, to establish a unified Russian Federation official debt reduction fund to manage and provide financial transparency for the resources provided by creditor states through debt reductions.

“**SEC. 1319. IMPLEMENTATION OF UNITED STATES POLICY.**

“It is the sense of Congress that implementation of debt-for-nonproliferation programs with the Russian Federation should be overseen by the coordinating mechanism established pursuant to section 1334 of this Act [50 U.S.C. 2357b].

“**SEC. 1320. CONSULTATIONS WITH CONGRESS.**

“The President shall consult with the appropriate congressional committees on a periodic basis to review the implementation of this subtitle and the Russian Federation’s eligibility for debt reduction pursuant to this subtitle.

“**SEC. 1321. ANNUAL REPORTS TO CONGRESS.**

“Not later than December 31, 2003, and not later than December 31 of each year thereafter, the President shall prepare and transmit to Congress a report concerning actions taken to implement this subtitle during the fiscal year preceding the fiscal year in which the report is transmitted. The report on a fiscal year shall include—

“(1) a description of the activities undertaken pursuant to this subtitle during the fiscal year;

“(2) a description of the nature and amounts of the loans reduced pursuant to this subtitle during the fiscal year;

“(3) a description of any agreement entered into under this subtitle;

“(4) a description of the progress during the fiscal year of any projects funded pursuant to this subtitle;

“(5) a summary of the results of relevant audits performed in the fiscal year; and

“(6) a certification, if appropriate, that the Russian Federation continued to meet the condition required by section 1317(a), and an explanation of why the certification was or was not made.”

PLAN FOR SECURING NUCLEAR WEAPONS, MATERIAL, AND EXPERTISE OF THE STATES OF THE FORMER SOVIET UNION

Pub. L. 107–107, div. A, title XII, §1205, Dec. 28, 2001, 115 Stat. 1247, as amended by Pub. L. 107–314, div. A, title XII, §1205, Dec. 2, 2002, 116 Stat. 2664, provided that:

“(a) **PLAN REQUIRED.**—Not later than June 15, 2002, the President shall submit to Congress a plan, that has been developed in coordination with all relevant Federal agencies—

“(1) for cooperating with Russia on disposing, as soon as practicable, of nuclear weapons and weapons-usable nuclear material in Russia that Russia does not retain in its nuclear arsenals;

“(2) for assisting Russia in downsizing its nuclear weapons research and production complex;

“(3) for cooperating with the other states of the former Soviet Union on disposing, as soon as practicable, of all nuclear weapons and weapons-usable nuclear material in such states; and

“(4) for preventing the outflow from the states of the former Soviet Union of scientific expertise that could be used for developing nuclear weapons, other weapons of mass destruction, and delivery systems for such weapons.

“(b) CONTENT OF PLAN.—The plan required by subsection (a) shall include the following:

“(1) Specific goals and measurable objectives for programs that are designed to carry out the objectives described in subsection (a).

“(2) Criteria for success for such programs, and a strategy for eventual termination of United States contributions to such programs and assumption of the ongoing support of those programs by others.

“(3) A description of any administrative and organizational changes necessary to improve the coordination and effectiveness of such programs. In particular, the plan shall include consideration of the creation of an interagency committee that would have primary responsibilities within the executive branch for—

“(A) monitoring United States nonproliferation efforts in the states of the former Soviet Union;

“(B) coordinating the implementation of United States policy with respect to such efforts; and

“(C) recommending to the President integrated policies, budget options, and private sector and international contributions for such programs.

“(4) An estimate of the cost of carrying out such programs.

“(c) CONSULTATION.—In developing the plan required by subsection (a), the President—

“(1) is encouraged to consult with the relevant states of the former Soviet Union regarding the practicality of various options; and

“(2) shall consult with the majority and minority leadership of the appropriate committees of Congress.

“(d) ANNUAL REPORT ON IMPLEMENTATION OF PLAN.—(1) Not later than January 31, 2003, and each year thereafter, the President shall submit to Congress a report on the implementation of the plan required by subsection (a) during the preceding year.

“(2) Each report under paragraph (1) shall include—

“(A) a discussion of progress made during the year covered by such report in the matters of the plan required by subsection (a);

“(B) a discussion of consultations with foreign nations, and in particular the Russian Federation, during such year on joint programs to implement the plan;

“(C) a discussion of cooperation, coordination, and integration during such year in the implementation of the plan among the various departments and agencies of the United States Government, as well as private entities that share objectives similar to the objectives of the plan; and

“(D) any recommendations that the President considers appropriate regarding modifications to law or regulations, or to the administration or organization of any Federal department or agency, in order to improve the effectiveness of any programs carried out during such year in the implementation of the plan.”

COOPERATIVE THREAT REDUCTION PROGRAMS AND FUNDS DEFINED FOR PURPOSES OF PUB. L. 107-107

Pub. L. 107-107, div. A, title XIII, §1301(a), (b), Dec. 28, 2001, 115 Stat. 1254, provided that:

“(a) SPECIFICATION OF CTR PROGRAMS.—For purposes of section 301 [115 Stat. 1046] and other provisions of this Act [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 2002 COOPERATIVE THREAT REDUCTION FUNDS DEFINED.—As used in this title [amending section 5959 of this title and enacting and amending provisions set out as notes under this section], the term ‘fiscal year 2002 Cooperative Threat Reduction funds’ means the funds appropriated pursuant to the authorization of appropriations in section 301 for Cooperative Threat Reduction programs.”

REQUIREMENT TO CONSIDER USE OF REVENUE GENERATED BY ACTIVITIES CARRIED OUT UNDER COOPERATIVE THREAT REDUCTION PROGRAMS

Pub. L. 107-107, div. A, title XIII, §1304, Dec. 28, 2001, 115 Stat. 1255, provided that: “The Secretary of Defense shall consider the use of revenue generated by activities carried out under Cooperative Threat Reduction programs in negotiating and executing contracts with Russia to carry out such programs.”

PROHIBITION AGAINST USE OF FUNDS FOR SECOND WING OF FISSILE MATERIAL STORAGE FACILITY

Pub. L. 107-107, div. A, title XIII, §1305(a), Dec. 28, 2001, 115 Stat. 1255, provided that: “No fiscal year 2002 Cooperative Threat Reduction funds and no funds authorized to be appropriated for Cooperative Threat Reduction programs for any prior fiscal year may be used for the construction of a second wing for a storage facility for Russian fissile material.”

ANNUAL REPORT ON STATUS OF NUCLEAR MATERIALS PROTECTION, CONTROL, AND ACCOUNTING PROGRAM

Pub. L. 106-398, §1 [div. C, title XXXI, §3171], Oct. 30, 2000, 114 Stat. 1654, 1654A-475, as amended by Pub. L. 107-314, div. C, title XXXI, §3153, Dec. 2, 2002, 116 Stat. 2738, provided that:

“(a) REPORT REQUIRED.—Not later than January 1 of each year, the Secretary of Energy shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the status of efforts during the preceding fiscal year under the Nuclear Materials Protection, Control, and Accounting Program of the Department of Energy to secure weapons-usable nuclear materials in countries where such materials have been identified as being at risk for theft or diversion.

“(b) CONTENTS.—Each report under subsection (a) shall include the following:

“(1) The number of buildings, including building locations, in each country covered by subsection (a) that received complete and integrated materials protection, control, and accounting systems for nuclear materials described in subsection (a) during the year covered by such report.

“(2) The amounts of highly enriched uranium and plutonium in each such country that have been secured under systems described in paragraph (1) as of the date of such report.

“(3) The amount of nuclear materials described in subsection (a) in each such country that continues to require securing under systems described in paragraph (1) as of the date of such report.

“(4) A plan for actions to secure the nuclear materials identified in paragraph (3) under systems described in paragraph (1), including an estimate of the cost of such actions.

“(5) The amounts expended through the fiscal year preceding the date of such report to secure nuclear materials described in subsection (a) under systems described in paragraph (1), set forth by total amount per country and by amount per fiscal year per country.

“(c) LIMITATION ON USE OF CERTAIN FUNDS.—(1) No amounts authorized to be appropriated for the Department of Energy by this Act or any other Act for purposes of the Nuclear Materials Protection, Control, and Accounting Program may be obligated or expended after September 30, 2000, for any project under the program at a site controlled by the Russian Ministry of Atomic Energy (MINATOM) in Russia until the Sec-

retary submits to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the access policy established with respect to such project, including a certification that the access policy has been implemented.

“(2) The access policy with respect to a project under this subsection shall—

“(A) permit appropriate determinations by United States officials regarding security requirements, including security upgrades, for the project; and

“(B) ensure verification by United States officials that Department of Energy assistance at the project is being used for the purposes intended.”

SPECIFICATION OF COOPERATIVE THREAT REDUCTION PROGRAMS AND FUNDS FOR PURPOSES OF PUB. L. 106-65

Pub. L. 106-65, div. A, title XIII, §1301(a), (b), Oct. 5, 1999, 113 Stat. 792, provided that:

“(a) SPECIFICATION OF CTR PROGRAMS.—For purposes of section 301 [113 Stat. 556] and other provisions of this Act [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 2000 COOPERATIVE THREAT REDUCTION FUNDS DEFINED.—As used in this title [enacting provisions set out as notes under this section and section 5955 of this title], the term ‘fiscal year 2000 Cooperative Threat Reduction funds’ means the funds appropriated pursuant to the authorization of appropriations in section 301 for Cooperative Threat Reduction programs.”

LIMITATION ON USE OF FUNDS FOR CERTAIN PURPOSES

Pub. L. 107-314, div. A, title XIII, §1305, Dec. 2, 2002, 116 Stat. 2673, provided that: “No funds authorized to be appropriated for Cooperative Threat Reduction programs for any fiscal year may be used for the design, planning, or construction of a second wing for a storage facility for Russian fissile material.”

Pub. L. 107-248, title VIII, §8144, Oct. 23, 2002, 116 Stat. 1571, provided that:

“(a) The conditions described in section 1305 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-65; 22 U.S.C. 5952 note) shall not apply to the obligation and expenditure of funds for fiscal years 2000, 2001, 2002 and 2003 for the planning, design, or construction of a chemical weapons destruction facility in Russia if the President submits to Congress a written certification that includes—

“(1) a statement as to why waiving the conditions is important to the national security interests of the United States;

“(2) a full and complete justification for exercising this waiver; and

“(3) a plan to promote a full and accurate disclosure by Russia regarding the size, content, status, and location of its chemical weapons stockpile.

“(b) EXPIRATION OF AUTHORITY.—The authority under paragraph (a) shall expire on September 30, 2003.”

Pub. L. 106-398, §1 [[div. A], title XIII, §1303], Oct. 30, 2000, 114 Stat. 1654, 1654A-340, provided that: “No fiscal year 2001 Cooperative Threat Reduction funds and no funds appropriated for Cooperative Threat Reduction programs for any other fiscal year, may be obligated or expended for elimination of conventional weapons or the delivery vehicles primarily intended to deliver such weapons.” [For definitions, see section 1 [[div. A], title XIII, §1301(a)] of Pub. L. 106-398, set out as a note under section 5959 of this title.]

Pub. L. 106-398, §1 [[div. A], title XIII, §1304], Oct. 30, 2000, 114 Stat. 1654, 1654A-340, as amended by Pub. L. 107-107, div. A, title XIII, §1305(b), Dec. 28, 2001, 115 Stat. 1255, provided that: “Out of funds authorized to be appropriated for Cooperative Threat Reduction programs [for definition, see section 1 [[div. A], title XIII,

§1301(a)] of Pub. L. 106-398, set out as a note under section 5959 of this title] for fiscal year 2001 or any other fiscal year, not more than \$412,600,000 may be used for planning, design, or construction of the first wing for the storage facility for Russian fissile material referred to in section 1302(a)(5) [114 Stat. 1654-339] other than planning, design, or construction to improve security at such first wing.”

Pub. L. 106-65, div. A, title XIII, §§1303-1305, Oct. 5, 1999, 113 Stat. 793, 794, as amended by Pub. L. 107-107, div. A, title XIII, §1308, Dec. 28, 2001, 115 Stat. 1256; Pub. L. 107-314, div. A, title X, §1062(j)(2), Dec. 2, 2002, 116 Stat. 2651, provided that:

“SEC. 1303. PROHIBITION ON USE OF FUNDS FOR SPECIFIED PURPOSES

“(a) IN GENERAL.—No fiscal year 2000 Cooperative Threat Reduction funds, and no funds appropriated for Cooperative Threat Reduction programs after the date of the enactment of this Act [Oct. 5, 1999], may be obligated or expended for any of the following purposes:

“(1) Conducting with Russia any peacekeeping exercise or other peacekeeping-related activity.

“(2) Provision of housing.

“(3) Provision of assistance to promote environmental restoration.

“(4) Provision of assistance to promote job retraining.

“(b) LIMITATION WITH RESPECT TO DEFENSE CONVERSION ASSISTANCE.—None of the funds appropriated pursuant to the authorization of appropriations in section 301 of this Act [113 Stat. 556], and no funds appropriated to the Department of Defense in any other Act enacted after the date of the enactment of this Act [Oct. 5, 1999], may be obligated or expended for the provision of assistance to Russia or any other state of the former Soviet Union to promote defense conversion.

“(c) LIMITATION WITH RESPECT TO CONVENTIONAL WEAPONS.—No fiscal year 2000 Cooperative Threat Reduction funds may be obligated or expended for elimination of conventional weapons or the delivery vehicles primarily intended to deliver such weapons.

“SEC. 1304. LIMITATIONS ON USE OF FUNDS FOR FISSILE MATERIAL STORAGE FACILITY

“(a) LIMITATIONS ON USE OF FISCAL YEAR 2000 FUNDS.—No fiscal year 2000 Cooperative Threat Reduction funds may be used—

“(1) for construction of a second wing for the storage facility for Russian fissile material referred to in section 1302(a)(6) [113 Stat. 793]; or

“(2) for design or planning with respect to such facility until 15 days after the date that the Secretary of Defense submits to Congress notification that Russia and the United States have signed a verifiable written transparency agreement that ensures that material stored at the facility is of weapons origin.

“(b) LIMITATION ON CONSTRUCTION.—No funds authorized to be appropriated for Cooperative Threat Reduction programs may be used for construction of the storage facility referred to in subsection (a) until the Secretary of Defense submits to Congress the following:

“(1) A certification that additional capacity is necessary at such facility for storage of Russian weapons-origin fissile material.

“(2) A detailed cost estimate for a second wing for the facility.

“(3) A certification that Russia and the United States have signed a verifiable written transparency agreement that ensures that material stored at the facility is of weapons origin.

“SEC. 1305. LIMITATION ON USE OF FUNDS FOR CHEMICAL WEAPONS DESTRUCTION

“No fiscal year 2000 Cooperative Threat Reduction funds, and no funds appropriated for Cooperative Threat Reduction programs after the date of the enactment of this Act [Oct. 5, 1999], may be obligated or expended for planning, design, or construction of a chemical weapons destruction facility in Russia until the Secretary of Defense submits to Congress a certification that there has been—

“(1) information provided by Russia, that the United States assesses to be full and accurate, regarding the size of the chemical weapons stockpile of Russia;

“(2) a demonstrated annual commitment by Russia to allocate at least \$25,000,000 to chemical weapons elimination;

“(3) development by Russia of a practical plan for destroying its stockpile of nerve agents;

“(4) enactment of a law by Russia that provides for the elimination of all nerve agents at a single site;

“(5) an agreement by Russia to destroy or convert its chemical weapons production facilities at Volgograd and Novocheboksark; and

“(6) a demonstrated commitment from the international community to fund and build infrastructure needed to support and operate the facility.”

Similar provisions were contained in the following prior authorization acts:

Pub. L. 105-261, div. A, title XIII, § 1303, Oct. 17, 1998, 112 Stat. 2162.

Pub. L. 105-85, div. A, title XIV, §§ 1403, 1405, 1407, Nov. 18, 1997, 111 Stat. 1960, 1962.

Pub. L. 104-201, div. A, title XV, § 1503, Sept. 23, 1996, 110 Stat. 2732.

Pub. L. 104-106, div. A, title XII, § 1203, Feb. 10, 1996, 110 Stat. 470.

DEFINITION OF COOPERATIVE THREAT REDUCTION PROGRAMS FOR PURPOSES OF PUB. L. 105-261

Pub. L. 105-261, div. A, title XIII, § 1301(a)(1), Oct. 17, 1998, 112 Stat. 2161, provided that: “For purposes of section 301 [112 Stat. 1960] and other provisions of this Act [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) (as amended by paragraph (2)).”

LIMITATION ON USE OF FUNDS FOR CHEMICAL WEAPONS DESTRUCTION ACTIVITIES IN RUSSIA

Pub. L. 105-261, div. A, title XIII, § 1304, Oct. 17, 1998, 112 Stat. 2163, provided that:

“(a) LIMITATION.—Subject to the limitation in section 1405(b) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85; 111 Stat. 1961), no funds authorized to be appropriated for Cooperative Threat Reduction programs under this Act [see Tables for classification] or any other Act may be obligated or expended for chemical weapons destruction activities in Russia (including activities for the planning, design, or construction of a chemical weapons destruction facility or for the dismantlement of an existing chemical weapons production facility) until the President submits to Congress a written certification described in subsection (b).

“(b) PRESIDENTIAL CERTIFICATION.—A certification under this subsection is either of the following certifications by the President:

“(1) A certification that—

“(A) Russia is making reasonable progress toward the implementation of the Bilateral Destruction Agreement;

“(B) the United States and Russia have made substantial progress toward the resolution, to the satisfaction of the United States, of outstanding compliance issues under the Wyoming Memorandum of Understanding and the Bilateral Destruction Agreement; and

“(C) Russia has fully and accurately declared all information regarding its unitary and binary chemical weapons, chemical weapons facilities, and other facilities associated with chemical weapons.

“(2) A certification that the national security interests of the United States could be undermined by a policy of the United States not to carry out chemical weapons destruction activities under Cooperative Threat Reduction programs for which funds are authorized to be appropriated under this Act or any other Act for fiscal year 1999.

“(c) DEFINITIONS.—In this section:

“(1) The term ‘Bilateral Destruction Agreement’ means the Agreement Between the United States of America and the Union of Soviet Socialist Republics on Destruction and Non-production of Chemical Weapons and on Measures to Facilitate the Multilateral Convention on Banning Chemical Weapons signed on June 1, 1990.

“(2) The term ‘Wyoming Memorandum of Understanding’ means the Memorandum of Understanding Between the Government of the United States of America and the Government of the Union of Soviet Socialist Republics Regarding a Bilateral Verification Experiment and Data Exchange Related to Prohibition on Chemical Weapons, signed at Jackson Hole, Wyoming, on September 23, 1989.”

[Memorandum of President of the United States, July 16, 1999, 64 F.R. 40503, delegated to Secretary of Defense authority of President under section 1304(b)(2) of Public Law 105-261, set out above.]

Similar provisions were contained in the following prior authorization acts:

Pub. L. 105-85, div. A, title XIV, § 1406, Nov. 18, 1997, 111 Stat. 1961.

Pub. L. 104-106, div. A, title XII, § 1209, Feb. 10, 1996, 110 Stat. 472.

REQUIREMENT TO SUBMIT SUMMARY OF AMOUNTS REQUESTED BY PROJECT CATEGORY

Pub. L. 105-261, div. A, title XIII, § 1307, Oct. 17, 1998, 112 Stat. 2165, provided that:

“(a) SUMMARY REQUIRED.—The Secretary of Defense shall submit to Congress as part of the Secretary’s annual budget request to Congress—

“(1) a descriptive summary, with respect to the appropriations requested for Cooperative Threat Reduction programs for the fiscal year after the fiscal year in which the summary is submitted, of the amounts requested for each project category under each Cooperative Threat Reduction program element; and

“(2) a descriptive summary, with respect to appropriations for Cooperative Threat Reduction programs for the fiscal year in which the list is submitted and the previous fiscal year, of the amounts obligated or expended, or planned to be obligated or expended, for each project category under each Cooperative Threat Reduction program element.

“(b) DESCRIPTION OF PURPOSE AND INTENT.—The descriptive summary required under subsection (a) shall include a narrative description of each program and project category under each Cooperative Threat Reduction program element that explains the purpose and intent of the funds requested.”

AUTHORITY TO CONDUCT PROGRAM RELATING TO FISSIONABLE MATERIALS

Pub. L. 104-106, div. C, title XXXI, § 3131, Feb. 10, 1996, 110 Stat. 617, as amended by Pub. L. 107-314, div. C, title XXXI, § 3152, Dec. 2, 2002, 116 Stat. 2738, provided that:

“The Secretary of Energy may conduct programs designed to improve the protection, control, and accountability of fissionable materials in Russia.”

DEFINITION OF COOPERATIVE THREAT REDUCTION PROGRAMS FOR PURPOSES OF PUB. L. 103-337

Pub. L. 103-337, div. A, title XII, § 1201, Oct. 5, 1994, 108 Stat. 2882, provided that: “For purposes of section 301 [108 Stat. 2706] and other provisions of this Act [see Tables for classification], Cooperative Threat Reduction programs are the programs described in section 1203(b) of the Cooperative Threat Reduction Act of 1993 (title XII of Public Law 103-160; 107 Stat. 1778; 22 U.S.C. 5952(b)).”

MULTIYEAR PLANNING AND ALLIED SUPPORT

Pub. L. 103-337, div. A, title XII, § 1205(a)–(c), Oct. 5, 1994, 108 Stat. 2883, which required the Secretary of Defense to submit to Congress a report on funding for Cooperative Threat Reduction programs with states of

the former Soviet Union at the time of the transmission to Congress of the budget justification materials for the funding request in the fiscal year 1996 budget for such Cooperative Threat Reduction programs and to submit an updated version of the report for any fiscal year after fiscal year 1996 for which the budget of the President proposed that funds be appropriated for Cooperative Threat Reduction programs, was repealed by Pub. L. 106-398, § 1 [div. A], title XIII, § 1308(g)(2)], Oct. 30, 2000, 114 Stat. 1654, 1654A-343, effective on the date [Aug. 30, 2000] the Secretary of Defense submitted to Congress an updated version of the multiyear plan for fiscal year 2001 as described in section 5959(h) of this title.

CONDITION ON ASSISTANCE TO RUSSIA FOR
CONSTRUCTION OF PLUTONIUM STORAGE FACILITY

Section 1612 of Pub. L. 103-160 provided:

“(a) LIMITATION.—Until a certification under subsection (b) is made, no funds may be obligated or expended by the United States for the purpose of assisting the Ministry of Atomic Energy of Russia to construct a storage facility for surplus plutonium from dismantled weapons.

“(b) CERTIFICATION OF RUSSIA’S COMMITMENT TO HALT CHEMICAL SEPARATION OF WEAPON-GRADE PLUTONIUM.—The prohibition in subsection (a) shall cease to apply upon a certification by the President to Congress that Russia—

“(1) is committed to halting the chemical separation of weapon-grade plutonium from spent nuclear fuel; and

“(2) is taking all practical steps to halt such separation at the earliest possible date.

“(c) SENSE OF CONGRESS ON PLUTONIUM POLICY.—It is the sense of Congress that a key objective of the United States with respect to the nonproliferation of nuclear weapons should be to obtain a clear and unequivocal commitment from the Government of Russia that it will (1) cease all production and separation of weapon-grade plutonium, and (2) halt chemical separation of plutonium produced in civil nuclear power reactors.

“(d) REPORT.—Not later than June 1, 1994, the President shall submit to Congress a report on the status of efforts by the United States to secure the commitments and achieve the objective described in subsections (b) and (c). The President shall include in the report a discussion of the status of joint efforts by the United States and Russia to replace any remaining Russian plutonium production reactors with alternative power sources or to convert such reactors to operation with alternative fuels that would permit their operation without generating weapon-grade plutonium.”

[Memorandum of President of the United States, Mar. 10, 1994, 59 F.R. 14079, delegated to Secretary of State authority and duty of President under section 1612(b) and (d) of Public Law 103-160 set out above.]

WAIVER OF CONDITIONS ON OBLIGATION AND EXPENDITURE
OF FUNDS FOR PLANNING, DESIGN, AND CONSTRUCTION
OF A CHEMICAL WEAPONS DESTRUCTION FACILITY IN
RUSSIA

Determination of President of the United States, No. 03-10, Jan. 10, 2003, 68 F.R. 2411, provided:

Memorandum for the Secretary of State

Pursuant to the authority vested in me by section 8144 of the Department of Defense Appropriations Act for Fiscal Year 2003 (Public Law 107-248) (the “Act”) [set out as a note above], I hereby certify that waiving the conditions described in section 1305 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-65) [set out as a note above] is important to the national security interests of the United States, and include herein, for submission to the Congress, the statement, justification, and plan [68 F.R. 2412] described in section 8144(a) of the Act. You are authorized and directed to transmit this certification, including the statement, justification, and plan to the Congress

and to arrange for its publication in the Federal Register.

GEORGE W. BUSH.

WAIVER OF RESTRICTIONS ON ASSISTANCE TO RUSSIA
UNDER THE COOPERATIVE THREAT REDUCTION ACT OF
1993 AND TITLE V OF THE FREEDOM SUPPORT ACT

Determination of President of the United States, No. 03-11, Jan. 10, 2003, 68 F.R. 2419, provided:

Memorandum for the Secretary of State

Pursuant to the authority vested in me by section 1306 of the National Defense Authorization Act for Fiscal Year 2003 (Public Law 107-314) [amending this section and enacting provisions set out as a note above], I hereby certify that waiving the restrictions contained in subsection (d) of section 1203 of the Cooperative Threat Reduction Act of 1993 (22 U.S.C. 5952), as amended, and the requirements contained in section 502 of the FREEDOM Support Act (22 U.S.C. 5852) during Fiscal Year 2003 with respect to the Russian Federation is important to the national security interests of the United States.

I have enclosed the unclassified report described in section 1306(b)(1) of the National Defense Authorization Act for Fiscal Year 2003, together with a classified annex [not set out in the Code].

You are authorized and directed to transmit this certification and report with its classified annex to the Congress and to arrange for the publication of this certification in the Federal Register.

GEORGE W. BUSH.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 5954, 5955, 5957 of this title; title 10 section 115.

§ 5953. Demilitarization Enterprise Fund

(a) Designation of Fund

The President is authorized to designate a Demilitarization Enterprise Fund for the purposes of this section. The President may designate as the Demilitarization Enterprise Fund any organization that satisfies the requirements of subsection (e) of this section.

(b) Purpose of Fund

The purpose of the Demilitarization Enterprise Fund is to receive grants pursuant to this section and to use the grant proceeds to provide financial support under programs described in subsection (b)(5) of this section for demilitarization of industries and conversion of military technologies and capabilities into civilian activities.

(c) Grant authority

The President may make one or more grants to the Demilitarization Enterprise Fund.

(d) Risk capital funding of demilitarization

The Demilitarization Enterprise Fund shall use the proceeds of grants received under this section to provide financial support in accordance with subsection (b) of this section through transactions as follows:

- (1) Making loans.
- (2) Making grants.
- (3) Providing collateral for loan guaranties by the Export-Import Bank of the United States.
- (4) Taking equity positions.
- (5) Providing venture capital in joint ventures with United States industry.
- (6) Providing risk capital through any other form of transaction that the President con-

siders appropriate for supporting programs described in subsection (b)(5) of this section.

(e) Eligible organization

An organization is eligible for designation as the Demilitarization Enterprise Fund if the organization—

- (1) is a private, nonprofit organization;
- (2) is governed by a board of directors consisting of private citizens of the United States; and
- (3) provides assurances acceptable to the President that it will use grants received under this section to provide financial support in accordance with this section.

(f) Operational provisions

The following provisions of section 5421 of this title shall apply with respect to the Demilitarization Enterprise Fund in the same manner as such provisions apply to Enterprise Funds designated pursuant to subsection (d) of such section:

- (1) Subsection (d)(5), relating to the private character of Enterprise Funds.
- (2) Subsection (h), relating to retention of interest earned in interest bearing accounts.
- (3) Subsection (i), relating to use of United States private venture capital.
- (4) Subsection (k), relating to support from Executive agencies.
- (5) Subsection (l), relating to limitation on payments to Fund personnel.
- (6) Subsections (m) and (n), relating to audits.
- (7) Subsection (o), relating to record keeping requirements.
- (8) Subsection (p), relating to annual reports.

In addition, returns on investments of the Demilitarization Enterprise Fund and other payments to the Fund may be reinvested in projects of the Fund.

(g) Experience of other Enterprise Funds

To the maximum extent practicable, the Board of Directors of the Demilitarization Enterprise Fund should adopt for that Fund practices and procedures that have been developed by Enterprise Funds for which funding has been made available pursuant to section 5421 of this title.

(h) Consultation requirement

In the implementation of this section, the Secretary of State and the Administrator of the Agency for International Development shall be consulted to ensure that the Articles of Incorporation of the Fund (including provisions specifying the responsibilities of the Board of Directors of the Fund), the terms of United States Government grant agreements with the Fund, and United States Government oversight of the Fund are, to the maximum extent practicable, consistent with the Articles of Incorporation of, the terms of grant agreements with, and the oversight of the Enterprise Funds established pursuant to section 5421 of this title and comparable provisions of law.

(i) Initial implementation

The Board of Directors of the Demilitarization Enterprise Fund shall publish the first annual

report of the Fund not later than January 31, 1995.

(j) Termination of designation

A designation of an organization as the Demilitarization Enterprise Fund under subsection (a) of this section shall be temporary. When making the designation, the President shall provide for the eventual termination of the designation.

(Pub. L. 103-160, div. A, title XII, § 1204, Nov. 30, 1993, 107 Stat. 1779.)

DELEGATION OF FUNCTIONS

For delegation of certain authorities and duties of the President under this section to Secretary of Defense, see Memorandum of President of the United States, Jan. 29, 1994, 59 F.R. 5929, set out as a note under section 5952 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 5954 of this title.

§ 5954. Funding for fiscal year 1994

(a) Authorization of appropriations

Funds authorized to be appropriated under section 301(21)¹ shall be available for cooperative threat reduction with states of the former Soviet Union under this chapter.

(b) Limitations

(1) Not more than \$15,000,000 of the funds referred to in subsection (a) of this section may be made available for programs authorized in subsection (b)(6) of section 5952 of this title.

(2) Not more than \$20,000,000 of such funds may be made available for programs authorized in subsection (b)(7) of section 5952 of this title.

(3) Not more than \$40,000,000 of such funds may be made available for grants to the Demilitarization Enterprise Fund designated pursuant to section 5953 of this title and for related administrative expenses.

(c) Authorization of extension of availability of prior year funds

To the extent provided in appropriations Acts, the authority to transfer funds of the Department of Defense provided in section 9110(a) of the Department of Defense Appropriations Act, 1993 (Public Law 102-396; 106 Stat. 1928), and in section 108 of Public Law 102-229 (105 Stat. 1708) shall continue to be in effect during fiscal year 1994.

(Pub. L. 103-160, div. A, title XII, § 1205, Nov. 30, 1993, 107 Stat. 1781.)

REFERENCES IN TEXT

Section 301(21), referred to in subsec. (a), means section 301(21) of Pub. L. 103-160, div. A, title III, Nov. 30, 1993, 107 Stat. 1616, which is not classified to the Code.

Section 9110(a) of the Department of Defense Appropriations Act, 1993, referred to in subsec. (c), is section 9110(a) of Pub. L. 102-396, title IX, Oct. 6, 1992, 106 Stat. 1928, which is not classified to the Code.

Section 108 of Public Law 102-229, referred to in subsec. (c), is section 108 of Pub. L. 102-229, title I, Dec. 12, 1991, 105 Stat. 1708, as amended, which is not classified to the Code.

¹ See References in Text note below.