

“(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.

CONGRESSIONAL REPORTS ON COOPERATIVE THREAT REDUCTION PROGRAMS

Pub. L. 104–106, div. A, title XII, §§1201, 1205, 1206, Feb. 10, 1996, 110 Stat. 469, 470, 471, as amended by Pub. L. 104–201, div. A, title XIV, §1431, Sept. 23, 1996, 110 Stat. 2726; Pub. L. 106–65, div. A, title X, §1067(6), title XIII, §1311, Oct. 5, 1999, 113 Stat. 774, 796; Pub. L. 106–398, §1 [(div. A), title XIII, §1308(g)(1)(C)], Oct. 30, 2000, 114 Stat. 1654, 1654A–343; Pub. L. 113–291, div. A, title XIII, §1351(4), Dec. 19, 2014, 128 Stat. 3607, provided that:

“SEC. 1201. SPECIFICATION OF COOPERATIVE THREAT REDUCTION PROGRAMS.

“(a) IN GENERAL.—For purposes of section 301 [110 Stat. 245] and other provisions of this Act [see Tables for classification], Cooperative Threat Reduction programs are the programs specified in subsection (b).

“(b) SPECIFIED PROGRAMS.—The programs referred to in subsection (a) are the following programs with respect to states of the former Soviet Union:

“(1) Programs to facilitate the elimination, and the safe and secure transportation and storage, of nuclear, chemical, and other weapons, fissile material suitable for use in nuclear 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.

“[SEC. 1205. Repealed. Pub. L. 113–291, div. A, title XIII, §1351(4), Dec. 19, 2014, 128 Stat. 3607.]

“[SEC. 1206. Repealed. Pub. L. 106–398, §1 [(div. A), title XIII, §1308(g)(1)(C)], Oct. 30, 2000, 114 Stat. 1654, 1654A–343.]”

CONDITION ON ASSISTANCE TO RUSSIA FOR CONSTRUCTION OF PLUTONIUM STORAGE FACILITY

Pub. L. 103–160, div. A, title XVI, §1612, Nov. 30, 1993, 107 Stat. 1850, 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.]

§§ 5952, 5953. Repealed. Pub. L. 113–291, div. A, title XIII, §1351(3), Dec. 19, 2014, 128 Stat. 3607

Section 5952, Pub. L. 103–160, div. A, title XII, §1203, Nov. 30, 1993, 107 Stat. 1778; Pub. L. 107–314, div. A, title XIII, §1306(c), formerly §1306(e), Dec. 2, 2002, 116 Stat. 2673, renumbered §1306(c), Pub. L. 109–163, div. A, title XIII, §1303(2), Jan. 6, 2006, 119 Stat. 3474; Pub. L. 110–53, title XVIII, §1811(2), Aug. 3, 2007, 121 Stat. 492; Pub. L. 110–181, div. A, title XIII, §1304(a)(2), Jan. 28, 2008, 122 Stat. 412, related to authority for programs to facilitate cooperative threat reduction.

Section 5953, Pub. L. 103-160, div. A, title XII, §1204, Nov. 30, 1993, 107 Stat. 1779, authorized designation of Demilitarization Enterprise Fund.

Statutory Notes and Related Subsidiaries

UTILIZATION OF CONTRIBUTIONS TO THE COOPERATIVE THREAT REDUCTION PROGRAM

Pub. L. 111-84, div. A, title XIII, §1303, Oct. 28, 2009, 123 Stat. 2557, as amended by Pub. L. 113-66, div. A, title XIII, §1303, Dec. 26, 2013, 127 Stat. 931, which authorized the Secretary of Defense, through Dec. 31, 2018, to enter into agreements with any person (including a foreign government, international organization, multinational entity, or any other entity) under which the person would contribute funds for activities conducted under the Cooperative Threat Reduction Program, was repealed by Pub. L. 113-291, div. A, title XIII, §1351(12)(A), Dec. 19, 2014, 128 Stat. 3607.

COOPERATIVE THREAT REDUCTION DEFENSE AND MILITARY CONTACTS PROGRAM

Pub. L. 111-84, div. A, title XIII, §1306(a), Oct. 28, 2009, 123 Stat. 2560, which set out standards for the administration of the Defense and Military Contacts Program under the Cooperative Threat Reduction Program, was repealed by Pub. L. 113-291, div. A, title XIII, §1351(12)(C), Dec. 19, 2014, 128 Stat. 3607.

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, as amended by Pub. L. 109-163, div. A, title XIII, §1303(1), Jan. 6, 2006, 119 Stat. 3474, which authorized the President to waive the restrictions and eligibility requirements set out in former section 5952(d) of this title for the obligation and expenditure of funds under that section for assistance to an independent state of the former Soviet Union, was repealed by Pub. L. 113-291, div. A, title XIII, §1351(10), Dec. 19, 2014, 128 Stat. 3607.

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, which required that the Secretary of Defense 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, was repealed by Pub. L. 113-291, div. A, title XIII, §1351(9), Dec. 19, 2014, 128 Stat. 3607.

LIMITATION ON USE OF FUNDS FOR CERTAIN PURPOSES

Pub. L. 107-314, div. A, title XIII, §1305, Dec. 2, 2002, 116 Stat. 2673, which prohibited the use of funds appropriated for Cooperative Threat Reduction programs for the design, planning, or construction of a second wing for a storage facility for Russian fissile material, was repealed by Pub. L. 113-291, div. A, title XIII, §1351(10), Dec. 19, 2014, 128 Stat. 3607.

Pub. L. 106-398, §1 [[div. A], title XIII, §1303], Oct. 30, 2000, 114 Stat. 1654, 1654A-340, which prohibited the obligation or expenditure of funds appropriated for Cooperative Threat Reduction programs for the elimination of conventional weapons or the delivery vehicles primarily intended to deliver such weapons, was repealed by Pub. L. 113-291, div. A, title XIII, §1351(8)(A), Dec. 19, 2014, 128 Stat. 3607.

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, which limited the use of funds appropriated for Cooperative Threat Reduction programs for the planning, design, or construction of the first wing for the storage facility for Russian fissile material referred

to in section 1302(a)(5) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (114 Stat. 1654-339) to not more than \$412,600,000, was repealed by Pub. L. 113-291, div. A, title XIII, §1351(8)(A), Dec. 19, 2014, 128 Stat. 3607.

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, as amended by Pub. L. 108-375, div. A, title XIII, §1304, Oct. 28, 2004, 118 Stat. 2094, which required that the Secretary of Defense submit to Congress an annual descriptive summary of the appropriations requested for Cooperative Threat Reduction programs and the obligation or expenditure of such appropriations for the previous fiscal year, was repealed by Pub. L. 113-291, div. A, title XIII, §1351(6), Dec. 19, 2014, 128 Stat. 3607.

§ 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) may be made available for programs authorized in subsection (b)(6) of section 5952¹ 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 5952¹ 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 5953¹ 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.)

Editorial Notes

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.

Sections 5952 and 5953 of this title, referred to in subsec. (b), were repealed by Pub. L. 113-291, div. A, title XIII, §1351(3), Dec. 19, 2014, 128 Stat. 3607.

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.