(b) Monitoring negotiations

The Office of Space Commerce—

(1) shall monitor the progress of any discussions described in section 5871(c)(1) of this title that are being conducted; and

(2) shall advise the Administrator of the National Aeronautics and Space Administration as to the impact on United States industry of each potential acquisition of space hardware, space technology, or space services from the independent states of the former Soviet Union, specifically including any anticompetitive issues the Office may observe.

(Pub. L. 102–511, title VI, § 602, Oct. 24, 1992, 106 Stat. 3347.)

§ 5873. Report to Congress

Within one year after October 24, 1992, the President shall submit to the designated congressional committees a report describing—

(1) the opportunities for increased space-related trade with the independent states of the former Soviet Union;

(2) a technology procurement plan for identifying and evaluating all unique space hardware, space technology, and space services available to the United States from the independent states;

(3) specific space hardware, space technology, and space services that have been, or could be, the subject of discussions described in section 5871(c) of this title;

(4) the trade missions carried out pursuant to section 5872(a) of this title, including the private participation in and the results of such missions;

(5) any barriers, regulatory or practical, that inhibit space-related trade between the United States and independent states, including any such barriers in either the United States or the independent states; and

(6) any anticompetitive issues raised during the course of negotiations, as observed pursuant to section 5872(b) of this title.

(Pub. L. 102–511, title VI, § 603, Oct. 24, 1992, 106 Stat. 3347.)

§ 5874. Definitions

For purposes of this subchapter—

(1) the term ''contractor'' means a National Aeronautics and Space Administration contractor to the extent that the acquisition of space hardware, space technology, or space services from the independent states of the former Soviet Union may be relevant to the contractor's responsibilities under the contract; and

(2) the term ''designated congressional committees'' means the Committee on Science, Space, and Technology and the Committee on Foreign Affairs of the House of Representatives and the Committee on Commerce, Science, and Transportation and the Committee on Foreign Relations of the Senate.

(Pub. L. 102–511, title VI, § 604, Oct. 24, 1992, 106 Stat. 3348.)

CHANGE OF NAME

Committee on Science, Space, and Technology of House of Representatives treated as referring to Committee on Science of House of Representatives by section 1(a) of Pub. L. 104–14, set out as a note preceding section 21 of Title 2, The Congress. Committee on Science of House of Representatives changed to Committee on Science and Technology of House of Representatives by House Resolution No. 6, One Hundred Tenth Congress, Jan. 5, 2007.

CHAPTER 68—DEMILITARIZATION OF FORMER SOVIET UNION

SUBCHAPTER I—FINDINGS AND PROGRAM AUTHORITY

Sec.
5901. Demilitarization of independent states of former Soviet Union.
5902. Authority for programs to facilitate demilitarization.

SUBCHAPTER II—ADMINISTRATIVE AND FUNDING AUTHORITIES

5911. Administration of demilitarization programs.

SUBCHAPTER III—REPORTING REQUIREMENTS

5921. Prior notice to Congress of obligation of funds.
5922. Quarterly reports on programs.

SUBCHAPTER IV—JOINT RESEARCH AND DEVELOPMENT PROGRAMS

5931. Programs with states of former Soviet Union.

SUBCHAPTER I—FINDINGS AND PROGRAM AUTHORITY

§ 5901. Demilitarization of independent states of former Soviet Union

The Congress finds that it is in the national security interest of the United States—

(1) to facilitate, on a priority basis—

(A) the transportation, storage, safeguarding, and destruction of nuclear and other weapons of the independent states of the former Soviet Union, including the safe and secure storage of fissile materials, dismantlement of missiles and launchers, and the elimination of chemical and biological weapons capabilities;

(B) the prevention of proliferation of weapons of mass destruction and their components 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;

(C) the prevention of diversion of weapons-related scientific expertise of the former Soviet Union to terrorist groups or third countries; and

(D) other efforts designed to reduce the military threat from the former Soviet Union;

(2) to support the demilitarization of the massive defense-related industry and equipment of the independent states of the former Soviet Union and conversion of such industry and equipment to civilian purposes and uses; and

(3) to expand military-to-military contacts between the United States and the independent states of the former Soviet Union.

(Pub. L. 102–484, div. A, title XIV, § 1411, Oct. 23, 1992, 106 Stat. 2563.)

SHORT TITLE

Section 1401 of title XIV of div. A of Pub. L. 102–484 provided that: ''This title [enacting this chapter and amending provisions set out as a note under section 2551 of this title] may be cited as the 'Former Soviet Union Demilitarization Act of 1992'.''

POLICY ON REDUCTION OF RUSSIAN NUCLEAR FORCES

Pub. L. 106–38, § 3, July 22, 1999, 113 Stat. 205, provided that: ''It is the policy of the United States to seek continued negotiated reductions in Russian nuclear forces.''

NUCLEAR WEAPONS REDUCTION

Section 1321 of Pub. L. 102–484 provided that:

''(a) FINDINGS.—The Congress makes the following findings:

''(1) On February 1, 1992, the President of the United States and the President of the Russian Federation agreed in a Joint Statement that 'Russia and the United States do not regard each other as potential adversaries' and stated further that, 'We will work to remove any remnants of cold war hostility, including taking steps to reduce our strategic arsenals'.

''(2) In the Treaty on the Non-Proliferation of Nuclear Weapons, in exchange for the non-nuclear-weapon states agreeing not to seek a nuclear weapons capability nor to assist other non-nuclear-weapon states in doing so, the United States agreed to seek the complete elimination of all nuclear weapons worldwide, as declared in the preamble to the Treaty, which states that it is a goal of the parties to the Treaty to 'facilitate the cessation of the manufacture of nuclear weapons, the liquidation of all their existing stockpiles, and the elimination from national arsenals of nuclear weapons and the means of their delivery' as well as in Article VI of the Treaty, which states that 'each of the parties to the Treaty undertakes to pursue negotiations in good faith on effective measures relating to the cessation of the nuclear arms race at an early date and to nuclear disarmament'.

''(3) Carrying out a policy of seeking further significant and continuous reductions in the nuclear arsenals of all countries, besides reducing the likelihood of the proliferation of nuclear weapons and increasing the likelihood of a successful extension and possible strengthening of the Treaty on the Non-Proliferation of Nuclear Weapons in 1995, when the Treaty is scheduled for review and possible extension, has additional benefits to the national security of the United States, including—

''(A) a reduced risk of accidental enablement and launch of a nuclear weapon, and

''(B) a defense cost savings which could be reallocated for deficit reduction or other important national needs.

''(4) The Strategic Arms Reduction Talks (START) Treaty and the agreement by the President of the United States and the President of the Russian Federation on June 17, 1992, to reduce the strategic nuclear arsenals of each country to a level between 3,000 and 3,500 weapons are commendable intermediate stages in the process of achieving the policy goals described in paragraphs (1) and (2).

''(5) The current international era of cooperation provides greater opportunities for achieving worldwide reduction and control of nuclear weapons and material than any time since the emergence of nuclear weapons 50 years ago.

''(6) It is in the security interests of both the United States and the world community for the President and the Congress to begin the process of reducing the number of nuclear weapons in every country through multilateral agreements and other appropriate means.

''(7) In a 1991 study, a committee of the National Academy of Sciences concluded that: 'The appropriate new levels of nuclear weapons cannot be specified at this time, but it seems reasonable to the committee that U.S. strategic forces could in time be reduced to 1,000–2,000 nuclear warheads, provided that such a multilateral agreement included appropriate levels and verification measures for the other nations that possess nuclear weapons. This step would require successful implementation of our proposed post-START U.S.-Soviet reductions, related confidence-building measures in all the countries involved, and multilateral security cooperation in areas such as conventional force deployments and planning.'.

''(b) UNITED STATES POLICY.—It shall be the goal of the United States—

''(1) to encourage and facilitate the denuclearization of Ukraine, Byelarus, and Kazakhstan, as agreed upon in the Lisbon ministerial meeting of May 23, 1992;

''(2) to rapidly complete and submit for ratification by the United States the treaty incorporating the agreement of June 17, 1992, between the United States and the Russian Federation to reduce the number of strategic nuclear weapons in each country's arsenal to a level between 3,000 and 3,500;

''(3) to facilitate the ability of the Russian Federation, Ukraine, Byelarus, and Kazakhstan to implement agreed mutual reductions under the START Treaty, and under the Joint Understanding of June 16–17, 1992 between the United States and the Russian Federation, on an accelerated timetable, so that all such reductions can be completed by the year 2000;

''(4) to build on the agreement reached in the Joint Understanding of June 16–17, 1992, by entering into multilateral negotiations with the Russian Federation, the United Kingdom, France, and the People's Republic of China, and, at an appropriate point in that process, enter into negotiations with other nuclear armed states in order to reach subsequent stage-by-stage agreements to achieve further reductions in the number of nuclear weapons in all countries;

''(5) to continue and extend cooperative discussions with the appropriate authorities of the former Soviet military on means to maintain and improve secure command and control over nuclear forces;

''(6) in consultation with other member countries of the North Atlantic Treaty Organization and other allies, to initiate discussions to bring tactical nuclear weapons into the arms control process; and

''(7) to ensure that the United States assistance to securely transport and store, and ultimately dismantle, former Soviet nuclear weapons and missiles for such weapons is being properly and effectively utilized.

''(c) ANNUAL REPORT.—By February 1 of each year, the President shall submit to the Congress a report on—

''(1) the actions that the United States has taken, and the actions the United States plans to take during the next 12 months, to achieve each of the goals set forth in paragraphs (1) through (6) of subsection (b); and

''(2) the actions that have been taken by the Russian Federation, by other former Soviet republics, and by other countries to achieve those goals.

Each such report shall be submitted in unclassified form, with a classified appendix if necessary.''

§ 5902. Authority for programs to facilitate demilitarization

(a) In general

Notwithstanding any other provision of law, the President is authorized, in accordance with this chapter, to establish and conduct programs described in subsection (b) of this section to assist the demilitarization of the independent states of the former Soviet Union.

(b) Types of programs

The programs referred to in subsection (a) of this section are limited to—

(1) transporting, storing, safeguarding, and destroying nuclear, chemical, and other weapons of the independent states of the former Soviet Union, as described in section 212(b) of the Soviet Nuclear Threat Reduction Act of 1991 (title II of Public Law 102–228);

(2) establishing verifiable safeguards against the proliferation of such weapons and their components;

(3) preventing diversion of weapons-related scientific expertise of the former Soviet Union to terrorist groups or third countries;

(4) facilitating the demilitarization of the defense industries of the former Soviet Union and the conversion of military technologies and capabilities into civilian activities;

(5) establishing science and technology centers in the independent states of the former Soviet Union for the purpose of engaging weapons scientists, engineers, and other experts previously involved with nuclear, chemical, and other weapons in productive, nonmilitary undertakings; and

(6) expanding military-to-military contacts between the United States and the independent states of the former Soviet Union.

(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 United States private sector.

(d) Restrictions

United States assistance authorized by subsection (a) of this section may not be provided unless the President certifies to the Congress, on an annual basis, that the proposed recipient country is committed to—

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

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

(3) forgoing 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 or section 212 of the Soviet Nuclear Threat Reduction Act of 1991 (title II of Public Law 102–228);

(5) complying with all relevant arms control agreements; and

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

(Pub. L. 102–484, div. A, title XIV, § 1412, Oct. 23, 1992, 106 Stat. 2563.)

REFERENCES IN TEXT

Section 212 of the Soviet Nuclear Threat Reduction Act of 1991 (title II of Public Law 102–228), referred to in subsecs. (b)(1) and (d)(4), is set out in a note under section 2551 of this title.

DELEGATION OF AUTHORITY

Authority of President under subsec. (a) of this section delegated to Secretary of Defense by section 2 of Memorandum of President of the United States, Dec. 30, 1992, 58 F.R. 3193, set out as a note under section 5852 of this title.

Authority of President under subsec. (d) of this section delegated to Secretary of State by section 1 of Memorandum of President of the United States, Dec. 30, 1992, 58 F.R. 3193.

SUBCHAPTER II—ADMINISTRATIVE AND FUNDING AUTHORITIES

§ 5911. Administration of demilitarization programs

(a) Funding

(1) In recognition of the direct contributions to the national security interests of the United States of the activities specified in section 5902 of this title, funds transferred under sections 108 and 109 of Public Law 102–229 (105 Stat. 1708) are authorized to be made available to carry out this chapter. Of the amount available to carry out this chapter—

(A) not more than $40,000,000 may be made available for programs referred to in section 5902(b)(4) of this title relating to demilitarization of defense industries;

(B) not more than $15,000,000 may be made available for programs referred to in section 5902(b)(6) of this title relating to military-to-military contacts;

(C) not more than $25,000,000 may be made available for joint research development programs pursuant to section 5931 of this title;

(D) not more than $10,000,000 may be made available for the study, assessment, and identification of nuclear waste disposal activities by the former Soviet Union in the Arctic region;

(E) not more than $25,000,000 may be made available for Project PEACE; and

(F) not more than $10,000,000 may be made available for the Volunteers Investing in Peace and Security (VIPS) program under chapter 89[1] of title 10.

(2), (3) Omitted.

(b) Omitted

(Pub. L. 102–484, div. A, title XIV, § 1421, Oct. 23, 1992, 106 Stat. 2564.)

REFERENCES IN TEXT

Sections 108 and 109 of Public Law 102–229 (105 Stat. 1708), referred to in subsec. (a)(1), are not classified to the Code.

Chapter 89 of title 10, referred to in subsec. (a)(1)(F), was repealed by Pub. L. 104–106, div. A, title X, § 1061(a)(1), Feb. 10, 1996, 110 Stat. 442.

CODIFICATION

Section is comprised of section 1421 of Pub. L. 102–484. Subsec. (a)(2) and (3) of section 1421 of Pub. L. 102–484 amended section 221 of Pub. L. 102–228 which is set out as a note under section 2551 of this title. Subsec. (b) of section 1421 of Pub. L. 102–484 amended sections 108 and 109 of Pub. L. 102–229 which are not classified to the Code.

[1] See References in Text note below.

SUBCHAPTER III—REPORTING REQUIREMENTS

§ 5921. Prior notice to Congress of obligation of funds

(a) In general

Not less than 15 days before obligating any funds made available for a program under this chapter, the President shall transmit to the Congress a report on the proposed obligation. Each such report shall specify—

(1) the account, budget activity, and particular program or programs from which the funds proposed to be obligated are to be derived and the amount of the proposed obligation; and

(2) the activities and forms of assistance under this chapter for which the President plans to obligate such funds, including the projected involvement of United States Government departments and agencies and the United States private sector.

(b) Industrial demilitarization

Any report under subsection (a) of this section that covers proposed industrial demilitarization projects shall contain additional information to assist the Congress in determining the merits of the proposed projects. Such information shall include descriptions of—

(1) the facilities to be demilitarized;

(2) the types of activities conducted at those facilities and of the types of nonmilitary activities planned for those facilities;

(3) the forms of assistance to be provided by the United States Government and by the United States private sector;

(4) the extent to which military production capability will consequently be eliminated at those facilities; and

(5) the mechanisms to be established for monitoring progress on those projects.

(Pub. L. 102–484, div. A, title XIV, § 1431, Oct. 23, 1992, 106 Stat. 2565.)

DELEGATION OF AUTHORITY

Authority of President under this section delegated to Secretary of Defense by section 2 of Memorandum of President of the United States, Dec. 30, 1992, 58 F.R. 3193, set out as a note under section 5852 of this title.

§ 5922. Quarterly reports on programs

Not later than 30 days after the end of the last fiscal year quarter of fiscal year 1992 and not later than 30 days after the end of each fiscal year quarter of fiscal year 1993, the President shall transmit to the Congress a report on the activities carried out under this chapter. Each such report shall set forth, for the preceding fiscal year quarter and cumulatively, the following:

(1) The amounts expended for such activities and the purposes for which they were expended.

(2) The source of the funds obligated for such activities, specified by program.

(3) A description of the participation of all United States Government departments and agencies and the United States private sector in such activities.

(4) A description of the activities carried out under this chapter and the forms of assistance provided under this chapter, including, with respect to proposed industrial demilitarization projects, additional information on the progress toward demilitarization of facilities and the conversion of the demilitarized facilities to civilian activities.

(5) Such other information as the President considers appropriate to fully inform the Congress concerning the operation of the programs authorized under this chapter.

(Pub. L. 102–484, div. A, title XIV, § 1432, Oct. 23, 1992, 106 Stat. 2566.)

DELEGATION OF AUTHORITY

Authority of President under this section delegated to Secretary of Defense by section 2 of Memorandum of President of the United States, Dec. 30, 1992, 58 F.R. 3193, set out as a note under section 5852 of this title.

SUBCHAPTER IV—JOINT RESEARCH AND DEVELOPMENT PROGRAMS

§ 5931. Programs with states of former Soviet Union

The Congress encourages the Secretary of Defense to participate actively in joint research and development programs with the independent states of the former Soviet Union through the nongovernmental foundation established for this purpose by section 5861 of this title. To that end, the Secretary of Defense may spend those funds authorized in section 5911(a)(1)(C) of this title for support, technical cooperation, in-kind assistance, and other activities with the following purposes:

(1) To advance defense conversion by funding civilian collaborative research and development projects between scientists and engineers in the United States and in the independent states of the former Soviet Union.

(2) To assist the establishment of a market economy in the independent states of the former Soviet Union by promoting, identifying, and partially funding joint research, development, and demonstration ventures between United States businesses and scientists, engineers, and entrepreneurs in those independent states.

(3) To provide a mechanism for scientists, engineers, and entrepreneurs in the independent states of the former Soviet Union to develop an understanding of commercial business practices by establishing linkages to United States scientists, engineers, and businesses.

(4) To provide access for United States businesses to sophisticated new technologies, talented researchers, and potential new markets within the independent states of the former Soviet Union.

(5) To provide productive research and development opportunities within the independent states of the former Soviet Union that offer scientists and engineers alternatives to emigration and help prevent proliferation of weapons technologies and the dissolution of the technological infrastructure of those states.

(Pub. L. 102–484, div. A, title XIV, § 1441, Oct. 23, 1992, 106 Stat. 2566; Pub. L. 103–160, div. A, title XI, § 1182(c)(4), Nov. 30, 1993, 107 Stat. 1772.)

AMENDMENTS

1993—Pub. L. 103–160 made technical amendment to reference to section 5861 of this title to correct reference to corresponding section of original Act.

CHAPTER 68A—COOPERATIVE THREAT REDUCTION WITH STATES OF FORMER SOVIET UNION

Sec.
5951. Findings on cooperative threat reduction.
5952. Authority for programs to facilitate cooperative threat reduction.
5953. Demilitarization Enterprise Fund.
5954. Funding for fiscal year 1994.
5955. Prior notice to Congress of obligation of funds.
5956. Repealed.
5957. ''Appropriate congressional committees'' defined.
5958. Authorization for additional fiscal year 1993 assistance to independent states of the former Soviet Union.
5959. Reports on activities and assistance under cooperative threat reduction programs.
5960. Limitation on use of funds until certain permits obtained.
5961. Requirement for on-site managers.
5961a. Requirement for on-site managers.
5962. Annual certifications on use of facilities being constructed for Cooperative Threat Reduction projects or activities.
5963. Authority to use Cooperative Threat Reduction funds outside the former Soviet Union.

§ 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 OF 2003 AMENDMENT

Pub. L. 108–136, div. C, title XXXVI, § 3601, Nov. 24, 2003, 117 Stat. 1822, provided that: ''This title [enacting provisions set out as notes under this section and sections 1928, 5959, and 6321 of this title] may be cited as the 'Nuclear Security Initiative Act of 2003'.''

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'.''

ESTABLISHMENT OF INTERPARLIAMENTARY THREAT REDUCTION WORKING GROUP

Pub. L. 108–136, div. C, title XXXVI, § 3622, Nov. 24, 2003, 117 Stat. 1824, provided that:

''(a) ESTABLISHMENT OF WORKING GROUP.—There is hereby established a working group to be known as the 'Threat Reduction Working Group' as an interparliamentary group of the Congress of the United States and the legislature of the Russian Federation.

''(b) PURPOSE OF WORKING GROUP.—The purpose of the working group established by subsection (a) shall be to explore means to enhance cooperation between the United States and the Russian Federation with respect to nuclear nonproliferation and security and such other issues related to reducing the dangers of weapons of mass destruction as the members of the working group consider appropriate.

''(c) MEMBERSHIP.—(1) The majority leader of the Senate, after consultation with the minority leader of the Senate, shall appoint not more than 10 Senators to the working group established by subsection (a).

''(2) The Speaker of the House of Representatives, after consultation with the minority leader of the House of Representatives, shall appoint not more than 30 Members of the House to the working group.''

§ 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.