CHAPTER 68—DEMILITARIZATION OF FORMER SOVIET UNION

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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.


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-weapons states agreeing not to seek a nuclear weapons capability nor to assist other non-nuclear-weapons 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 demilitarization of Ukraine, Byelarus, and Kazakhstan, as agreed upon in the Lisbon ministerial meeting of May 23, 1992;

"(2) to build on the agreement reached in 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;

"(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 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) 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, non-military 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) 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); and

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

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.

Deliberation 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; and

(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 of title 10.

(2) Omitted.

(b) Omitted


REFERENCES IN TEXT


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 5852 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.

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 See References in Text note below.

§ 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.

§ 5951. 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 5961 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.


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. 5961. Findings on cooperative threat reduction.
5962. Authority for programs to facilitate cooperative threat reduction.
5963. Demilitarization Enterprise Fund.

5964. Funding for fiscal year 1994.
5965. Prior notice to Congress of obligation of funds.
5966. Repealed.
5967. “Appropriate congressional committees” defined.
5968. Authorization for additional fiscal year 1993 assistance to independent states of the former Soviet Union.
5969. Reports on activities and assistance under cooperative threat reduction programs.
5970. 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.
5964. Metrics for the Cooperative Threat Reduction Program.
5965. Cooperative Threat Reduction Program authority for urgent threat reduction activities.

§ 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.


SHORT TITLE OF 2003 AMENDMENT