

§ 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 independ-

ent 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, 5953. Repealed.
 5954. Funding for fiscal year 1994.
 5955 to 5957. Repealed.
 5958. Authorization for additional fiscal year 1993 assistance to independent states of the former Soviet Union.
 5959 to 5961. Repealed.
 5961a. Requirement for on-site managers.
 5962 to 5965. Repealed.

§ 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

Pub. L. 103-160, div. A, title XII, § 1201, Nov. 30, 1993, 107 Stat. 1777, provided that: “This title [enacting this chapter] may be cited as the ‘Cooperative Threat Reduction Act of 1993.’”

CONGRESSIONAL NOTIFICATION

Pub. L. 113-66, div. A, title XII, § 1246(c)(3), Dec. 26, 2013, 127 Stat. 924, as amended by Pub. L. 113-291, div. A, title XII, § 1243(3), Dec. 19, 2014, 128 Stat. 3564, provided that: “If the Secretary of Defense intends to provide the Russian Federation with any sensitive missile defense information that the Secretary determines will not compromise United States national security, the Secretary shall notify the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives] and the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives of the Secretary’s intent to provide such information not less than 7 days prior to the provision of such information, including an explanation of the reasons for providing the information and the reasons why providing the information will not compromise United States national security.”

BRIEFINGS TO CONGRESSIONAL COMMITTEES

Pub. L. 113-66, div. A, title XII, § 1251(b), Dec. 26, 2013, 127 Stat. 926, provided that: “Prior to signing an executive agreement with the Russian Federation relating to ballistic missile defense, the President, or the President’s designee, shall brief the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives] and the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives on the objectives and contents of the executive agreement.”

Pub. L. 112-239, div. A, title XII, § 1282, Jan. 2, 2013, 126 Stat. 2034, provided that:

“(a) BRIEFINGS.—Not later than 60 days after the date of the enactment of this Act [Jan. 2, 2013], and not less than twice each year thereafter, the President, or the President’s designee, shall brief the Committee on Foreign Relations and the Committee on Armed Services of the Senate on the dialogue between the United States and the Russian Federation on issues related to limits or controls on nuclear arms, missile defense systems, or long-range conventional strike systems.

“(b) SENSE OF CONGRESS ON CERTAIN AGREEMENTS.—It is the sense of Congress that any agreement between the United States and the Russian Federation related to nuclear arms, missile defense systems, or long-range conventional strike systems obligating the United States to reduce or limit the Armed Forces or armaments of the United States in any militarily significant manner may be made only pursuant to the treaty-

making power of the President as set forth in Article II, section 2, clause 2 of the Constitution of the United States.

“(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to be inconsistent with or to interfere with the practices, precedents, or oversight of the House of Representatives.”

SHARING OF CLASSIFIED UNITED STATES BALLISTIC MISSILE DEFENSE INFORMATION WITH THE RUSSIAN FEDERATION

Pub. L. 112-81, div. A, title XII, § 1244, Dec. 31, 2011, 125 Stat. 1646, provided that:

“(a) NOTIFICATION.—No classified United States ballistic missile defense information may be made available to the Russian Federation unless, 60 days prior to any instance in which the United States Government plans to provide such information to the Russian Federation, the President provides notification thereof to the appropriate congressional committees.

“(b) ELEMENTS OF NOTIFICATION.—Each notification provided pursuant to subsection (a) shall include the following:

“(1) A detailed description of the classified United States ballistic missile defense information to be provided.

“(2) An explanation of the national security interest in providing the information to the Russian Federation and any provisions for reciprocal sharing by the Russian Federation with the United States on its defensive systems.

“(3) A certification that providing the information is consistent with United States national disclosure policy as of the date of enactment of this Act [Dec. 31, 2011] and that the decision to provide the information was made pursuant to a national disclosure policy review.

“(4) If applicable, a detailed explanation of whether any exceptions to national disclosure policy were required in order to provide the information to the Russian Federation and why such exceptions were required.

“(5) A certification that adequate measures are in place to protect the information from unauthorized disclosure. The certification shall include a description of the manner in which the information will be protected from unauthorized sharing or transfer to third parties as well as an analysis of the risks to the capabilities of the United States ballistic missile defense system if the information is shared or transferred to an unauthorized third party.

“(c) FORM.—Each notification provided pursuant to subsection (a) shall be submitted in unclassified form, but may include a classified annex.

“(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—For the purposes of this section, the term ‘appropriate congressional committees’ means—

“(1) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

“(2) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

“(e) CLASSIFIED UNITED STATES BALLISTIC MISSILE DEFENSE INFORMATION DEFINED.—For the purposes of this section, the term ‘classified United States ballistic missile defense information’ means information related to United States ballistic missile defenses that is classified as of, or after, the date of enactment of this Act [Dec. 31, 2011].”

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.”

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, as amended by Pub. L. 108–375, div. C, title XXXI, §3135, Oct. 28, 2004, 118 Stat. 2170, 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 [now Committee on Foreign Affairs] 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).

“(e) INTERNATIONAL PARTICIPATION IN PROGRAM.—(1) In order to achieve international participation in the program referred to in subsection (a), the Secretary of Energy may, in consultation with the Secretary of State, enter into one or more agreements with any person, foreign government, or other international organization that the Secretary considers appropriate for the contribution of funds by such person, government, or organization for purposes of the program.

“(2) Notwithstanding section 3302 of title 31, United States Code, and subject to paragraphs (3) and (4), the Secretary may retain and utilize any amounts contributed by a person, government, or organization under an agreement under paragraph (1) for purposes of the program without further appropriation and without fiscal year limitation.

“(3) The Secretary may not utilize under paragraph (2) any amount contributed under an agreement under paragraph (1) until 30 days after the date on which the Secretary notifies the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives] of the intent to utilize such amount, including the source of such amount and the proposed purpose for which such amount will be utilized.

“(4) If any amount contributed under paragraph (1) has not been utilized within five years of receipt under that paragraph, the Secretary shall return such amount to the person, government, or organization contributing such amount under that paragraph.

“(5) Not later than 30 days after the receipt of any amount contributed under paragraph (1), the Secretary shall submit to the congressional defense committees a notice of the receipt of such amount.

“(6) Not later than October 31 each year, the Secretary shall submit to the congressional defense committees a report on the receipt and utilization of amounts under this subsection during the preceding fiscal year. Each report for a fiscal year shall set forth—

“(A) a statement of any amounts received under this subsection, including the source of each such amount; and

“(B) a statement of any amounts utilized under this subsection, including the purpose for which such amounts were utilized.

“(7) The authority of the Secretary to accept and utilize amounts under this subsection shall expire on December 31, 2011.”

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 requirements 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, as amended by Pub. L. 108-271, § 8(b), July 7, 2004, 118 Stat. 814; Pub. L. 112-74, div. I, title VII, § 7034(n), Dec. 23, 2011, 125 Stat. 1217, 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 [now Food for Peace Act] (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 nonproliferation 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 [now Committee on Foreign Affairs] 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 U.S.C. App. 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 Government Accountability 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 [former] 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. Repealed. Pub. L. 112-74, div. I, title VII, § 7034(n), Dec. 23, 2011, 125 Stat. 1217.]”

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.”

[Functions of President under section 1205(d) of Pub. L. 107-107, set out above, delegated to Secretary of State by Memorandum of President of the United States, Nov. 2, 2005, 70 F.R. 72055.]

RUSSIAN NONSTRATEGIC NUCLEAR ARMS

Pub. L. 106-65, div. A, title XIII, §1312, Oct. 5, 1999, 113 Stat. 796, as amended by Pub. L. 106-398, §1 [[div. A], title XIII, §1308(g)(3)], Oct. 30, 2000, 114 Stat. 1654, 1654A-343, provided that: “It is the sense of Congress that—

“(1) it is in the interest of Russia to fully implement the Presidential Nuclear Initiatives announced in 1991 and 1992 by then-President of the Soviet Union Gorbachev and then-President of Russia Yeltsin;

“(2) the President of the United States should call on Russia to match the unilateral reductions in the United States inventory of tactical nuclear weapons, which have reduced the inventory by nearly 90 percent; and

“(3) if the re-certification under section 1310 [113 Stat. 795] is made, the President should emphasize the continued interest of the United States in working cooperatively with Russia to reduce the dangers associated with Russia’s tactical nuclear arsenal.”

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 chemi-

cal 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.

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.)

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.

§ 5955. Repealed. Pub. L. 113–291, div. A, title XIII, § 1351(3), Dec. 19, 2014, 128 Stat. 3607

Section, Pub. L. 103–160, div. A, title XII, §1206, Nov. 30, 1993, 107 Stat. 1781, related to prior notice to Congress of obligation of funds for cooperative threat reduction programs.

§ 5956. Repealed. Pub. L. 106–398, § 1 [[div. A], title XIII, § 1308(g)(1)(A)], Oct. 30, 2000, 114 Stat. 1654, 1654A–343

Section, Pub. L. 103–160, div. A, title XII, §1207, Nov. 30, 1993, 107 Stat. 1782; Pub. L. 103–337, div. A, title XII, §§1202, 1208(b), Oct. 5, 1994, 108 Stat. 2882, 2887; Pub. L. 104–106, div. A, title XV, §1504(a)(7), Feb. 10, 1996, 110 Stat. 513, required submission of semiannual report.

§ 5957. Repealed. Pub. L. 113–291, div. A, title XIII, § 1351(3), Dec. 19, 2014, 128 Stat. 3607

Section, Pub. L. 103–160, div. A, title XII, §1208, Nov. 30, 1993, 107 Stat. 1782, defined “appropriate congressional committees” for this chapter.

§ 5958. Authorization for additional fiscal year 1993 assistance to independent states of the former Soviet Union

(a) Authorization of appropriations

There is hereby authorized to be appropriated for fiscal year 1993 for “Operation and Maintenance, Defense Agencies” the additional sum of \$979,000,000, to be available for the purposes of providing assistance to the independent states of the former Soviet Union.

(b) Authorization of transfer of funds

The Secretary of Defense may, to the extent provided in appropriations Acts, transfer from

¹ See References in Text note below.

the account “Operation and Maintenance, Defense Agencies” for fiscal year 1993 a sum not to exceed the amount appropriated pursuant to the authorization in subsection (a) to—

(1) other accounts of the Department of Defense for the purpose of providing assistance to the independent states of the former Soviet Union; or

(2) appropriations available to the Department of State and other agencies of the United States Government for the purpose of providing assistance to the independent states of the former Soviet Union for programs that the President determines will increase the national security of the United States.

(c) Administrative provisions

(1) Amounts transferred under subsection (b) shall be available subject to the same terms and conditions as the appropriations to which transferred.

(2) The authority to make transfers pursuant to this section is in addition to any other transfer authority of the Department of Defense.

(d) Coordination of programs

The President shall coordinate the programs described in subsection (b) with those authorized in the other provisions of this chapter and in the provisions of the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992 (Public Law 102-511) so as to optimize the contribution such programs make to the national interests of the United States.

(Pub. L. 103-160, div. A, title XII, § 1209, Nov. 30, 1993, 107 Stat. 1782.)

REFERENCES IN TEXT

The Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992, referred to in subsec. (d), is Pub. L. 102-511, Oct. 24, 1992, 106 Stat. 3320, as amended. For complete classification of this Act to the Code, see Short Title note set out under section 5801 of this title and Tables.

§ 5959. Repealed. Pub. L. 113-291, div. A, title XIII, § 1351(8)(C), Dec. 19, 2014, 128 Stat. 3607

Section, Pub. L. 106-398, § 1 [[div. A], title XIII, § 1308], Oct. 30, 2000, 114 Stat. 1654, 1654A-341; Pub. L. 107-107, div. A, title XIII, §§ 1307, 1309, Dec. 28, 2001, 115 Stat. 1256, 1257; Pub. L. 107-314, div. A, title XIII, § 1304(a), Dec. 2, 2002, 116 Stat. 2672; Pub. L. 108-136, div. A, title X, § 1045(c)(2), Nov. 24, 2003, 117 Stat. 1613; Pub. L. 109-163, div. A, title XIII, § 1305, Jan. 6, 2006, 119 Stat. 3474; Pub. L. 111-84, div. A, title XIII, § 1306(b), Oct. 28, 2009, 123 Stat. 2560; Pub. L. 111-383, div. A, title X, § 1075(d)(20), Jan. 7, 2011, 124 Stat. 4374; Pub. L. 112-81, div. A, title X, § 1066(d), Dec. 31, 2011, 125 Stat. 1589, required reports on activities and assistance under cooperative threat reduction programs.

§§ 5960, 5961. Repealed. Pub. L. 113-291, div. A, title XIII, § 1351(11), Dec. 19, 2014, 128 Stat. 3607

Section 5960, Pub. L. 108-136, div. A, title XIII, § 1303, Nov. 24, 2003, 117 Stat. 1659, related to limitation on use of funds for Cooperative Threat Reduction programs until certain permits obtained.

Section 5961, Pub. L. 108-136, div. A, title XIII, § 1305, Nov. 24, 2003, 117 Stat. 1660, related to requirement to appoint on-site managers before obligating any Cooperative Threat Reduction funds for certain projects.

§ 5961a. Requirement for on-site managers

(a) On-site manager requirement

Before obligating any defense nuclear non-proliferation funds for a project described in subsection (b), the Secretary of Energy shall appoint one on-site manager for that project. The manager shall be appointed from among employees of the Federal Government.

(b) Projects covered

Subsection (a) applies to a project—

(1) to be located in a state of the former Soviet Union;

(2) which involves dismantlement, destruction, or storage facilities, or construction of a facility; and

(3) with respect to which the total contribution by the Department of Energy is expected to exceed \$50,000,000.

(c) Duties of on-site manager

The on-site manager appointed under subsection (a) shall—

(1) develop, in cooperation with representatives from governments of countries participating in the project, a list of those steps or activities critical to achieving the project's disarmament or nonproliferation goals;

(2) establish a schedule for completing those steps or activities;

(3) meet with all participants to seek assurances that those steps or activities are being completed on schedule; and

(4) suspend United States participation in a project when a non-United States participant fails to complete a scheduled step or activity on time, unless directed by the Secretary of Energy to resume United States participation.

(d) Authority to manage more than one project

(1) Subject to paragraph (2), an employee of the Federal Government may serve as on-site manager for more than one project, including projects at different locations.

(2) If such an employee serves as on-site manager for more than one project in a fiscal year, the total cost of the projects for that fiscal year may not exceed \$150,000,000.

(e) Steps or activities

Steps or activities referred to in subsection (c)(1) are those activities that, if not completed, will prevent a project from achieving its disarmament or nonproliferation goals, including, at a minimum, the following:

(1) Identification and acquisition of permits (as defined in subsection (g)).

(2) Verification that the items, substances, or capabilities to be dismantled, secured, or otherwise modified are available for dismantlement, securing, or modification.

(3) Timely provision of financial, personnel, management, transportation, and other resources.

(f) Notification to Congress

In any case in which the Secretary of Energy directs an on-site manager to resume United States participation in a project under subsection (c)(4), the Secretary shall concurrently notify Congress of such direction.

(g) Permit defined

In this section, the term “permit” means any local or national permit for development, gen-

eral construction, environmental, land use, or other purposes that is required in the state of the former Soviet Union in which the project is being or is proposed to be carried out.

(h) Effective date

This section shall take effect six months after November 24, 2003.

(Pub. L. 108–136, div. C, title XXXI, §3125, Nov. 24, 2003, 117 Stat. 1748.)

CODIFICATION

Section was enacted as part of the National Defense Authorization Act for Fiscal Year 2004, and not as part of the Cooperative Threat Reduction Act of 1993 which comprises this chapter.

§§ 5962, 5963. Repealed. Pub. L. 113–291, div. A, title XIII, § 1351(11), Dec. 19, 2014, 128 Stat. 3607

Section 5962, Pub. L. 108–136, div. A, title XIII, §1307, Nov. 24, 2003, 117 Stat. 1661, related to annual certifications on use of facilities being constructed for Cooperative Threat Reduction projects or activities.

Section 5963, Pub. L. 108–136, div. A, title XIII, §1308, Nov. 24, 2003, 117 Stat. 1662; Pub. L. 110–53, title XVIII, §1811(4), Aug. 3, 2007, 121 Stat. 493; Pub. L. 110–181, div. A, title XIII, §1305, Jan. 28, 2008, 122 Stat. 413, related to authority to use Cooperative Threat Reduction funds outside the former Soviet Union.

§§ 5964, 5965. Repealed. Pub. L. 113–291, div. A, title XIII, § 1351(12)(B), Dec. 19, 2014, 128 Stat. 3607

Section 5964, Pub. L. 111–84, div. A, title XIII, §1304, Oct. 28, 2009, 123 Stat. 2558, related to metrics for the Cooperative Threat Reduction Program.

Section 5965, Pub. L. 111–84, div. A, title XIII, §1305, Oct. 28, 2009, 123 Stat. 2559, related to Cooperative Threat Reduction Program authority for urgent threat reduction activities.

CHAPTER 69—CUBAN DEMOCRACY

Sec.	
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§ 6001. Findings

The Congress makes the following findings:

(1) The government of Fidel Castro has demonstrated consistent disregard for internationally accepted standards of human rights and for democratic values. It restricts the Cuban people’s exercise of freedom of speech, press, assembly, and other rights recognized by the Universal Declaration of Human Rights adopted by the General Assembly of the United Nations on December 10, 1948. It has refused to admit into Cuba the representative of the United Nations Human Rights Commission appointed to investigate human rights violations on the island.

(2) The Cuban people have demonstrated their yearning for freedom and their increas-

ing opposition to the Castro government by risking their lives in organizing independent, democratic activities on the island and by undertaking hazardous flights for freedom to the United States and other countries.

(3) The Castro government maintains a military-dominated economy that has decreased the well-being of the Cuban people in order to enable the government to engage in military interventions and subversive activities throughout the world and, especially, in the Western Hemisphere. These have included involvement in narcotics trafficking and support for the FMLN guerrillas in El Salvador.

(4) There is no sign that the Castro regime is prepared to make any significant concessions to democracy or to undertake any form of democratic opening. Efforts to suppress dissent through intimidation, imprisonment, and exile have accelerated since the political changes that have occurred in the former Soviet Union and Eastern Europe.

(5) Events in the former Soviet Union and Eastern Europe have dramatically reduced Cuba’s external support and threaten Cuba’s food and oil supplies.

(6) The fall of communism in the former Soviet Union and Eastern Europe, the now universal recognition in Latin America and the Caribbean that Cuba provides a failed model of government and development, and the evident inability of Cuba’s economy to survive current trends, provide the United States and the international democratic community with an unprecedented opportunity to promote a peaceful transition to democracy in Cuba.

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

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

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

EFFECTIVE DATE

Pub. L. 102–484, div. A, title XVII, §1712, Oct. 23, 1992, 106 Stat. 2581, provided that: “This title [enacting this chapter, amending section 16 of Title 50, Appendix, War and National Defense, and enacting provisions set out as a note below] shall take effect on the date of the enactment of this Act [Oct. 23, 1992].”

SHORT TITLE

Pub. L. 102–484, div. A, title XVII, §1701, Oct. 23, 1992, 106 Stat. 2575, provided that: “This title [enacting this chapter, amending section 16 of Title 50, Appendix, War and National Defense, and enacting provisions set out as a note above] may be cited as the ‘Cuban Democracy Act of 1992.’”

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

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