

109TH CONGRESS  
1ST SESSION

# S. 313

To improve authorities to address urgent nonproliferation crises and United States nonproliferation operations.

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## IN THE SENATE OF THE UNITED STATES

FEBRUARY 8, 2005

Mr. LUGAR (for himself, Mr. DOMENICI, Mr. HAGEL, Mr. REED, Mr. BIDEN, Mr. LEVIN, Ms. COLLINS, Mr. MCCAIN and Mr. OBAMA) introduced the following bill; which was read twice and referred to the Committee on Armed Services

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# A BILL

To improve authorities to address urgent nonproliferation crises and United States nonproliferation operations.

1       *Be it enacted by the Senate and House of Representa-  
2       tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Nunn-Lugar Cooper-  
5       tive Threat Reduction Act of 2005”.

6 **SEC. 2. FINDINGS.**

7       Congress makes the following findings:

8           (1) The possession by hostile states or terrorist  
9       groups of nuclear, chemical, and biological weapons

1 of mass destruction or related materials or means of  
2 delivery represents the greatest threat to the na-  
3 tional security of the United States in the 21st cen-  
4 tury.

5 (2) It is the highest priority of the United  
6 States to protect its territory, people, armed forces,  
7 allies, and friends from attacks by dangerous re-  
8 gimes or terrorist groups using weapons of mass de-  
9 struction or related materials or means of delivery.

10 (3) It is the policy of the United States to en-  
11 sure and strengthen verification and compliance with  
12 the Treaty on the Non-proliferation of Nuclear  
13 Weapons, done at Washington, London, and Moscow  
14 July 1, 1968, and entered into force March 5, 1970  
15 (commonly known as the “Nuclear Non-Proliferation  
16 Treaty”), the Convention on the Prohibition of the  
17 Development, Production, Stockpiling and Use of  
18 Chemical Weapons and on Their Destruction, with  
19 Annexes, done at Paris January 13, 1993, and en-  
20 tered into force April 29, 1997 (commonly known as  
21 the “Chemical Weapons Convention”), the Conven-  
22 tion on the Prohibition of the Development, Produc-  
23 tion and Stockpiling of Bacteriological (Biological)  
24 and Toxin Weapons and on Their Destruction, done  
25 at Washington, London, and Moscow April 10,

1 1972, and entered into force March 26, 1975 (commonly known as the “Biological Weapons Convention”), the safeguards system of the International  
2 Atomic Energy Agency (IAEA), and the commitments and control lists of the Missile Technology  
3 Control Regime (MTCR), the Australia Group (AG),  
4 the Nuclear Suppliers Group (NSG), and the  
5 Wassenaar Arrangement on Export Controls for  
6 Conventional Arms and Dual-Use Goods and Technologies (WA).  
7  
8  
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23 (5) The Nunn-Lugar Cooperative Threat Re-  
24 duction program has, as of January 2005—

25 (A) deactivated 6,564 nuclear warheads;

1 (B) destroyed 568 intercontinental ballistic  
2 missiles;

(C) eliminated 477 intercontinental ballistic missile silos;

5 (D) destroyed 17 mobile intercontinental  
6 ballistic missile launchers;

7 (E) eliminated 142 bombers;

8 (F) destroyed 761 nuclear air-to-surface  
9 missiles;

10 (G) eliminated 420 submarine-launched  
11 ballistic missile launchers;

12 (H) eliminated 543 submarine-launched  
13 ballistic missiles;

14 (I) destroyed 28 strategic nuclear sub-  
15 marines; and

16 (J) sealed 194 nuclear test tunnels or  
17 holes.

18 (6) On February 11, 2004, President George  
19 W. Bush called for the expansion of the Nunn-Lugar  
20 Cooperative Threat Reduction program, stating: "I  
21 propose to expand our efforts to keep weapons from  
22 the Cold War and other dangerous materials out of  
23 the wrong hands. In 1991, Congress passed the  
24 Nunn-Lugar legislation. Senator Lugar had a clear  
25 vision, along with Senator Nunn, about what to do

1 with the old Soviet Union. Under this program,  
2 we're helping former Soviet states find productive  
3 employment for former weapons scientists. We're  
4 dismantling, destroying, and securing weapons and  
5 materials left over from the Soviet WMD arsenal.  
6 We have more work to do there."

7 **SEC. 3. SENSE OF CONGRESS.**

8 It is the sense of Congress that—

9 (1) all United States capabilities must be uti-  
10 lized to prevent acts of catastrophic terrorism using  
11 weapons of mass destruction or related materials or  
12 means of delivery;

13 (2) in order to prevent acts of catastrophic ter-  
14 rrorism using weapons of mass destruction or related  
15 materials or means of delivery, the United States  
16 must pursue a strategy making full and effective use  
17 of multilateral and bilateral agreements, missile de-  
18 fense, arms control, threat reduction assistance,  
19 interdiction efforts, export controls, and United  
20 States proliferation sanctions;

21 (3) the United States must not allow the  
22 world's most dangerous weapons to fall into the  
23 hands of dangerous regimes and terrorist groups;

24 (4) the United States must hold nations ac-  
25 countable for all violations of international non-

1 proliferation treaties, norms, and standards of con-  
2 duct, and to the extent that it is consistent with  
3 United States law and policy, provide assistance to  
4 ensure that such treaties, norms, and standards of  
5 conduct are upheld rather than violated; and

6 (5) the President must be provided the author-  
7 ity to use Nunn-Lugar Cooperative Threat Reduc-  
8 tion funds in a manner consistent with the high  
9 value Congress and the President have placed on Co-  
10 operative Threat Reduction programs to reduce the  
11 threat posed to the national security of the United  
12 States and international peace and security by the  
13 proliferation of weapons of mass destruction or re-  
14 lated materials or means of delivery.

15 **SEC. 4. COOPERATIVE THREAT REDUCTION PROGRAMS DE-**  
16 **FINED.**

17 In this Act, the term “Cooperative Threat Reduction  
18 programs” means programs and activities specified in sec-  
19 tion 1501(b) of the National Defense Authorization Act  
20 for Fiscal Year 1997 (Public Law 104-201; 110 Stat.  
21 2731; 50 U.S.C. 2362 note).

22 **SEC. 5. REPEAL OF RESTRICTIONS.**

23 (a) SOVIET NUCLEAR THREAT REDUCTION ACT OF  
24 1991.—Section 211(b) of the Soviet Nuclear Threat Re-

1 duction Act of 1991 (title II of Public Law 102–228; 22  
2 U.S.C. 2551 note) is repealed.

3 (b) COOPERATIVE THREAT REDUCTION ACT OF  
4 1993.—Section 1203(d) of the Cooperative Threat Reduc-  
5 tion Act of 1993 (title XII of Public Law 103–160; 22  
6 U.S.C. 5952(d)) is repealed.

7 (c) RUSSIAN CHEMICAL WEAPONS DESTRUCTION  
8 FACILITIES.—Section 1305 of the National Defense Au-  
9 thorization Act for Fiscal Year 2000 (Public Law 106–  
10 65; 22 U.S.C. 5952 note) is repealed.

**11 SEC. 6. INAPPLICABILITY OF OTHER RESTRICTIONS.**

12 Section 502 of the Freedom for Russia and Emerging  
13 Eurasian Democracies and Open Markets Support Act of  
14 1992 (Public Law 102–511; 106 Stat. 3338; 22 U.S.C.  
15 5852) shall not apply to any Cooperative Threat Reduc-  
16 tion program.

**17 SEC. 7. EXEMPTION FROM LIMITATIONS.**

18 Cooperative Threat Reduction programs may be car-  
19 ried out notwithstanding any other provision of law, sub-  
20 ject to congressional notification and reporting require-  
21 ments that apply to the use of funds available for Cooper-  
22 ative Threat Reduction programs or the carrying out of  
23 projects or activities under such programs.

1   **SEC. 8. MODIFICATIONS OF AUTHORITY TO USE COOPERA-**  
2                   **TIVE THREAT REDUCTION PROGRAM FUNDS**  
3                   **OUTSIDE THE FORMER SOVIET UNION.**

4       Section 1308 of the National Defense Authorization  
5   Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat.  
6   1662; 22 U.S.C. 5963) is amended—

7               (1) by striking “President” each place it ap-  
8   pears and inserting “Secretary of Defense”;

9               (2) in subsection (a)—

10               (A) by striking paragraph (2); and

11               (B) by striking “each of the following” and  
12               all that follows through the end and inserting  
13               the following: “that such project or activity  
14               will—

15               “(1)(A) assist the United States in the resolu-  
16               tion of a critical emerging proliferation threat; or

17               “(B) permit the United States to take advan-  
18               tage of opportunities to achieve long-standing non-  
19               proliferation goals; and

20               “(2) be completed in a short period of time.”;

21               (3) by striking subsections (c) and (d); and

22               (4) by redesignating subsection (e) as sub-  
23               section (c).

1   **SEC. 9. SPECIAL REPORTS ON ADHERENCE TO ARMS CON-**  
2                   **TROL AGREEMENTS AND NONPROLIFERA-**  
3                   **TION COMMITMENTS.**

4       (a) **REPORTS REQUIRED.**—At least annually, the  
5   Secretary of State shall submit to the Committee on For-  
6   eign Relations and the Committee on Appropriations of  
7   the Senate and the Committee on International Relations  
8   and the Committee on Appropriations of the House of  
9   Representatives a report on each country in which a Coop-  
10   erative Threat Reduction program is being carried out.  
11   The report shall describe that country's commitments to—  
12                   (1) making substantial national investments in  
13   infrastructure to secure, safeguard, and destroy  
14   weapons of mass destruction;  
15                   (2) forgoing any military modernization exceed-  
16   ing legitimate defense requirements, including re-  
17   placement of weapons of mass destruction;  
18                   (3) forgoing any use of fissionable materials or  
19   any other components of deactivated nuclear weap-  
20   ons in a new nuclear weapons program;  
21                   (4) complying with all relevant arms control  
22   agreements;  
23                   (5) adopting and enforcing national and inter-  
24   national export controls over munitions and dual-use  
25   items; and

4 (b) FORM.—The reports required under subsection  
5 (a) may be submitted with the reports required under sec-  
6 tion 403 of the Arms Control and Disarmament Act (Pub-  
7 lic Law 87-297; 22 U.S.C. 2593a).