

by Section 8144 of Public Law 107-248 to waive the conditions in the FY2000 Act. It is therefore important to the national security interests of the United States that the conditions in Section 1305 of the FY2000 Act be waived. Issuance of the waiver will permit assistance to Russia for construction of a nerve agent CW destruction facility at Shchuch'ye, at which Russia can destroy the munitions that pose the greatest proliferation threat.

2. Full and complete justification for exercising this waiver.

Section 1305 of the FY2000 Act prohibited the obligation or expenditure of funds appropriated for Cooperative Threat Reduction (CTR) programs for planning, design or construction of a CW destruction facility in Russia. This provision was amended by Section 1308 of the National Defense Authorization Act for Fiscal Year 2002, Public Law 107-107, to permit such obligation or expenditure upon certification by the Secretary of Defense that there has been:

- (1) information provided by Russia, that the United States assess to be full and accurate, regarding the size of the CW stockpile of Russia;
- (2) a demonstrated annual commitment by Russia to allocate at least \$25 million to CW elimination;
- (3) development by Russia of a practical plan for destroying its stockpile of nerve agents;
- (4) enactment of a law by Russia that provides for the elimination of all nerve agents at a single site;
- (5) an agreement by Russia to destroy or convert its chemical weapons production facilities (CWPF) at Volgograd and Novocheboksarsk; and
- (6) a demonstrated commitment from the international community to fund and build infrastructure needed to support and operate the facility.

As detailed below, the actions that the Russian Federation has taken over the past two years, satisfy the second and fifth elements under Section 1305 of the FY2000 Act, and actions by other donor governments satisfy the sixth. With regard to the three remaining elements, our concerns have not yet been resolved. The Secretary of Defense is therefore unable to make