



# Assembled Chemical Weapons Alternatives Program Legislation

The Program Executive Office, Assembled Chemical Weapons Alternatives (PEO ACWA) was responsible for the destruction of the declared U.S. chemical weapons stockpile formerly stored in Colorado and Kentucky. The last chemical munition in the declared U.S. stockpile was destroyed July 7, 2023. This fact sheet provides a synopsis and an approximate chronology of significant public laws pertaining to the national chemical demilitarization program in general and PEO ACWA in particular. For an indexed verbatim extract of each law, please refer to the [ACWA Legislative Index](#).

**National Chemical Demilitarization Program** – The Department of Defense Authorization Act, 1986 (Public Law 99-145) directs the Secretary of Defense to carry out the destruction of the national chemical weapons stockpile. It is to be accomplished in such a manner as to ensure the maximum protection of the environment, the general public and the workforce. Responsibility for carrying out the program is given to the U.S. Army and is to be directed by a general officer or civilian equivalent.

**Evaluation of Alternative Technologies** – The National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484) directs the U.S. Army, in conjunction with the National Research Council, now the National Academies of Sciences, Engineering and Medicine, to report on chemical weapons destruction technologies that might serve as an alternative to incineration technology. If an alternative technology could meet the stockpile destruction deadline at a low-volume site, 5% or less of the national stockpile, and was found to be significantly safer and equally or more cost effective than incineration, then such a technology could be pursued at both low-volume and other stockpile sites upon notification of Congress of the intent to do so.

**Chemical Demilitarization Citizens’ Advisory Commissions** – The National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484) directs the U.S. Army to establish Chemical Demilitarization Citizens’ Advisory Commissions in stockpile states and specifies their function, membership and meeting frequency. The National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106) authorizes government funding for commission travel when performed at Army invitation. The Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417) transfers responsibility and travel funding for the commissions in Colorado and Kentucky to the ACWA program.

**Prohibition on Transportation of Chemical Stockpile Weapons** – The National Defense Authorization Act for Fiscal Year 1995 (Public Law 103-337) prohibits the transportation of chemical stockpile weapons across state lines.

**The Assembled Chemical Weapons Alternatives (ACWA) Program** – The Omnibus Consolidated Appropriations Act, 1997 (Public Law 104-208) provides funding to the Secretary of Defense for the establishment of a pilot program to identify and demonstrate at least two alternatives to incineration for the destruction of assembled chemical weapons, or chemical agent configured in explosive projectiles and

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rockets, for possible application to the stockpile located in Pueblo, Colorado, and near Richmond, Kentucky. This legislation stipulates several key points: that a program manager not previously associated with incineration be assigned to lead the program; that all technology demonstrated meets or exceeds federal and state safety and environmental standards; that annual reports be sent to Congress detailing the program's activities; and, that any contracts to construct incineration facilities in Colorado or Kentucky be held for a minimum of 180 days following the submission of a report to Congress detailing the effectiveness of those technologies identified and demonstrated by the program.

**Continuation of the ACWA Program** – The Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261), which provides funding for continuing the ACWA program, requires that the ACWA program manager act independently of the Program Manager for Chemical Demilitarization, now the U.S. Army Chemical Materials Activity, and stipulates that the ACWA program manager report to the Under Secretary of Defense (Acquisition, Technology & Logistics). The law further specifies that program activities be carried out to ensure that an alternative technology can be implemented immediately following its successful demonstration and the issuance of a final decision document. The law requires an independent evaluation of the program be conducted by a nongovernmental organization and submitted to the Under Secretary of Defense (Acquisition, Technology & Logistics) no later than Sept. 30, 1999. If this evaluation determines that an alternative technology is deemed safe, cost-effective and capable of meeting the deadlines established by the [Chemical Weapons Convention](#), then the Under Secretary of Defense (Acquisition, Technology & Logistics) is to award a contract for the design, construction and operation of a pilot facility for the demonstrated alternative technology no later than Dec. 30, 1999. The Under Secretary is to consult with the National Academies in making his determinations and will submit a plan with cost and schedule information on the pilot program to Congress.

**Hold on Chemical Destruction Facility Construction at Blue Grass Army Depot** – The Military Construction Appropriations Act, 2000 (Public Law 106-52) prohibits the construction of a chemical destruction facility at the [Blue Grass Army Depot](#) until the Secretary of Defense certifies to Congress that the Department of Defense will complete the demonstration of six alternatives to incineration.

**Limitation on Use of Chemical Destruction Facilities and Facility Closure** – The National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-65) amends Public Law 99-145 to limit the use of destruction facilities solely for the purpose of destroying the chemical weapons stockpile where each facility is located. Upon completion of chemical weapons stockpile destruction, the facilities will be closed in accordance with applicable laws, regulations and mutual agreements between the Secretary of the U.S. Army and the governor of the state in which the facility is located.

**Additional ACWA Evaluations** – The Department of Defense Appropriations Act, 2000 (Public Law 106-79) authorizes ACWA to evaluate three additional destruction technologies under the guidelines previously established and to continue previously employed public involvement organizations and activities.

**Limitation on Technology Consideration for U.S. Army Pueblo Chemical Depot** – The Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (Public Law 106-398) limits the consideration of technology for the destruction of the chemical weapons stockpile at the [U.S. Army Pueblo Chemical Depot](#) to incineration and the alternative technologies demonstrated by ACWA prior to May 1, 2000.



**Management of Chemical Stockpile Destruction in Colorado and Kentucky** – The Department of Defense Appropriations Act, 2003 (Public Law 107-248) assigns responsibility for the destruction of the remaining U.S. chemical weapons stockpile in Colorado and Kentucky to ACWA, to include pilot plant construction, operation, closure and all contracting associated thereto.

**Destruction Deadline for the National Chemical Demilitarization Program** – The Department of Defense Appropriations Act, 2008 (Public Law 110-116) and the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181) direct the Department of Defense to complete destruction of the entire national chemical weapons stockpile by the deadline established by the Chemical Weapons Convention (April 29, 2012), and under no circumstances later than Dec. 31, 2017. This deadline was subsequently extended to Dec. 31, 2023, by the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92).

**Annual and Semiannual Congressional Reporting Requirements** – Section 1412 of the National Defense Authorization Act, 1986 (Public Law 99-145), as amended by the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383), requires the submission to Congress of annual reports by Dec. 15 each year and semiannual reports by March 1 and Sept. 1 of each year. The annual report is to summarize site-by-site activities carried out under the auspices of the U.S. Chemical Demilitarization Program for the fiscal year in which the report is prepared, while the semiannual reports are to focus on U.S. implementation of its obligations under the Chemical Weapons Convention, to include steps being taken to accelerate chemical weapons stockpile destruction.

**Use of Explosive Destruction Technologies** – The National Defense Authorization Act for Fiscal Year 2013 (Public Law 112-239) authorizes funds to be appropriated to the Department of Defense for chemical demilitarization at the U.S. Army Pueblo Chemical Depot, Colorado, and the Blue Grass Army Depot, Kentucky. In addition, the legislation amends previous laws regarding chemical demilitarization at the ACWA sites to allow consideration of supplemental technologies, including explosive destruction technologies for problematic munitions and the treatment and disposal of chemical agents and energetic hydrolysates.

**Feasibility Study for Blue Grass Chemical Agent-Destruction Pilot Plant** – A Joint Explanatory Statement for the National Defense Authorization Act for Fiscal Year 2023 (Public Law 117-263) directs the Secretary of Defense, in consultation with the Secretary of the Army, to conduct a feasibility study to assess potential missions, plants or industries feasible for Army or Department of Defense needs at the Blue Grass Chemical Agent-Destruction Pilot Plant following the demolition and remediation of the Blue Grass Chemical Agent-Destruction Pilot Plant at the Blue Grass Army Depot in Richmond, Kentucky, and report the findings of that study to the congressional defense committees no later than Aug. 31, 2023.