

(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.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 5911 of this title.

CHAPTER 68A—COOPERATIVE THREAT REDUCTION WITH STATES OF FORMER SOVIET UNION

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CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 2295a, 6041 of this title.

§ 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

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

§ 5952. Authority for programs to facilitate cooperative threat reduction

(a) In general

Notwithstanding any other provision of law, the President may conduct programs described in subsection (b) of this section to assist the independent states of the former Soviet Union in the demilitarization of the former Soviet Union. Any such program may be carried out only to the extent that the President determines that the program will directly contribute to the national security interests of the United States.

(b) Authorized programs

The programs referred to in subsection (a) of this section are the following:

(1) Programs to facilitate the elimination, and the safe and secure transportation and storage, of nuclear, chemical, and other 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.

(5) Programs to facilitate the demilitarization of defense industries and the conversion of military technologies and capabilities into civilian activities.

(6) Programs to assist in the environmental restoration of former military sites and installations when such restoration is necessary to the demilitarization or conversion programs authorized in paragraph (5).

(7) Programs to provide housing for former military personnel of the former Soviet Union released from military service in connection with the dismantlement of strategic nuclear weapons, when provision of such housing is necessary for dismantlement of strategic nuclear weapons and when no other funds are available for such housing.

(8) Other programs as described in section 212(b) of the Soviet Nuclear Threat Reduction Act of 1991 (title II of Public Law 102-228; 22 U.S.C. 2551 note) and section 5902(b) of this title.

(c) United States participation

The programs described in subsection (b) of this section should, to the extent feasible, draw upon United States technology and expertise, especially from the private sector of the United States.

(d) Restrictions

Assistance authorized by subsection (a) of this section may not be provided to any independent state of the former Soviet Union for any year unless the President certifies to Congress for that year that the proposed recipient state is committed to each of the following:

(1) Making substantial investment of its resources for dismantling or destroying its weapons of mass destruction, if such state has an obligation under a treaty or other agreement to destroy or dismantle any such weapons.

(2) Foregoing any military modernization program that exceeds legitimate defense requirements and foregoing the replacement of destroyed weapons of mass destruction.

(3) Foregoing any use in new nuclear weapons of fissionable or other components of destroyed nuclear weapons.

(4) Facilitating United States verification of any weapons destruction carried out under this chapter, section 5902(b) of this title, or section 212(b) of the Soviet Nuclear Threat Reduction Act of 1991 (title II of Public Law 102-228; 22 U.S.C. 2551 note).

(5) Complying with all relevant arms control agreements.

(6) Observing internationally recognized human rights, including the protection of minorities.

(Pub. L. 103-160, div. A, title XII, § 1203, Nov. 30, 1993, 107 Stat. 1778.)

DELEGATION OF FUNCTIONS

Memorandum of President of the United States, Jan. 29, 1994, 59 F.R. 5929, provided:

Memorandum for the Secretary of State, the Secretary of Defense, [and] the Director of the Office of Management and Budget

By the authority vested in me by the Constitution and the laws of the United States of America, including section 301 of title 3 of the United States Code, I hereby delegate:

1. to the Secretary of State the authority and duty vested in the President under section 1203(d) of the Cooperative Threat Reduction Act of 1993, Title XII of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103-160) [22 U.S.C. 5952(d)];

2. to the Secretary of Defense the authorities and duties vested in the President under sections 1203(a), 1204, 1206, and 1207 of Public Law 103-160 [22 U.S.C. 5952(a), 5953, 5955, former 5956].

The Secretary of Defense shall not exercise authority delegated by number 2 hereof with respect to any former Soviet republic unless the Secretary of State has exercised his authority and performed the duty delegated by number 1 hereof, as applicable, with respect to that former Soviet republic. The Secretary of Defense shall not obligate funds in exercise of authority delegated by number 2 hereof unless the Director of the Office of Management and Budget has made the determination that expenditures are to be counted as discretionary spending in the national defense function (050), as applicable to the funds to be transferred.

The Secretary of State is authorized and directed to publish this memorandum in the Federal Register.

WILLIAM J. CLINTON.

ANNUAL REPORT ON STATUS OF NUCLEAR MATERIALS PROTECTION, CONTROL, AND ACCOUNTING PROGRAM

Pub. L. 106-398, § 1 [div. C, title XXXI, § 3171], Oct. 30, 2000, 114 Stat. 1654, 1654A-475, provided that:

“(a) REPORT REQUIRED.—Not later than January 1 of each year, the Secretary of Energy shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the status of efforts during the preceding fiscal year under the Nuclear Materials Protection, Control, and Accounting Program of the Department of Energy to secure weapons-usable nuclear materials in Russia that have been identified as being at risk for theft or diversion.

“(b) CONTENTS.—Each report under subsection (a) shall include the following:

“(1) The number of buildings, including building locations, that received complete and integrated materials protection, control, and accounting systems for nuclear materials described in subsection (a) during the year covered by such report.

“(2) The amounts of highly enriched uranium and plutonium in Russia that have been secured under systems described in paragraph (1) as of the date of such report.

“(3) The amount of nuclear materials described in subsection (a) that continues to require securing under systems described in paragraph (1) as of the date of such report.

“(4) A plan for actions to secure the nuclear materials identified in paragraph (3) under systems described in paragraph (1), including an estimate of the cost of such actions.

“(5) The amounts expended through the fiscal year preceding the date of such report to secure nuclear materials described in subsection (a) under systems described in paragraph (1), set forth by total amount and by amount per fiscal year.

“(c) LIMITATION ON USE OF CERTAIN FUNDS.—(1) No amounts authorized to be appropriated for the Department of Energy by this Act or any other Act for purposes of the Nuclear Materials Protection, Control, and Accounting Program may be obligated or expended after September 30, 2000, for any project under the pro-

gram at a site controlled by the Russian Ministry of Atomic Energy (MINATOM) in Russia until the Secretary submits to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the access policy established with respect to such project, including a certification that the access policy has been implemented.

“(2) The access policy with respect to a project under this subsection shall—

“(A) permit appropriate determinations by United States officials regarding security requirements, including security upgrades, for the project; and

“(B) ensure verification by United States officials that Department of Energy assistance at the project is being used for the purposes intended.”

SPECIFICATION OF COOPERATIVE THREAT REDUCTION PROGRAMS AND FUNDS FOR PURPOSES OF PUB. L. 106-65

Pub. L. 106-65, div. A, title XIII, §1301(a), (b), Oct. 5, 1999, 113 Stat. 792, provided that:

“(a) **SPECIFICATION OF CTR PROGRAMS.**—For purposes of section 301 [113 Stat. 556] and other provisions of this Act [see Tables for classification], Cooperative Threat Reduction programs are the programs specified in section 1501(b) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-201; 110 Stat. 2731; 50 U.S.C. 2362 note).

“(b) **FISCAL YEAR 2000 COOPERATIVE THREAT REDUCTION FUNDS DEFINED.**—As used in this title [enacting provisions set out as notes under this section and section 5955 of this title], the term ‘fiscal year 2000 Cooperative Threat Reduction funds’ means the funds appropriated pursuant to the authorization of appropriations in section 301 for Cooperative Threat Reduction programs.”

LIMITATION ON USE OF FUNDS FOR CERTAIN PURPOSES

Pub. L. 106-398, §1 [[div. A], title XIII, §1303], Oct. 30, 2000, 114 Stat. 1654, 1654A-340, provided that: “No fiscal year 2001 Cooperative Threat Reduction funds and no funds appropriated for Cooperative Threat Reduction programs for any other fiscal year, may be obligated or expended for elimination of conventional weapons or the delivery vehicles primarily intended to deliver such weapons.” [For definitions, see section 1 [[div. A], title XIII, §1301(a)] of Pub. L. 106-398, set out as a note under section 5959 of this title.]

Pub. L. 106-398, §1 [[div. A], title XIII, §1304], Oct. 30, 2000, 114 Stat. 1654, 1654A-340, provided that:

“(a) **LIMITATIONS.**—No fiscal year 2001 Cooperative Threat Reduction funds [for definition, see section 1 [[div. A], title XIII, §1301(b)] of Pub. L. 106-398, set out as a note under section 5959 of this title] may be used—

“(1) for construction of a second wing for the storage facility for Russian fissile material referred to in section 1302(a)(5) [114 Stat. 1654-339]; or

“(2) for design or planning with respect to such facility until 15 days after the date that the Secretary of Defense submits to Congress notification that Russia and the United States have signed a written transparency agreement that provides for verification that material stored at the facility is of weapons origin.

“(b) **ESTABLISHMENT OF FUNDING CAP FOR FIRST WING OF STORAGE FACILITY.**—Out of funds authorized to be appropriated for Cooperative Threat Reduction programs [for definition, see section 1 [[div. A], title XIII, §1301(a)] of Pub. L. 106-398, set out as a note under section 5959 of this title] for fiscal year 2001 or any other fiscal year, not more than \$412,600,000 may be used for planning, design, or construction of the first wing for the storage facility for Russian fissile material referred to in section 1302(a)(5).”

Pub. L. 106-65, div. A, title XIII, §§1303-1305, Oct. 5, 1999, 113 Stat. 793, 794, provided that:

“**SEC. 1303. PROHIBITION ON USE OF FUNDS FOR SPECIFIED PURPOSES**

“(a) **IN GENERAL.**—No fiscal year 2000 Cooperative Threat Reduction funds, and no funds appropriated for

Cooperative Threat Reduction programs after the date of the enactment of this Act [Oct. 5, 1999], may be obligated or expended for any of the following purposes:

“(1) Conducting with Russia any peacekeeping exercise or other peacekeeping-related activity.

“(2) Provision of housing.

“(3) Provision of assistance to promote environmental restoration.

“(4) Provision of assistance to promote job retraining.

“(b) **LIMITATION WITH RESPECT TO DEFENSE CONVERSION ASSISTANCE.**—None of the funds appropriated pursuant to the authorization of appropriations in section 301 of this Act [113 Stat. 556], and no funds appropriated to the Department of Defense in any other Act enacted after the date of the enactment of this Act [Oct. 5, 1999], may be obligated or expended for the provision of assistance to Russia or any other state of the former Soviet Union to promote defense conversion.

“(c) **LIMITATION WITH RESPECT TO CONVENTIONAL WEAPONS.**—No fiscal year 2000 Cooperative Threat Reduction funds may be obligated or expended for elimination of conventional weapons or the delivery vehicles primarily intended to deliver such weapons.

“SEC. 1304. LIMITATIONS ON USE OF FUNDS FOR FISSILE MATERIAL STORAGE FACILITY

“(a) **LIMITATIONS ON USE OF FISCAL YEAR 2000 FUNDS.**—No fiscal year 2000 Cooperative Threat Reduction funds may be used—

“(1) for construction of a second wing for the storage facility for Russian fissile material referred to in section 1302(a)(6) [113 Stat. 793]; or

“(2) for design or planning with respect to such facility until 15 days after the date that the Secretary of Defense submits to Congress notification that Russia and the United States have signed a verifiable written transparency agreement that ensures that material stored at the facility is of weapons origin.

“(b) **LIMITATION ON CONSTRUCTION.**—No funds authorized to be appropriated for Cooperative Threat Reduction programs may be used for construction of the storage facility referred to in subsection (a) until the Secretary of Defense submits to Congress the following:

“(1) A certification that additional capacity is necessary at such facility for storage of Russian weapons-origin fissile material.

“(2) A detailed cost estimate for a second wing for the facility.

“(3) A certification that Russia and the United States have signed a verifiable written transparency agreement that ensures that material stored at the facility is of weapons origin.

“SEC. 1305. LIMITATION ON USE OF FUNDS FOR CHEMICAL WEAPONS DESTRUCTION

“No fiscal year 2000 Cooperative Threat Reduction funds, and no funds appropriated for Cooperative Threat Reduction programs after the date of the enactment of this Act [Oct. 5, 1999], may be obligated or expended for planning, design, or construction of a chemical weapons destruction facility in Russia.”

Similar provisions were contained in the following prior authorization acts:

Pub. L. 105-261, div. A, title XIII, §1303, Oct. 17, 1998, 112 Stat. 2162.

Pub. L. 105-85, div. A, title XIV, §§1403, 1405, 1407, Nov. 18, 1997, 111 Stat. 1960, 1962.

Pub. L. 104-201, div. A, title XV, §1503, Sept. 23, 1996, 110 Stat. 2732.

Pub. L. 104-106, div. A, title XII, §1203, Feb. 10, 1996, 110 Stat. 470.

DEFINITION OF COOPERATIVE THREAT REDUCTION PROGRAMS FOR PURPOSES OF PUB. L. 105-261

Pub. L. 105-261, div. A, title XIII, §1301(a)(1), Oct. 17, 1998, 112 Stat. 2161, provided that: “For purposes of section 301 [112 Stat. 1960] and other provisions of this Act [see Tables for classification], Cooperative Threat Reduction programs are the programs specified in section

1501(b) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-201; 110 Stat. 2731; 50 U.S.C. 2362 note) (as amended by paragraph (2)).”

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 chemical 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.

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, provided that:

“(a) SUMMARY REQUIRED.—The Secretary of Defense shall submit to Congress as part of the Secretary’s annual budget request to Congress—

“(1) a descriptive summary, with respect to the appropriations requested for Cooperative Threat Reduction programs for the fiscal year after the fiscal year in which the summary is submitted, of the amounts requested for each project category under each Cooperative Threat Reduction program element; and

“(2) a descriptive summary, with respect to appropriations for Cooperative Threat Reduction programs for the fiscal year in which the list is submitted and the previous fiscal year, of the amounts obligated or expended, or planned to be obligated or expended, for each project category under each Cooperative Threat Reduction program element.

“(b) DESCRIPTION OF PURPOSE AND INTENT.—The descriptive summary required under subsection (a) shall include a narrative description of each program and project category under each Cooperative Threat Reduction program element that explains the purpose and intent of the funds requested.”

AUTHORITY TO CONDUCT PROGRAM RELATING TO
FISSILE MATERIALS

Pub. L. 104-106, div. C, title XXXI, §3131, Feb. 10, 1996, 110 Stat. 617, provided that:

“(a) AUTHORITY.—The Secretary of Energy may conduct programs designed to improve the protection, control, and accountability of fissile materials in Russia.

“(b) SEMI-ANNUAL REPORTS ON OBLIGATION OF FUNDS.—(1) Not later than 30 days after the date of the enactment of this Act [Feb. 10, 1996], and thereafter not later than April 1 and October 1 of each year, the Secretary of Energy shall submit to Congress a report on each obligation during the preceding six months of funds appropriated for a program described in subsection (a).

“(2) Each such report shall specify—

“(A) the activities and forms of assistance for which the Secretary of Energy has obligated funds;

“(B) the amount of the obligation;

“(C) the activities and forms of assistance for which the Secretary anticipates obligating funds during the six months immediately following the report, and the amount of each such anticipated obligation; and

“(D) the projected involvement (if any) of any department or agency of the United States (in addition to the Department of Energy) and of the private sector of the United States in the activities and forms of assistance for which the Secretary of Energy has obligated funds referred to in subparagraph (A).”

DEFINITION OF COOPERATIVE THREAT REDUCTION
PROGRAMS FOR PURPOSES OF PUB. L. 103-337

Pub. L. 103-337, div. A, title XII, §1201, Oct. 5, 1994, 108 Stat. 2882, provided that: “For purposes of section 301 [108 Stat. 2706] and other provisions of this Act [see Tables for classification], Cooperative Threat Reduction programs are the programs described in section 1203(b) of the Cooperative Threat Reduction Act of 1993 (title XII of Public Law 103-160; 107 Stat. 1778; 22 U.S.C. 5952(b)).”

MULTIYEAR PLANNING AND ALLIED SUPPORT

Pub. L. 103-337, div. A, title XII, §1205(a)–(c), Oct. 5, 1994, 108 Stat. 2883, provided that:

“(a) FUNDING REPORT TO CONGRESS.—The Secretary of Defense shall submit to Congress a report as described in subsection (b) on funding for Cooperative Threat Reduction programs with states of the former Soviet Union. The report shall be submitted at the time of the transmission to Congress of the budget justification materials for the funding request in the fiscal year 1996 budget for such Cooperative Threat Reduction programs.

“(b) MATTERS TO BE INCLUDED IN ANNUAL REPORT.—The Secretary of Defense shall include in the report under subsection (a) the following:

“(1) An estimate of the total amount that will be required to be expended by the United States in order to achieve the objectives of Cooperative Threat Reduction programs.

“(2) A multiyear plan for the use of amounts and other resources provided by the United States for Cooperative Threat Reduction programs and to provide guidance for preparation of annual budget submissions.

“(c) **SUBSEQUENT REVISIONS TO REPORT.**—The Secretary of Defense shall submit an updated version of the report under subsection (a) for any fiscal year after fiscal year 1996 for which the budget of the President proposes that funds be appropriated to the Department of Defense for Cooperative Threat Reduction programs.”

[Pub. L. 106-398, §1 [[div. A], title XIII, §1308(g)(2)], Oct. 30, 2000, 114 Stat. 1654, 1654A-343, provided that, effective on the date the Secretary of Defense submits to Congress an updated version of the multiyear plan for fiscal year 2001 as described in section 5959(h) of this title, section 1205 of Pub. L. 103-337, set out in part above, is repealed.]

CONDITION ON ASSISTANCE TO RUSSIA FOR CONSTRUCTION OF PLUTONIUM STORAGE FACILITY

Section 1612 of Pub. L. 103-160 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.]

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 5954, 5955, 5957 of this title; title 10 section 115.

§ 5953. Demilitarization Enterprise Fund

(a) Designation of Fund

The President is authorized to designate a Demilitarization Enterprise Fund for the purposes of this section. The President may designate as the Demilitarization Enterprise Fund any organization that satisfies the requirements of subsection (e) of this section.

(b) Purpose of Fund

The purpose of the Demilitarization Enterprise Fund is to receive grants pursuant to this

section and to use the grant proceeds to provide financial support under programs described in subsection (b)(5) of this section for demilitarization of industries and conversion of military technologies and capabilities into civilian activities.

(c) Grant authority

The President may make one or more grants to the Demilitarization Enterprise Fund.

(d) Risk capital funding of demilitarization

The Demilitarization Enterprise Fund shall use the proceeds of grants received under this section to provide financial support in accordance with subsection (b) of this section through transactions as follows:

- (1) Making loans.
- (2) Making grants.
- (3) Providing collateral for loan guaranties by the Export-Import Bank of the United States.
- (4) Taking equity positions.
- (5) Providing venture capital in joint ventures with United States industry.
- (6) Providing risk capital through any other form of transaction that the President considers appropriate for supporting programs described in subsection (b)(5) of this section.

(e) Eligible organization

An organization is eligible for designation as the Demilitarization Enterprise Fund if the organization—

- (1) is a private, nonprofit organization;
- (2) is governed by a board of directors consisting of private citizens of the United States; and
- (3) provides assurances acceptable to the President that it will use grants received under this section to provide financial support in accordance with this section.

(f) Operational provisions

The following provisions of section 5421 of this title shall apply with respect to the Demilitarization Enterprise Fund in the same manner as such provisions apply to Enterprise Funds designated pursuant to subsection (d) of such section:

- (1) Subsection (d)(5), relating to the private character of Enterprise Funds.
- (2) Subsection (h), relating to retention of interest earned in interest bearing accounts.
- (3) Subsection (i), relating to use of United States private venture capital.
- (4) Subsection (k), relating to support from Executive agencies.
- (5) Subsection (l), relating to limitation on payments to Fund personnel.
- (6) Subsections (m) and (n), relating to audits.
- (7) Subsection (o), relating to record keeping requirements.
- (8) Subsection (p), relating to annual reports.

In addition, returns on investments of the Demilitarization Enterprise Fund and other payments to the Fund may be reinvested in projects of the Fund.

(g) Experience of other Enterprise Funds

To the maximum extent practicable, the Board of Directors of the Demilitarization En-