

“(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 L. 103-337, set out in part above, is repealed.]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-

terprise Fund should adopt for that Fund practices and procedures that have been developed by Enterprise Funds for which funding has been made available pursuant to section 5421 of this title.

(h) Consultation requirement

In the implementation of this section, the Secretary of State and the Administrator of the Agency for International Development shall be consulted to ensure that the Articles of Incorporation of the Fund (including provisions specifying the responsibilities of the Board of Directors of the Fund), the terms of United States Government grant agreements with the Fund, and United States Government oversight of the Fund are, to the maximum extent practicable, consistent with the Articles of Incorporation of, the terms of grant agreements with, and the oversight of the Enterprise Funds established pursuant to section 5421 of this title and comparable provisions of law.

(i) Initial implementation

The Board of Directors of the Demilitarization Enterprise Fund shall publish the first annual report of the Fund not later than January 31, 1995.

(j) Termination of designation

A designation of an organization as the Demilitarization Enterprise Fund under subsection (a) of this section shall be temporary. When making the designation, the President shall provide for the eventual termination of the designation.

(Pub. L. 103-160, div. A, title XII, § 1204, Nov. 30, 1993, 107 Stat. 1779.)

DELEGATION OF FUNCTIONS

For delegation of certain authorities and duties of the President under this section to Secretary of Defense, see Memorandum of President of the United States, Jan. 29, 1994, 59 F.R. 5929, set out as a note under section 5952 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 5954 of this title.

§ 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) of this section may be made available for programs authorized in subsection (b)(6) of section 5952 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 5952 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 5953 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.

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. Prior notice to Congress of obligation of funds

(a) Notice of proposed obligation

Not less than 15 days before obligation of any funds for programs under section 5952 of this title, the President shall transmit to the appropriate congressional committees as defined in section 5957 of this title a report on the proposed obligation. Each such report shall specify—

- (1) the activities and forms of assistance for which the President plans to obligate such funds;
- (2) the amount of the proposed obligation; and
- (3) the projected involvement of the departments and agencies of the United States Government and the private sector of the United States.

(b) Reports on demilitarization or conversion projects

Any report under subsection (a) of this section that covers proposed demilitarization or conversion projects under paragraph (5) or (6) of section 5952(b) of this title shall contain additional information to assist the Congress in determining the merits of the proposed projects. Such information shall include descriptions of—

- (1) the facilities to be demilitarized;
- (2) the types of activities conducted at those facilities and of the types of nonmilitary activities planned for those facilities;
- (3) the forms of assistance to be provided by the United States Government and by the private sector of the United States;
- (4) the extent to which military activities and production capability will consequently be eliminated at those facilities; and
- (5) the mechanisms to be established for monitoring progress on those projects.

(Pub. L. 103-160, div. A, title XII, § 1206, Nov. 30, 1993, 107 Stat. 1781.)

DELEGATION OF FUNCTIONS

For delegation of certain authorities and duties of the President under this section to Secretary of De-

¹ See References in Text note below.