

siders 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 Enterprise 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)<sup>1</sup> 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.

<sup>1</sup> See References in Text note below.

**§ 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 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.

**RUSSIAN NONSTRATEGIC NUCLEAR ARMS**

Pub. L. 106-65, div. A, title XIII, § 1312, Oct. 5, 1999, 113 Stat. 796, as amended by Pub. L. 106-398, § 1 [[div. A], title XIII, § 1308(g)(3)], Oct. 30, 2000, 114 Stat. 1654, 1654A-343, provided that: “It is the sense of Congress that—

- “(1) it is in the interest of Russia to fully implement the Presidential Nuclear Initiatives announced in 1991 and 1992 by then-President of the Soviet Union Gorbachev and then-President of Russia Yeltsin;
- “(2) the President of the United States should call on Russia to match the unilateral reductions in the United States inventory of tactical nuclear weapons, which have reduced the inventory by nearly 90 percent; and
- “(3) if the re-certification under section 1310 [113 Stat. 795] is made, the President should emphasize the continued interest of the United States in working cooperatively with Russia to reduce the dangers associated with Russia’s tactical nuclear arsenal.”

**CONGRESSIONAL REPORTS ON COOPERATIVE THREAT REDUCTION PROGRAMS**

Pub. L. 104-106, div. A, title XII, §§ 1201, 1205, 1206, Feb. 10, 1996, 110 Stat. 469, 470, 471, as amended by Pub. L.

104-201, div. A, title XIV, § 1431, Sept. 23, 1996, 110 Stat. 2726; Pub. L. 106-65, div. A, title X, § 1067(6), title XIII, § 1311, Oct. 5, 1999, 113 Stat. 774, 796; Pub. L. 106-398, § 1 [[div. A], title XIII, § 1308(g)(1)(C)], Oct. 30, 2000, 114 Stat. 1654, 1654A-343, provided that:

**“SEC. 1201. SPECIFICATION OF COOPERATIVE THREAT REDUCTION PROGRAMS.**

“(a) IN GENERAL.—For purposes of section 301 [110 Stat. 245] and other provisions of this Act [see Tables for classification], Cooperative Threat Reduction programs are the programs specified in subsection (b).

“(b) SPECIFIED PROGRAMS.—The programs referred to in subsection (a) are the following programs with respect to states of the former Soviet Union:

“(1) Programs to facilitate the elimination, and the safe and secure transportation and storage, of nuclear, chemical, and other weapons, fissile material suitable for use in nuclear 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.

**“SEC. 1205. PRIOR NOTICE TO CONGRESS OF OBLIGATION OF FUNDS.**

“(a) ANNUAL REQUIREMENT.—(1) Not less than 15 days before any obligation of any funds appropriated for any fiscal year for a program specified under section 1201 as a Cooperative Threat Reduction program, the Secretary of Defense shall submit to the congressional committees specified in paragraph (2) a report on that proposed obligation for that program for that fiscal year.

“(2) The congressional committees referred to in paragraph (1) are the following:

“(A) The Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate.

“(B) The Committee on Armed Services, the Committee on International Relations, and the Committee on Appropriations of the House of Representatives.

“(b) MATTERS TO BE SPECIFIED IN REPORTS.—Each such report shall specify—

“(1) the activities and forms of assistance for which the Secretary of Defense plans to obligate funds;

“(2) the amount of the proposed obligation; and

“(3) the projected involvement (if any) of any department or agency of the United States (in addition to the Department of Defense) and of the private sector of the United States in the activities and forms of assistance for which the Secretary of Defense plans to obligate such funds.

“[SEC. 1206. Repealed. Pub. L. 106-398, § 1 [[div. A], title XIII, § 1308(g)(1)(C)], Oct. 30, 2000, 114 Stat. 1654, 1654A-343.]”

**§ 5956. Repealed. Pub. L. 106-398, § 1 [[div. A], title XIII, § 1308(g)(1)(A)], Oct. 30, 2000, 114 Stat. 1654, 1654A-343**

Section, Pub. L. 103-160, div. A, title XII, § 1207, Nov. 30, 1993, 107 Stat. 1782; Pub. L. 103-337, div. A, title XII, §§ 1202, 1208(b), Oct. 5, 1994, 108 Stat. 2882, 2887; Pub. L. 104-106, div. A, title XV, § 1504(a)(7), Feb. 10, 1996, 110 Stat. 513, required submission of semiannual report.

**§ 5957. “Appropriate congressional committees” defined**

In this chapter, the term “appropriate congressional committees” means—

- (1) the Committee on Foreign Relations of the Senate, the Committee on Foreign Affairs