

The Secretary of State shall consult the Secretary of Defense prior to making a determination specified in section 1308(a)(2).

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

GEORGE W. BUSH.

DEFINITION OF COOPERATIVE THREAT REDUCTION PROGRAMS FOR PURPOSES OF PUB. L. 107-314

Pub. L. 107-314, div. A, title XIII, §1301(a), Dec. 2, 2002, 116 Stat. 2670, provided that: “For purposes of section 301 [116 Stat. 2505] 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).”

DEFINITION OF COOPERATIVE THREAT REDUCTION PROGRAMS AND FUNDS FOR PURPOSES OF PUB. L. 107-107

Pub. L. 107-107, div. A, title XIII, §1301(a), (b), Dec. 28, 2001, 115 Stat. 1254, provided that:

“(a) SPECIFICATION OF CTR PROGRAMS.—For purposes of section 301 [115 Stat. 1046] 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 2002 COOPERATIVE THREAT REDUCTION FUNDS DEFINED.—As used in this title [amending section 5959 of this title and enacting and amending provisions set out as notes under this section], the term ‘fiscal year 2002 Cooperative Threat Reduction funds’ means the funds appropriated pursuant to the authorization of appropriations in section 301 for Cooperative Threat Reduction programs.”

DEFINITION 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.”

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)).”

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)).”

§ 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 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.

§ 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;

¹ See References in Text note below.