

(a)(6) of section 3711 of this title, as further described in subsection (f) of such section, concurrence of the Secretary of State under subsection (a) is required only for participation in such contacts by personnel from non-defense agencies of foreign countries.

(d) Exception to requirement for certain determinations

The requirement for a determination under subsection (a) shall not apply to a state of the former Soviet Union.

(Pub. L. 113–291, div. A, title XIII, § 1322, Dec. 19, 2014, 128 Stat. 3597.)

§ 3713. Authority for urgent threat reduction activities under Department of Defense Cooperative Threat Reduction Program

(a) Limitation on use of funds for urgent threat reduction activities

Subject to subsections (b) and (c), not more than 15 percent of the total amount of Cooperative Threat Reduction funds for any fiscal year may be obligated or expended, notwithstanding any other provision of law, for covered activities.

(b) Secretary of Defense determination and notice for urgent threat reduction activities in governed areas

With respect to an area not covered by subsection (c), the Secretary of Defense may obligate or expend funds pursuant to subsection (a) for covered activities if—

(1) the Secretary determines, in writing, that—

(A) a threat arising in such area from the proliferation of chemical, nuclear, or biological weapons or weapons-related materials, technologies, or expertise must be addressed urgently;

(B) certain provisions of law would unnecessarily impede the ability of the Secretary to carry out such covered activities to address such threat; and

(C) it is necessary to obligate or expend such funds to carry out such covered activities;

(2) the Secretary of State and the Secretary of Energy concur with such determination; and

(3) at the time at which the Secretary of Defense first obligates such funds, the Secretary of Defense, in consultation with the Secretary of State, submits to the congressional defense committees, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Foreign Relations of the Senate—

(A) the determination under paragraph (1);

(B) a description of the covered activities to be carried out using such funds;

(C) the expected time frame for such activities; and

(D) the expected cost of such activities.

(c) Presidential determination and notice for urgent threat reduction activities in ungoverned areas

With respect to an ungoverned area or an area that is not controlled by an effective govern-

mental authority, as determined by the Secretary of State, the President may obligate or expend funds pursuant to subsection (a) for covered activities if—

(1) the President determines, in writing, that—

(A) a threat arising in such an area from the proliferation of chemical, nuclear, or biological weapons or weapons-related materials, technologies, or expertise must be addressed urgently; and

(B) it is necessary to obligate or expend such funds to carry out such covered activities to address such threat; and

(2) at the time at which the President first obligates such funds, the Secretary of Defense, in consultation with the Secretary of State, submits to the congressional defense committees, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Foreign Relations of the Senate—

(A) the determination under paragraph (1);

(B) a description of the covered activities to be carried out using such funds;

(C) the expected time frame for such activities; and

(D) the expected cost of such activities.

(d) Covered activity defined

In this section, the term “covered activity” means an activity under the Program to address a threat arising from the proliferation of chemical, nuclear, or biological weapons or weapons-related materials, technologies, or expertise.

(Pub. L. 113–291, div. A, title XIII, § 1323, Dec. 19, 2014, 128 Stat. 3598.)

§ 3714. Use of funds for unspecified purposes or for increased amounts

(a) Notice to Congress of intent to use funds for unspecified purposes

(1) Report

For any fiscal year for which Cooperative Threat Reduction funds are specifically authorized in an Act other than an appropriations Act for specific purposes within the Program, the Secretary of Defense may obligate or expend such funds, or other funds otherwise made available for the Program for that fiscal year, for purposes other than such specified purposes if—

(A) the Secretary determines that such obligation or expenditure is necessary in the national interests of the United States;

(B) the Secretary submits to the congressional defense committees—

(i) notification of the intent of the Secretary to make such an obligation or expenditure of funds; and

(ii) a complete discussion of the purpose and justification for such obligation or expenditure, including the amount of funds to be obligated or expended; and

(C) a period of 15 days has elapsed following the date on which the Secretary submits the notification and discussion under subparagraph (B).

(2) Construction with other laws

Paragraph (1) may not be construed to authorize the obligation or expenditure of Coop-

erative Threat Reduction Program funds for a purpose for which the obligation or expenditure of such funds is specifically prohibited under section 3731 of this title or any other provision of law.

(b) Limited authority to vary individual amounts provided for any fiscal year for specified purposes

For any fiscal year for which Cooperative Threat Reduction funds are specifically authorized in an Act other than an appropriations Act for specific purposes within the Program, the Secretary may obligate or expend such funds, or other funds otherwise made available for the Program for that fiscal year, in excess of the specific amount so authorized for that purpose if—

- (1) the Secretary determines that such obligation or expenditure is necessary in the national interests of the United States;
- (2) the Secretary submits to the congressional defense committees—
 - (A) notification of the intent of the Secretary to make such an obligation or expenditure of funds in excess of such authorized amount; and
 - (B) a complete discussion of the justification for exceeding such specified amounts, including the amount by which the Secretary will exceed such specified amounts; and
- (3) a period of 15 days has elapsed following the date on which the Secretary submits the notification and discussion under paragraph (2).

(Pub. L. 113–291, div. A, title XIII, § 1324, Dec. 19, 2014, 128 Stat. 3599.)

§ 3715. Use of contributions to Department of Defense Cooperative Threat Reduction Program

(a) Authority to enter into agreements

(1) Authority

Subject to paragraph (2), the Secretary of Defense may enter into one or more agreements with any person (including a foreign government, international organization, multinational entity, or any other entity) that the Secretary considers appropriate under which the person contributes funds for activities conducted under the Program.

(2) Concurrence by Secretary of State

The Secretary may enter into an agreement under paragraph (1) only with the concurrence of the Secretary of State.

(b) Retention and use of funds

Notwithstanding section 3302 of title 31 and subject to subsections (c) and (d), the Secretary of Defense may retain and obligate or expend funds contributed pursuant to subsection (a) for purposes of the Program. Funds so contributed shall be retained in a separate fund established in the Treasury for such purposes and shall be available to be obligated or expended without further appropriation.

(c) Return of funds not obligated or expended within three years

If the Secretary does not obligate or expend funds contributed pursuant to subsection (a) by

the date that is three years after the date on which the contribution was made, the Secretary shall return the amount to the person who made the contribution.

(d) Notice

(1) In general

Not later than 30 days after receiving funds contributed pursuant to subsection (a), the Secretary shall submit to the appropriate congressional committees a notice—

- (A) specifying the value of the contribution and the purpose for which the contribution was made; and
- (B) identifying the person who made the contribution.

(2) Limitation on use of amounts

The Secretary may not obligate funds contributed pursuant to subsection (a) until a period of 15 days elapses following the date on which the Secretary submits the notice under paragraph (1).

(e) Annual report

Not later than the first Monday in February of each year, the Secretary shall submit to the appropriate congressional committees a report on amounts contributed pursuant to subsection (a) during the preceding fiscal year. Each such report shall include, for the fiscal year covered by the report, the following:

- (1) A statement of any funds contributed pursuant to subsection (a), including, for each such contribution, the value of the contribution and the identity of the person who made the contribution.
- (2) A statement of any funds so contributed that were obligated or expended by the Secretary, including, for each such contribution, the purposes for which the funds were obligated or expended.
- (3) A statement of any funds so contributed that were retained but not obligated or expended, including, for each such contribution, the purposes (if known) for which the Secretary intends to obligate or expend the amount.

(f) Implementation plan

The Secretary shall submit to the congressional defense committees—

- (1) an implementation plan for the authority provided under this section prior to obligating or expending any funds contributed pursuant to subsection (a); and
- (2) any updates to such plan that the Secretary considers appropriate.

(g) Appropriate congressional committees defined

In this section, the term “appropriate congressional committees” means the following:

- (1) The congressional defense committees.
- (2) The Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

(Pub. L. 113–291, div. A, title XIII, § 1325, Dec. 19, 2014, 128 Stat. 3600.)