

(5) Prevent the proliferation of weapons of mass destruction-related materials, including materials, equipment, and technology that could be used for the design, development, production, or use of nuclear, chemical, and biological weapons and the means of delivery of such weapons.

(6) Carry out military-to-military and defense contacts for advancing the mission of the Program, subject to subsection (f).

**(b) Concurrence of Secretary of State**

The authority under subsection (a) to carry out the Program is subject to any concurrence of the Secretary of State or other appropriate agency head required under section 3712 or 3713 of this title (unless such concurrence is otherwise exempted pursuant to section 3751 of this title with respect to activities or determinations carried out or made before December 19, 2014).

**(c) Scope of authority**

The authority to carry out the Program in subsection (a) includes authority to provide equipment, goods, and services, but does not include authority to provide funds directly for a project or activity carried out under the Program.

**(d) Type of program**

The Program carried out under subsection (a) may involve assistance in planning and in resolving technical problems associated with weapons destruction and proliferation. The Program may also involve the funding of critical short-term requirements relating to weapons destruction.

**(e) Reimbursement of other agencies**

The Secretary of Defense may reimburse heads of other departments and agencies of the Federal Government under this section for costs of the participation of the respective departments and agencies in the Program.

**(f) Military-to-military and defense contacts**

The Secretary of Defense shall ensure that the military-to-military and defense contacts carried out under subsection (a)(6)—

- (1) are focused and expanded to support specific relationship-building opportunities, which could lead to the development of the Program in new geographic areas and achieve other benefits of the Program;
- (2) are directly administered as part of the Program; and
- (3) include cooperation and coordination with—
  - (A) the unified combatant commands; and
  - (B) the Department of State.

**(g) Prior notice to Congress of obligation of funds**

**(1) Annual requirement**

Not less than 15 days before any obligation of any Cooperative Threat Reduction funds, the Secretary of Defense shall submit to the congressional defense committees a report on that proposed obligation of such funds for that fiscal year.

**(2) Matters included**

Each report under paragraph (1) shall specify—

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

(B) the amount of the proposed obligation; and

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

**(3) Exception for notifications previously provided**

Paragraph (1) shall not apply with respect to a proposed obligation of Cooperative Threat Reduction funds that is covered by a notification previously submitted by the Secretary to the congressional defense committees that includes the matters described in subparagraphs (A) through (C) of paragraph (2).

(Pub. L. 113-291, div. A, title XIII, §1321, Dec. 19, 2014, 128 Stat. 3595.)

**§ 3712. Use of funds for certain emergent threats or opportunities**

**(a) Authority**

For purposes of the Program, the Secretary of Defense may obligate and expend Cooperative Threat Reduction funds for a fiscal year, and any Cooperative Threat Reduction funds for a prior fiscal year that remain available for obligation, for a proliferation threat reduction project or activity if the Secretary, with the concurrence of the Secretary of State, determines each of the following:

(1) That such project or activity will—

(A) assist the United States in the resolution of a critical emerging proliferation threat; or

(B) permit the United States to take advantage of opportunities to achieve long-standing nonproliferation goals.

(2) That such project or activity will be completed in a period not exceeding five years.

(3) That the Department of Defense is the entity of the Federal Government that is most capable of carrying out such project or activity.

**(b) Congressional notification**

At the time at which the Secretary obligates funds under subsection (a) for a project or activity, the Secretary of Defense shall notify, in writing, the congressional defense committees and the Secretary of State shall notify, in writing, the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate of the determinations made under such subsection with respect to such project or activity, together with—

(1) a justification for such determinations; and

(2) a description of the scope and duration of such project or activity.

**(c) Non-defense agency partner-nation contacts**

With respect to military-to-military and defense contacts carried out under subsection

(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-