

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; Pub. L. 114–328, div. A, title XIII, § 1302(b)(4), Dec. 23, 2016, 130 Stat. 2566; Pub. L. 115–91, div. A, title XIII, § 1302(b)(2), Dec. 12, 2017, 131 Stat. 1705.)

AMENDMENTS

2017—Subsecs. (a)(1)(C), (b)(3). Pub. L. 115–91 substituted “15 days” for “45 days”.

2016—Subsecs. (a)(1)(C), (b)(3). Pub. L. 114–328 substituted “45 days” for “15 days”.

§ 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) 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.

(f) 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; Pub. L. 115–91, div. A, title X, § 1051(t)(6), Dec. 12, 2017, 131 Stat. 1566.)

AMENDMENTS

2017—Subsecs. (e) to (g). Pub. L. 115–91 redesignated subsecs. (f) and (g) as (e) and (f), respectively, and struck out former subsec. (e) which required annual reports on contributions.

SUBCHAPTER II—RESTRICTIONS AND LIMITATIONS

§ 3731. Prohibition on use of funds for specified purposes

(a) In general

Cooperative Threat Reduction funds may not be obligated or expended for any of the following purposes:

(1) Conducting any peacekeeping exercise or other peacekeeping-related activity.

(2) Provision of housing.

(3) Provision of assistance to promote environmental restoration.

(4) Provision of assistance to promote job retraining.

(5) Provision of assistance to promote defense conversion.

(b) Limitation with respect to conventional weapons

Cooperative Threat Reduction funds may not be obligated or expended for the elimination of—

(1) conventional weapons; or