

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

(2) delivery vehicles of conventional weapons, unless such delivery vehicles could reasonably be used or adapted to be used for the delivery of chemical, nuclear, or biological weapons.

(Pub. L. 113–291, div. A, title XIII, § 1331, Dec. 19, 2014, 128 Stat. 3601.)

§ 3732. Requirement for on-site managers

(a) On-site manager requirement

Before obligating any Cooperative Threat Reduction funds for a project described in subsection (b), the Secretary of Defense shall appoint one on-site manager for that project. The manager shall be appointed from among employees of the Federal Government.

(b) Projects covered

Subsection (a) applies to a project—

- (1) to be located in a state of the former Soviet Union;
- (2) which involves dismantlement, destruction, or storage facilities, or construction of a facility; and
- (3) with respect to which the total contribution by the Department of Defense is expected to exceed \$50,000,000.

(c) Duties of on-site manager

The on-site manager appointed under subsection (a) shall—

- (1) develop, in cooperation with representatives from governments of states participating in the project, a list of those steps or activities critical to achieving the disarmament or nonproliferation goals of the project;
- (2) establish a schedule for completing those steps or activities;
- (3) meet with all participants to seek assurances that those steps or activities are being completed on schedule; and
- (4) suspend the participation of the United States in a project when a participant other than the United States fails to complete a scheduled step or activity on time, unless the Secretary of Defense directs the on-site manager to resume the participation of the United States.

(d) Authority to manage more than one project

(1) In general

Subject to paragraph (2), an employee of the Federal Government may serve as on-site manager for more than one project, including projects at different locations.

(2) Limitation

If such an employee serves as on-site manager for more than one project in a fiscal year, the total cost of the projects for that fiscal year may not exceed \$150,000,000.

(e) Steps or activities

Steps or activities referred to in subsection (c)(1) are those steps or activities that, if not completed, will prevent a project from achieving its disarmament or nonproliferation goals, including, at a minimum, the following:

- (1) Identification and acquisition of permits (as defined in section 3733 of this title).
- (2) Verification that the items, substances, or capabilities to be dismantled, secured, or

otherwise modified are available for dismantlement, securing, or modification.

(3) Timely provision of financial, personnel, management, transportation, and other resources.

(f) Notification to Congress

In any case in which the Secretary directs an on-site manager to resume the participation of the United States in a project under subsection (c)(4), the Secretary shall notify the congressional defense committees of such direction by not later than 30 days after the date of such direction.

(Pub. L. 113–291, div. A, title XIII, § 1332, Dec. 19, 2014, 128 Stat. 3601.)

§ 3733. Limitation on use of funds until certain permits obtained

(a) In general

The Secretary of Defense shall seek to obtain all the permits required to complete each phase of construction of a project under the Program in a state of the former Soviet Union before obligating more than 40 percent of the total costs of that phase of the project.

(b) Use of funds for new construction projects

Except as provided in subsection (c), with respect to a new construction project to be carried out by the Program, not more than 40 percent of the total costs of the project may be obligated from Cooperative Threat Reduction funds for any fiscal year until the Secretary—

- (1) determines the number and type of permits that may be required for the lifetime of the project in the proposed location or locations of the project; and
- (2) obtains from the state in which the project is to be located any permits that may be required to begin construction.

(c) Exception to limitations on use of funds

The limitation in subsection (b) on the obligation of funds for a construction project otherwise covered by such subsection shall not apply with respect to the obligation of funds for a particular project if the Secretary—

- (1) determines that it is necessary in the national interest to obligate funds for such project; and
- (2) submits to the congressional defense committees a notification of the intent to obligate funds for such project, together with a complete discussion of the justification for doing so.

(d) Definitions

In this section, with respect to a project under the Program:

- (1) The term “new construction project” means a construction project for which no funds have been obligated or expended as of November 24, 2003.
- (2) The term “permit” means any local or national permit for development, general construction, environmental, land use, or other purposes that is required for purposes of major construction.

(Pub. L. 113–291, div. A, title XIII, § 1333, Dec. 19, 2014, 128 Stat. 3602.)