

(2) Form

The report required by this subsection shall be submitted in classified form.

(Pub. L. 118–31, div. A, title XIII, § 1352, Dec. 22, 2023, 137 Stat. 514.)

Editorial Notes

REFERENCES IN TEXT

The Arms Export Control Act, referred to in subsec. (h)(3), is Pub. L. 90–629, Oct. 22, 1968, 82 Stat. 1320, which is classified principally to chapter 39 (§ 2751 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2751 of this title and Tables.

CODIFICATION

Section is comprised of section 1352 of Pub. L. 118–31. Subsec. (g) of section 1352 of Pub. L. 118–31 amended section 8680 of Title 10, Armed Forces.

Executive Documents

DELEGATION OF FUNCTIONS

Functions and authorities vested in the President under subsecs. (e)(2)(B), (C) and (g) of this section delegated to Secretary of Defense, in consultation with Secretary of Energy, and under subsecs. (d)(1), (e)(2)(A), (h)(4), and (i) of this section to Secretary of Defense, in consultation with Secretaries of State and Energy, by Memorandum of President of the United States, §1(a), (b), (c)(iii)–(v), July 9, 2024, 89 F.R. 57337, set out in a note under section 10413 of this title.

DELEGATION OF FUNCTIONS AND AUTHORITIES UNDER SECTIONS 1352 AND 1353 OF THE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2024

Memorandum of President of the United States, Dec. 11, 2024, 89 F.R. 101835, provided:

Memorandum for the Secretary of State[,] the Secretary of Defense[,] the Secretary of Energy[, and] the Director of the Office of Management and Budget

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 301 of title 3, United States Code:

SECTION 1. (a) I hereby delegate to the Secretary of State, in consultation with the Secretaries of Defense and Energy, the functions and authorities vested in the President by section 1352(a) of the National Defense Authorization Act for Fiscal Year 2024 (Public Law 118–31) (the “Act”) [22 U.S.C. 10431(a)].

(b) I hereby delegate to the Secretary of Defense, in consultation with the Secretaries of State and Energy and the Director of the Office of Management and Budget, the functions and authorities vested in the President by section 1352(e)(1)(A) of the Act.

(c) I hereby delegate to the Secretary of Energy, in consultation with the Secretary of Defense and the Director of the Office of Management and Budget, the functions and authorities vested in the President by section 1352(f)(2) of the Act.

(d) I hereby delegate to the Secretary of Defense for funds transferred to Department of Defense accounts and to the Secretary of Energy for funds transferred to Department of Energy accounts, in coordination with the Director of the Office of Management and Budget, the functions and authorities vested in the President by sections 1353(c), 1353(e)(1)(D), and 1353(e)(3) of the Act [22 U.S.C. 10432(c), (e)(1)(D), (e)(3)].

(e) I hereby delegate to the Director of the Office of Management and Budget, in consultation with the Secretaries of Defense and Energy, as appropriate, the functions and authorities vested in the President by sections 1353(a), 1353(e)(1)(A), 1353(e)(2), and 1353(f)(1) of the Act.

SEC. 2. The delegation in this memorandum shall apply to any provision of any future public law that is

the same or substantially the same as the provision referenced in this memorandum.

SEC. 3. The Secretary of Defense is authorized and directed to publish this memorandum in the Federal Register.

J.R. BIDEN, JR.

§ 10432. Acceptance of contributions in support of Australia, United Kingdom, and United States submarine security activities**(a) Acceptance authority**

The President may accept from the Government of Australia contributions of money made by the Government of Australia for use by the Department of Defense in support of non-nuclear related aspects of submarine security activities between Australia, the United Kingdom, and the United States (in this section referred to as the “AUKUS partnership”).

(b) Establishment of Submarine Security Activities Account**(1) In general**

There is established in the Treasury of the United States a special account to be known as the ‘Submarine Security Activities Account’.

(2) Credit to account

Contributions of money accepted by the President under subsection (a) shall be credited to the Submarine Security Activities Account.

(3) Availability

Amounts credited to the Submarine Security Activities Account shall remain available until expended.

(c) Use of funds**(1) In general**

Subject to paragraphs (2) and (3) of subsection (b), the President may use funds in the Submarine Security Activities Account—

(A) for any purpose authorized by law that the President determines would support the AUKUS submarine security activities;

(B) to carry out a military construction project that is consistent with the purposes for which the contributions were made and is authorized by law;

(C) to develop and increase the submarine industrial base workforce by investing in recruiting, training, and retaining key specialized labor at public and private shipyards; or

(D) to upgrade facilities, equipment, and infrastructure needed to repair and maintain submarines at public and private shipyards.

(2) No further specific authorization in law required

Funds in the Submarine Security Activities Account may be used as described in this subsection without further specific authorization in law.

(d) Plan for use of funds

Not later than 30 days prior to any use of any funds in the Submarine Security Activities Account, the President shall submit to the appropriate congressional committees and leadership a plan detailing—

(1) the amount of funds in the Submarine Security Activities Account; and

(2) how such funds will be used, including specific amounts and purposes.

(e) Transfers of funds

(1) To Department of Defense

(A) In general

In carrying out subsection (c), the President may transfer funds available in the Submarine Security Activities Account to appropriations available to the Department of Defense.

(B) Authority in addition to other transfer authority

The authority provided in this paragraph is in addition to any other transfer authority otherwise provided by law and is subject to the same terms and conditions as the authority provided in section 8005 of the Department of Defense Appropriations Act, 2023 (Public Law 117-328), except for monetary limitations concerning the amount of authority available.

(C) Availability

Funds transferred under the authority provided in this paragraph shall be merged with and available for the same purposes, and for the same time period, as the appropriation to which transferred.

(D) Limitation on certain transactions

Contributions referred to in subsection (a) may not be obligated for a transaction authorized in subsection (c)(1)(B) until the President submits to the appropriate congressional committees and leadership notice of the transaction, including a detailed cost estimate, and a period of 21 days has elapsed after the date on which the notification is received by the appropriate congressional committees and leadership or, if earlier, a period of 14 days has elapsed after the date on which a copy of the notification is provided in an electronic medium.

(2) To Department of Energy

In carrying out subsection (c), and in accordance with the Atomic Energy Act of 1954, (42 U.S.C. 2011 et seq.), the President may transfer funds available in the Submarine Security Activities Account to appropriations or funds of the Department of Energy available to carry out activities related to AUKUS submarine security activities.

(3) Transfers back to Submarine Security Activities Account

Upon a determination by the President that all or part of the funds transferred from the Submarine Security Activities Account under this subsection are not necessary for the purposes for which such funds were transferred, all or such part of such funds shall be transferred back to the Submarine Security Activities Account.

(f) Investment of money

(1) In general

The President may invest money in the Submarine Security Activities Account in securi-

ties of the United States or in securities guaranteed as to principal and interest by the United States.

(2) Interest

Any interest or other income that accrues from investment in securities referred to in paragraph (1) shall be deposited to the credit of the Submarine Security Activities Account.

(g) Relationship to other laws

The authority to accept or transfer funds under this section is in addition to any other statutory authority to accept or transfer funds.

(h) Notification and report

(1) Notification

Not later than 60 days prior to the transfer of any funds from the Submarine Security Activities Account, the President shall notify the appropriate congressional committees and leadership of—

(A) the intended use of such funds by appropriation, program, project, and activity, as defined in the Joint Explanatory Statement accompanying the Department of Defense Appropriations Act¹ 2023 (Public Law 117-328); and

(B) the extent to which such funds complement, supplement, or supplant other ongoing or planned efforts funded by an appropriations Act with an identification of the associated funding and explanation of the combined efforts including the intended outcomes.

(2) Annual report

Not later than November 30 of each year until one year after the date on which all funds transferred under this section have been fully expended, the President shall submit to the appropriate congressional committees and leadership a report that includes a detailed accounting of—

(A) the amount of funds transferred under this subsection during the fiscal year preceding the fiscal year in which the report is submitted; and

(B) the purposes for which such funds were used.

(i) Report

(1) In general

Not later than 30 days after the date on which contributions of money accepted by the President under subsection (a) are credited to the Submarine Security Activities Account under subsection (b), the President shall submit to the appropriate congressional committees and leadership a report on—

(A) the amount of money so transferred;

(B) a description of the intended use of the funds; and

(C) any other matters related to the administration of the Submarine Security Activities Account as determined necessary by the Secretary.

(2) Form

The report required by this subsection shall be submitted in unclassified form but may include a classified annex.

¹ So in original. Probably should be “Act.”.

(Pub. L. 118-31, div. A, title XIII, §1353, Dec. 22, 2023, 137 Stat. 519.)

Editorial Notes

REFERENCES IN TEXT

Section 8005 of the Department of Defense Appropriations Act, 2023, referred to in subsec. (e)(1)(B), is section 8005 of Pub. L. 117-328, div. C, title VIII, Dec. 29, 2022, 136 Stat. 4585, which is not classified to the Code.

The Atomic Energy Act of 1954, referred to in subsec. (e)(2), is act Aug. 1, 1946, ch. 724, as added by act Aug. 30, 1954, ch. 1073, §1, 68 Stat. 919, which is classified principally to chapter 23 (§2011 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 2011 of Title 42 and Tables.

Executive Documents

DELEGATION OF FUNCTIONS

Functions and authorities vested in the President under subsecs. (d), (h), and (i) of this section delegated to Secretary of Defense for funds allocated to the Department of Defense account and to Secretary of Energy for funds allocated to the Department of Energy account, in coordination with the Director of the Office of Management and Budget, by Memorandum of President of the United States, §1(c)(vi), July 9, 2024, 89 F.R. 57337, set out in a note under section 10413 of this title.

Functions and authorities vested in the President under subsecs. (c) and (e)(1)(D) and (3) of this section delegated to the Secretary of Defense for funds transferred to Department of Defense accounts and to the Secretary of Energy for funds transferred to Department of Energy accounts, in coordination with the Director of the Office of Management and Budget, and under subsecs. (a), (e)(1)(A), (2), and (f)(1) of this section delegated to the Director of the Office of Management and Budget, in consultation with the Secretaries of Defense and Energy, as appropriate, by Memorandum of President of the United States, §1(d), (e), Dec. 11, 2024, 89 F.R. 101835, set out in a note under section 10431 of this title.

§ 10433. Appropriate congressional committees and leadership defined

In this chapter, the term “appropriate congressional committees and leadership” means—

(1) the Speaker of the House of Representatives and the Committee on Foreign Affairs, the Committee on Armed Services, and the Committee on Appropriations of the House of Representatives; and

(2) the majority leader of the Senate and the Committee on Foreign Relations, the Committee on Armed Services, and the Committee on Appropriations of the Senate.

(Pub. L. 118-31, div. A, title XIII, §1354, Dec. 22, 2023, 137 Stat. 522.)

CHAPTER 112—COMBATING GLOBAL CORRUPTION

Sec.	
10501.	Definitions.
10502.	Publication and provision of lists regarding progress on anti-corruption efforts.
10503.	Minimum standards for the elimination of corruption and assessment of efforts to combat corruption.
10504.	Imposition of sanctions under Global Magnitsky Human Rights Accountability Act.
10505.	Designation of embassy anti-corruption points of contact.

§ 10501. Definitions

In this chapter:

(1) The term “appropriate congressional committees” means—

(A) the Committee on Foreign Relations, the Committee on Appropriations, the Committee on Banking, Housing, and Urban Affairs, and the Committee on the Judiciary of the Senate; and

(B) the Committee on Foreign Affairs, the Committee on Appropriations, the Committee on Financial Services, and the Committee on the Judiciary of the House of Representatives.

(2) The term “corrupt actor” means—

(A) any foreign person or entity that is a government official or government entity responsible for, or complicit in, an act of corruption; and

(B) any company, in which a person or entity described in subparagraph (A) has a significant stake, which is responsible for, or complicit in, an act of corruption.

(3) The term “corruption” means the unlawful exercise of entrusted public power for private gain, including by bribery, nepotism, fraud, or embezzlement.

(4) The term “significant corruption” means corruption committed at a high level of government that has some or all of the following characteristics:

(A) Illegitimately distorts major decision-making, such as policy or resource determinations, or other fundamental functions of governance.

(B) Involves economically or socially large-scale government activities.

(Pub. L. 118-31, div. E, title LIV, §5402, Dec. 22, 2023, 137 Stat. 944.)

Statutory Notes and Related Subsidiaries

SHORT TITLE

Pub. L. 118-31, div. E, title LIV, §5401, Dec. 22, 2023, 137 Stat. 944, provided that: “This subtitle [subtitle A (§§5401-5406) of title LIV of div. E of Pub. L. 118-31, enacting this chapter] may be cited as the ‘Combating Global Corruption Act’.”

§ 10502. Publication and provision of lists regarding progress on anti-corruption efforts

(a) Public list

The Secretary of State shall publish annually, on a publicly accessible website, a list of foreign countries where the government is sustaining or making good progress on anti-corruption efforts in accordance with the minimum standards set forth in section 10503 of this title. Such list shall include a brief description of each such country’s progress or justification for being on such list.

(b) Classified list

The Secretary of State shall provide to the appropriate congressional committees a classified list of countries where the government is making limited or no efforts to comply with minimum standards set forth in section 10503 of this title, and are not achieving meaningful progress