

(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; Pub. L. 114–328, div. A, title XIII, §1302(b)(3), Dec. 23, 2016, 130 Stat. 2566.)

Editorial Notes

AMENDMENTS

2016—Subsec. (b)(3). Pub. L. 114–328 substituted “not later than seven days before the date on which” for “at the time at which” in introductory provisions.

§ 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 Cooperative 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; 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.)

Editorial Notes

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.