

(2) A transfer back to the Foreign Currency Fluctuations, Defense appropriation may not be made after the end of the second fiscal year after the fiscal year that the appropriation to which the funds were originally transferred is available for obligation.

(b) FUNDING FOR LOSSES IN MILITARY CONSTRUCTION AND FAMILY HOUSING.—(1) One hundred million dollars, plus \$25,000,000 from Family Housing, Defense, are appropriated to the Secretary of Defense, to remain available until spent. The appropriation is available only to provide funds to eliminate losses in military construction or expenses of family housing for the Department of Defense caused by fluctuations in currency exchange rates of foreign countries that changed after a budget request was submitted to Congress.

(2) Funds provided under this subsection are merged with and are available for the same purpose and for the same time period as the appropriation to which they are applied. An authorization or limitation limiting the amount that may be obligated or spent is increased to the extent necessary to reflect fluctuations in exchange rates from those used in preparing the budget submission.

(3) An obligation payable in the currency of a foreign country may be recorded as an obligation based on exchange rates used in preparing a budget submission. A change reflecting fluctuations in the exchange rate may be recorded as a disbursement is made.

(c) TRANSFERS TO MILITARY PERSONNEL ACCOUNTS.—The Secretary of Defense may transfer funds to military personnel appropriations for a fiscal year out of funds available to the Department of Defense for that fiscal year under the appropriation “Foreign Currency Fluctuations, Defense”.

(d) TRANSFERS TO FOREIGN CURRENCY FLUCTUATIONS ACCOUNT.—(1) The Secretary of Defense may transfer to the appropriation “Foreign Currency Fluctuations, Defense” unobligated amounts of funds appropriated for operation and maintenance and unobligated amounts of funds appropriated for military personnel.

(2) Any transfer from an appropriation under paragraph (1) shall be made not later than the end of the second fiscal year following the fiscal year for which the appropriation is provided.

(3) Any transfer made pursuant to the authority provided in this subsection shall be limited so that the amount in the appropriation “Foreign Currency Fluctuations, Defense” does not exceed \$970,000,000 at the time the transfer is made.

(e) CONDITIONS OF AVAILABILITY FOR TRANSFERRED FUNDS.—Amounts transferred under subsection (c) or (d) shall be merged with and be available for the same purposes and for the same period as the appropriations to which transferred.

(Added Pub. L. 97-258, §2(b)(8)(B), Sept. 13, 1982, 96 Stat. 1056; amended Pub. L. 101-510, div. A, title XIII, §1301(15), Nov. 5, 1990, 104 Stat. 1668; Pub. L. 104-106, div. A, title IX, §911(a)-(c), (e), Feb. 10, 1996, 110 Stat. 406, 407.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
2779(a)	31:628-2.	July 25, 1979, Pub. L. 96-38, §100 (last par. under heading “General Provisions”), 93 Stat. 100.
2779(b)	31:628-3.	Nov. 30, 1979, Pub. L. 96-130, §100 (par. under heading “Foreign Currency Fluctuation, Construction, Defense”), 93 Stat. 1019.

In subsection (a)(1), before clause (A), the words “during the current fiscal year or on and after July 25, 1979” are omitted as executed. The words “from an appropriation to which they were transferred” are omitted as surplus. In clause (A), the words “of foreign countries” are added for consistency.

In subsection (a)(2), the words “back to the Foreign Currency Fluctuations, Defense appropriation” are substituted for “authorized by this provision” for clarity.

In subsection (b)(1), the words “the sum of”, “which shall be derived”, and “to appropriations and funds” are omitted as surplus. The word “only” is added for clarity. The words “for those appropriations or funds” are omitted as surplus. The words “available during fiscal year 1980, or thereafter” are omitted as executed. The words “Department of Defense” are substituted for “military departments and Defense agencies” because of 10:101(5).

In subsection (b)(2), the words “or fund” are omitted as surplus. The words “now or on and after November 30, 1979” are omitted as executed. The words “contained within appropriations or other provisions of law”, “hereby”, and “applicable” are omitted as surplus.

In subsection (b)(3), the words “contracts or other . . . entered into” are omitted as surplus.

PRIOR PROVISIONS

Provisions similar to those in subsec. (d) of this section were contained in Pub. L. 97-377, title I, §101(c) [title VII, §791], Dec. 21, 1982, 96 Stat. 1865, which was set out as a note under section 114 of this title, prior to repeal by Pub. L. 104-106, §911(d)(2).

AMENDMENTS

1996—Subsec. (a). Pub. L. 104-106, §911(e)(1), inserted heading.

Subsec. (a)(2). Pub. L. 104-106, §911(e)(2), substituted “second fiscal year” for “2d fiscal year”.

Subsec. (b). Pub. L. 104-106, §911(e)(3), inserted heading.

Subsec. (c). Pub. L. 104-106, §911(a), added subsec. (c).

Subsec. (d). Pub. L. 104-106, §911(b), added subsec. (d).

Subsec. (e). Pub. L. 104-106, §911(c), added subsec. (e).

1990—Subsec. (b)(4). Pub. L. 101-510 struck out par. (4) which read as follows: “The Secretary each year shall report to Congress on funds made available under this subsection.”

EFFECTIVE DATE OF 1996 AMENDMENT

Pub. L. 104-106, div. A, title IX, §911(f), Feb. 10, 1996, 110 Stat. 407, provided that: “Subsections (c) and (d) of section 2779 of title 10, United States Code, as added by subsections (a) and (b), and the repeals made by subsection (d) [repealing provisions set out as a note under section 114 of this title], shall apply only with respect to amounts appropriated for a fiscal year after fiscal year 1995.”

§ 2780. Debt collection

(a)(1) Subject to paragraph (2), the Secretary of Defense shall enter into one or more contracts with a person for collection services to recover indebtedness owed to the United States (arising out of activities related to Department

of Defense) that is delinquent by more than three months.

(2) The authority of the Secretary to enter into a contract under this section for any fiscal year is subject to the availability of appropriations.

(3) Any such contract shall provide that the person submit to the Secretary a status report on the person's success in collecting such debts at least once each six months. Section 3718 of title 31 shall apply to any such contract, to the extent not inconsistent with this subsection.

(b)(1) Except as provided in paragraph (2), the Secretary of Defense shall disclose to consumer reporting agencies, in accordance with paragraph (1) of section 3711(e) of title 31, information concerning any debt described in subsection (a) of more than \$100 that is delinquent by more than 31 days.

(2) No disclosure shall be made under paragraph (1) with respect to an indebtedness while a decision regarding waiver of collection of the indebtedness is pending under section 2774 of this title or section 716 of title 32, or while a decision regarding remission or cancellation of the indebtedness is pending under section 4837, 6161, or 9837 of this title, unless the Secretary concerned (as defined in section 101(5) of title 37) determines that disclosure under that paragraph pending such decision is in the best interests of the United States.

(Added Pub. L. 99-661, div. A, title XIII, §1309(a), Nov. 14, 1986, 100 Stat. 3982; amended Pub. L. 104-316, title I, §115(g)(2)(C), Oct. 19, 1996, 110 Stat. 3835; Pub. L. 109-364, div. A, title VI, §672(a), Oct. 17, 2006, 120 Stat. 2270.)

AMENDMENTS

2006—Subsec. (b). Pub. L. 109-364 designated existing provisions as par. (1), substituted “Except as provided in paragraph (2), the Secretary of Defense” for “The Secretary”, and added par. (2).

1996—Subsec. (b). Pub. L. 104-316 substituted “section 3711(e)” for “section 3711(f)”.

EFFECTIVE DATE OF 2006 AMENDMENT

Pub. L. 109-364, div. A, title VI, §672(b), Oct. 17, 2006, 120 Stat. 2270, provided that:

“(1) IN GENERAL.—The amendments made by this section [amending this section] shall take effect on March 1, 2007.

“(2) APPLICATION TO PRIOR ACTIONS.—Paragraph (2) of section 2780(b) of title 10, United States Code, as added by subsection (a), shall not be construed to apply to or invalidate any action taken under such section before March 1, 2007.”

CONTRACTS FOR RECOVERY OF INDEBTEDNESS

Pub. L. 101-165, title IX, §9019, Nov. 21, 1989, 103 Stat. 1133, provided that: “During the current fiscal year and hereafter, the Department of Defense may enter into contracts to recover indebtedness to the United States pursuant to section 3718 of title 31, United States Code.”

§ 2781. Availability of appropriations: exchange fees; losses in accounts

Amounts appropriated to the Department of Defense may be used for—

- (1) exchange fees; and
- (2) losses in the accounts of disbursing officials and agents in accordance with law.

(Added Pub. L. 100-370, §1(m)(1), July 19, 1988, 102 Stat. 849.)

HISTORICAL AND REVISION NOTES

Section is based on Pub. L. 99-190, §101(b) [title VIII, §8006(c)], Dec. 19, 1985, 99 Stat. 1185, 1203.

§ 2782. Damage to real property: disposition of amounts recovered

Except as provided in section 2775 of this title, amounts recovered for damage caused to real property under the jurisdiction of the Secretary of a military department or, with respect to the Defense Agencies, under the jurisdiction of the Secretary of Defense shall be credited to the account available for the repair or replacement of the real property at the time of recovery. In such amounts as are provided in advance in appropriation Acts, amounts so credited shall be available for use for the same purposes and under the same circumstances as other funds in the account.

(Added Pub. L. 104-106, div. B, title XXVIII, §2821(a), Feb. 10, 1996, 110 Stat. 556.)

PRIOR PROVISIONS

A prior section 2782, added Pub. L. 101-189, div. A, title XVI, §1603(a)(1), Nov. 29, 1989, 103 Stat. 1597, related to limits on restoration of unobligated balances withdrawn from availability for obligation, prior to repeal by Pub. L. 101-510, div. A, title XIV, §1405(c)(1), Nov. 5, 1990, 104 Stat. 1680.

§ 2783. Nonappropriated fund instrumentalities: financial management and use of nonappropriated funds

(a) REGULATION OF MANAGEMENT AND USE OF NONAPPROPRIATED FUNDS.—The Secretary of Defense shall prescribe regulations governing—

- (1) the purposes for which nonappropriated funds of a nonappropriated fund instrumentality of the United States within the Department of Defense may be expended; and
- (2) the financial management of such funds to prevent waste, loss, or unauthorized use.

(b) PENALTIES FOR VIOLATIONS.—(1) A civilian employee of the Department of Defense who is paid from nonappropriated funds and who commits a substantial violation of the regulations prescribed under subsection (a) shall be subject to the same penalties as are provided by law for misuse of appropriations by a civilian employee of the Department of Defense paid from appropriated funds. The Secretary of Defense shall prescribe regulations to carry out this paragraph.

(2) The Secretary shall provide in regulations that a violation of the regulations prescribed under subsection (a) by a person subject to chapter 47 of this title (the Uniform Code of Military Justice) is punishable as a violation of section 892 of this title (article 92 of the Uniform Code of Military Justice).

(c) NOTIFICATION OF VIOLATIONS.—(1) A civilian employee of the Department of Defense (whether paid from nonappropriated funds or from appropriated funds), and a member of the armed forces, whose duties include the obligation of nonappropriated funds, shall notify the Secretary of Defense of information which the person reasonably believes evidences—

- (A) a violation by another person of any law, rule, or regulation regarding the management of such funds; or