

capital project overseas for an overseas contingency operation for the benefit of a host country and funded by the Department of Defense, the Department of State, or the United States Agency for International Development, as applicable, if the capital project—

(A) in the case of a project that directly supports building the capacity of indigenous security forces in the host country, has an estimated value in excess of \$10,000,000;

(B) in the case of any project not covered by subparagraph (A) that is to be funded by the Department of State or the United States Agency for International Development, has an estimated value in excess of \$5,000,000; or

(C) in the case of any other project, has an estimated value in excess of \$2,000,000.

**(2) Exclusion**

A capital project described in this subsection does not include any project for military construction (as that term is defined in section 114(b) of title 10) or a military family housing project under section 2821 of such title.

**(c) Waiver**

The Secretary of Defense, the Secretary of State, or the Administrator of the United States Agency for International Development, as applicable, may waive the limitation in subsection (a) in order to initiate a capital project if such Secretary or the Administrator, as the case may be, determines that the project is in the national security, diplomatic, or humanitarian interests of the United States. In the first report submitted under subsection (d) after any waiver under this subsection, such Secretary or the Administrator shall include a detailed justification of such waiver. Not later than 90 days after issuing a waiver under this subsection, such Secretary or the Administrator shall submit to the appropriate committees of Congress the assessment described in subsection (a) with respect to the capital project concerned.

**(d) Semi-annual reports**

**(1) In general**

Not later than 30 days after the end of any fiscal-year half-year in which the Secretary of Defense, the Secretary of State, or the Administrator of the United States Agency for International Development conducts an assessment under subsection (a), such Secretary or the Administrator, as the case may be, shall submit to the appropriate committees of Congress a report setting forth each assessment so conducted during such fiscal-year half-year, including the elements of each capital project so assessed specified in subsection (a)(2).

**(2) Additional elements**

In addition to the matters provided for in paragraph (1), each report under that paragraph shall include the following:

(A) For each capital project covered by such report, an evaluation (other than by amount of funds expended) of the effectiveness of such project, including, at a minimum, the following:

(i) The stated goals of the project.

(ii) The actions taken to assess and verify whether the project has met the stated goals of the project or is on track to meet such goals when completed.

(iii) The current and anticipated levels of involvement of local governments, communities, and individuals in the project.

(B) For each country or region in which a capital project covered by such report is being carried out, an assessment of the current and anticipated risks of corruption or fraud in connection with such project.

**(3) Form**

Each report shall be submitted in unclassified form, but may include a classified annex.

**(e) Definitions**

In this section:

(1) The term “appropriate committees of Congress” means—

(A) the Committee on Armed Services, the Committee on Foreign Relations, the Committee on Homeland Security and Governmental Affairs, and the Committee on Appropriations of the Senate; and

(B) the Committee on Armed Services, the Committee on Foreign Affairs, the Committee on Oversight and Government Reform, and the Committee on Appropriations of the House of Representatives.

(2) The term “capital project” has the meaning given that term in section 2421e of this title.

(3) The term “overseas contingency operation” means a military operation outside the United States and its territories and possessions that is a contingency operation (as that term is defined in section 101(a)(13) of title 10).

(Pub. L. 112–239, div. A, title XII, §1273, Jan. 2, 2013, 126 Stat. 2023.)

**CODIFICATION**

Section was enacted as part of the National Defense Authorization Act for Fiscal Year 2013, and not as part of the Foreign Assistance Act of 1961 which comprises this chapter.

**§ 2422. Repealed. Pub. L. 102–88, title VI, § 601, Aug. 14, 1991, 105 Stat. 441**

Section, Pub. L. 87–195, pt. III, § 662, as added Pub. L. 93–559, § 32, Dec. 30, 1974, 88 Stat. 1804, and amended Pub. L. 96–450, title IV, § 407(a), Oct. 14, 1980, 94 Stat. 1981, prohibited funding of activities of the Central Intelligence Agency, other than intelligence gathering, without Presidential finding of importance to national security of United States and defined such activities as significant anticipated intelligence activities for purpose of section 413 of Title 50, War and National Defense. See section 3094 of Title 50.

**§ 2423. Exchanges of certain materials**

**(a) Agreement for necessary or strategic raw material; definition**

Notwithstanding any other provision of law, whenever the President determines it is in the United States national interest, he shall furnish assistance under this chapter or shall furnish defense articles or services under the Foreign Military Sales Act [22 U.S.C. 2751 et. seq.], pursuant to an agreement with the recipient of such as-