SEC. ___ . PERMANENT AUTHORITY FOR ACCEPTANCE AND USE OF CONTRIBUTIONS FOR CERTAIN CONSTRUCTION, MAINTENANCE, AND REPAIR PROJECTS MUTUALLY BENEFICIAL TO THE DEPARTMENT OF DEFENSE AND KUWAIT MILITARY FORCES.

(a) PERMANENT AUTHORITY.—Section 2804 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92; 129 Stat. 1170; 10 U.S.C. 2350j note) is amended by striking subsection (f).

(b) CONFORMING AMENDMENT.—The heading of such section is amended by striking "**TEMPORARY**".

Section-by-Section Analysis

In support of encouraging and facilitating the sustained provision of cash contributions from the Government of Kuwait to the U.S. Department of Defense for the purpose of paying the costs of construction, maintenance, and repair projects mutually beneficial to the Department and Kuwaiti military forces, the Department of Defense is recommending amending section 2804 of the National Defense Authorization Act for Fiscal Year 2016 so that the temporary authority granted by that section becomes permanent.

The Department recommends this change so that it is able to accept cash contributions for mutually beneficial projects from Kuwait on a sustained basis and can conduct mid- to long-term planning for the receipt of these types of projects when opportunities arise. These contributions, in addition to any burden sharing contributions made by the Government of Kuwait, will contribute to the promotion of U.S. national interests and regional stability.

Failure to make the authority granted in Section 2804 of the National Defense Authorization Act for Fiscal Year 2016 permanent will discourage the Government of Kuwait from discussing, developing, and making provisions to provide cash contributions for construction, maintenance, and repair projects mutually beneficial to the Department of Defense and Kuwait military forces beyond September 30, 2020, .

Budget Implications: None for the Department of Defense. Funding for these projects will come from the Government of Kuwait.

Changes to Existing Law: This proposal would amend section 2804 of the National Defense Authorization Act for Fiscal Year 2016 by striking subsection (f), as reflected below:.

SEC. 2804. ~~TEMPORARY~~ AUTHORITY FOR ACCEPTANCE AND USE OF CONTRIBUTIONS FOR CERTAIN CONSTRUCTION, MAINTENANCE, AND REPAIR PROJECTS MUTUALLY BENEFICIAL TO THE DEPARTMENT OF DEFENSE AND KUWAIT MILITARY FORCES.

(a) AUTHORITY TO ACCEPT CONTRIBUTIONS.—The Secretary of Defense, after consultation with the Secretary of State, may accept cash contributions from the government of Kuwait for the purpose of paying for the costs of construction (including military construction not otherwise authorized by law), maintenance, and repair projects mutually beneficial to the Department of Defense and Kuwait military forces.

(b) ACCOUNTING.—Contributions accepted under subsection (a) shall be placed in an account established by the Secretary of Defense and shall remain available until expended as provided in such subsection.

(c) PROHIBITION ON USE OF CONTRIBUTIONS TO OFFSET BURDEN SHARING CONTRIBUTIONS.—Contributions accepted under subsection (a) may not be used to offset any burden sharing contributions made by the government of Kuwait.

(d) NOTICE.—When a decision is made to carry out a project using contributions accepted under subsection (a) and the estimated cost of the project will exceed the thresholds prescribed by section 2805 of title 10, United States Code, the Secretary of Defense shall submit to the congressional defense committees, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives written notice of decision, the justification for the project, and the estimated cost of the project.

(e) MUTUALLY BENEFICIAL DEFINED.—A project described in subsection (a) shall be considered to be ‘‘mutually beneficial’’ if—

(1) the project is in support of a bilateral defense cooperation agreement between the United States and the government of Kuwait; or

(2) the Secretary of Defense determines that the United States may derive a benefit from the project, including—

(A) access to and use of facilities of the Kuwait military forces;

(B) ability or capacity for future force posture; and

(C) increased interoperability between the Department of Defense and Kuwait military forces.

~~(f) EXPIRATION OF PROJECT AUTHORITY.—The authority to carry out projects under this section expires on September 30, 2020. The expiration of the authority does not prevent the continuation of any project commenced before that date.~~