

“(d) BRIEFING.—Not later than 30 days after the date on which the Secretary issues the guidance under subsection (c), the Secretary shall provide to the congressional defense committees [Committee on Armed Services and Committee on Appropriations of the Senate and House of Representatives] a briefing that summarizes the results of the review conducted under subsection (a) and the guidance issued under subsection (c).”

NOTIFICATION OF CERTAIN INTERGOVERNMENTAL  
SUPPORT AGREEMENTS

Pub. L. 117–81, div. A, title VIII, § 876, Dec. 27, 2021, 135 Stat. 1865, provided that:

“(a) NOTIFICATION REQUIRED.—During fiscal years 2022 and 2023, not less than 60 days before entering into an intergovernmental support agreement under section 2679 of title 10, United States Code, that is an exception to the requirements of chapter 85 of title 41, United States Code, the Secretary concerned shall submit, in writing, to the congressional defense committees [Committee on Armed Services and Committee on Appropriations of the Senate and House of Representatives] a report including the following relating to such agreement:

“(1) The circumstances that resulted in the need to enter into an intergovernmental support agreement that included such exception.

“(2) The anticipated benefits of entering into such agreement that included such exception.

“(3) The anticipated impact on persons covered under such chapter 85 because of such exception.

“(4) The extent to which such agreement complies with applicable policies, directives, or other guidance of the Department of Defense.

“(b) RECOMMENDATIONS.—

“(1) IN GENERAL.—The Secretary of Defense shall submit to the congressional defense committees, along with the budget request materials for fiscal year 2023, specific recommendations for modifications to the legislative text of subsection (a)(1) of section 2679 of title 10, United States Code, along with a rationale for any such modifications, to identify specific provisions of Federal contracting law appropriate for waiver or exemption to ensure effective use of intergovernmental support agreements under such section.

“(2) BUDGET REQUEST MATERIALS DEFINED.—In this subsection, the term ‘budget request materials’ means the materials submitted to Congress by the President under section 1105(a) of title 31, United States Code.

“(c) BRIEFING REQUIRED.—Not later than 6 months after the date of enactment of this Act [Dec. 27, 2021] the Secretary of Defense shall provide to the congressional defense committees a briefing on activities taken to carry out the requirements of this section.

“(d) POLICY REQUIRED.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall issue guidance to clarify the use of the authority under section 2679 of title 10, United States Code, including with respect to—

“(1) the application of other requirements of acquisition law and policy; and

“(2) chapter 85 of title 41, United States Code.

“(e) SECRETARY CONCERNED DEFINED.—In this section, the term ‘Secretary concerned’ means—

“(1) the Secretary of the Army, with respect to matters concerning the Army;

“(2) the Secretary of the Navy, with respect to matters concerning the Navy and the Marine Corps; and

“(3) the Secretary of the Air Force, with respect to matters concerning the Air Force and the Space Force.”

PROMULGATION OF GUIDANCE

Pub. L. 116–283, div. B, title XXVIII, § 2861(b), Jan. 1, 2021, 134 Stat. 4357, provided that: “Not later than 180 days after the date of the enactment of this Act [Jan.

1, 2021], the Secretary of Defense shall promulgate guidance for the development of the pilot program required by subsection (e) of section 2679 of title 10, United States Code, as added by subsection (a).”

**§ 2680. Minimum capital investment for facilities sustainment, restoration, and modernization for military departments**

(a) MINIMUM INVESTMENT.—Beginning in fiscal year 2027, and each fiscal year thereafter, each Secretary of a military department shall—

(1) calculate (in accordance with subsection (b)) the cumulative plant replacement value of the total inventory of facilities on each military installation under the jurisdiction of the Secretary concerned; and

(2) invest in the budget for facilities sustainment, restoration, and modernization of that military department, a total amount equal to not less than the percentage specified in subsection (c) of the cumulative plant replacement value described in paragraph (1).

(b) EXCLUSION.—In making any calculation pursuant to paragraph (1) of subsection (a), each Secretary of a military department shall exclude any facility under the jurisdiction of such Secretary that is scheduled for demolition during the two-year period beginning after the date of such calculation.

(c) PERCENTAGE SPECIFIED.—The percentage of the specified in this subsection is—

(1) for fiscal year 2027, 1.75 percent;

(2) for fiscal year 2028, 2.5 percent;

(3) for fiscal year 2029, 3.25 percent; and

(4) for fiscal year 2030 and each subsequent fiscal year, 4 percent.

(d) CERTIFICATION.—As part of the annual budget submission of the President under section 1105(a) of title 31, each Secretary of each military department shall include—

(1) a certification to the congressional defense committees that the military department is in compliance with this section; and

(2) a list of facilities under the jurisdiction of that Secretary, disaggregated by military installation and location, that are scheduled for demolition during the two-year period beginning after the date of the submission of such budget, which shall include cost and schedule estimates.

(e) PLANT REPLACEMENT VALUE DEFINED.—In this section, the term ‘plant replacement value’ means, with respect to a facility, the cost to replace such facility using construction costs (including labor and materials) and standards (including methodologies and codes) in effect as of the date such cost is calculated.

(Added Pub. L. 118–159, div. B, title XXVIII, § 2841(a), Dec. 23, 2024, 138 Stat. 2262.)

**Editorial Notes**

PRIOR PROVISIONS

A prior section 2680, added Pub. L. 102–190, div. B, title XXVIII, § 2863(a)(1), Dec. 5, 1991, 105 Stat. 1560; amended Pub. L. 103–160, div. B, title XXVIII, § 2807(a), Nov. 30, 1993, 107 Stat. 1887; Pub. L. 104–106, div. B, title XXVIII, § 2820(a), (b), Feb. 10, 1996, 110 Stat. 556; Pub. L. 106–65, div. A, title X, § 1067(1), div. B, title XXVIII, § 2811, Oct. 5, 1999, 113 Stat. 774, 851; Pub. L. 107–314, div.

A, title X, §1062(a)(13), Dec. 2, 2002, 116 Stat. 2650; Pub. L. 108-136, div. A, title X, §1031(a)(31), Nov. 24, 2003, 117 Stat. 1600, related to leases of land for special operations activities, prior to repeal by Pub. L. 111-383, div. B, title XXVIII, §2814(a), Jan. 7, 2011, 124 Stat. 4464.

Another prior section 2680, added Pub. L. 87-651, title I, §112(c), Sept. 7, 1962, 76 Stat. 511; amended Pub. L. 89-718, §20, Nov. 2, 1966, 80 Stat. 1118, authorized reimbursement of moving expenses to owners of property acquired for public works projects, prior to repeal by Pub. L. 91-646, title II, §220(a)(3), Jan. 2, 1971, 84 Stat. 1903. See section 4601 et seq. of Title 42, The Public Health and Welfare.

#### Statutory Notes and Related Subsidiaries

##### EFFECT OF REPEAL

Pub. L. 111-383, div. B, title XXVIII, §2814(b), Jan. 7, 2011, 124 Stat. 4464, provided that: “The amendment made by subsection (a) [repealing former section 2680 of this title] shall not affect the validity of any contract entered into under section 2680 of title 10, United States Code, on or before September 30, 2005.”

#### § 2681. Renumbered § 4175]

##### Editorial Notes

##### PRIOR PROVISIONS

A prior section 2681, added Pub. L. 87-651, title II, §209(a), Sept. 7, 1962, 76 Stat. 523; amended Pub. L. 88-174, title V, §508, Nov. 7, 1963, 77 Stat. 326; Pub. L. 96-513, title V, §511(93), Dec. 12, 1980, 94 Stat. 2928, related to construction or acquisition of family housing and community facilities in foreign countries, prior to repeal by Pub. L. 97-214, §§7(1), 12(a), July 12, 1982, 96 Stat. 173, 176, effective Oct. 1, 1982, and applicable to military construction projects, and to construction and acquisition of military family housing authorized before, on, or after such date.

#### § 2682. Facilities for defense agencies

(a) MAINTENANCE AND REPAIR.—Subject to subsection (c), the maintenance and repair of a real property facility for an activity or agency of the Department of Defense (other than a military department) financed from appropriations for military functions of the Department of Defense will be accomplished by or through a military department designated by the Secretary of Defense.

(b) JURISDICTION.—Subject to subsection (c), a real property facility under the jurisdiction of the Department of Defense which is used by an activity or agency of the Department of Defense (other than a military department) shall be under the jurisdiction of a military department designated by the Secretary of Defense.

(c) FACILITIES FOR INTELLIGENCE COLLECTION OR FOR SPECIAL OPERATIONS ABROAD.—(1) The Secretary of Defense may waive the requirements of subsections (a) and (b) if necessary to provide security for authorized intelligence collection or special operations activities abroad undertaken by the Department of Defense.

(2) Not later than 48 hours after using the waiver authority under paragraph (1) for any facility for intelligence collection conducted under the authorities of the Department of Defense or special operations activity, the Secretary of Defense shall submit, in an electronic medium pursuant to section 480 of this title, to the appropriate congressional committees a notice of the use of the authority, including the

justification for the waiver and the estimated cost of the project for which the waiver applies.

(3) In this subsection, the term “appropriate congressional committees” means the following:

(A) With respect to a waiver regarding special operations activities, the congressional defense committees.

(B) With respect to a waiver regarding intelligence collection conducted under the authorities of the Department of Defense—

(i) the congressional defense committees; and

(ii) the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives.

(4) The waiver authority provided by paragraph (1) expires December 31, 2020.

(Added Pub. L. 88-174, title VI, §609(a)(1), Nov. 7, 1963, 77 Stat. 329; amended Pub. L. 97-214, §10(a)(7), July 12, 1982, 96 Stat. 175; Pub. L. 112-81, div. A, title IX, §926, Dec. 31, 2011, 125 Stat. 1541; Pub. L. 114-92, div. A, title XVI, §1632, Nov. 25, 2015, 129 Stat. 1111; Pub. L. 115-91, div. B, title XXVIII, §2811(f), Dec. 12, 2017, 131 Stat. 1848.)

##### Editorial Notes

##### AMENDMENTS

2017—Subsec. (c)(2). Pub. L. 115-91 substituted “, in an electronic medium pursuant to section 480 of this title, to the appropriate congressional committees a notice” for “to the appropriate congressional committees written notification”.

2015—Subsecs. (a), (b). Pub. L. 114-92, §1632(b)(2), repealed Pub. L. 112-81, §926(b). See 2011 Amendment notes below.

Subsec. (c). Pub. L. 114-92, §1632(b)(2), repealed Pub. L. 112-81, §926(b). See 2011 Amendment note below.

Pub. L. 114-92, §1632(a), designated existing provisions as par. (1) and added pars. (2) and (3).

Subsec. (c)(4). Pub. L. 114-92, §1632(b)(1), added par. (4).

2011—Pub. L. 112-81, §926(a)(1), (2), designated first and second sentences as subsecs. (a) and (b), respectively, inserted headings, and realigned margins of subsec. (b).

Subsec. (a). Pub. L. 112-81, §926(b)(1), which directed the substitution of “The maintenance and repair” for “Subject to subsection (c), the maintenance and repair”, subject to effective date set out in Effective Date of 2011 Amendment note below, was repealed by Pub. L. 114-92, §1632(b)(2).

Pub. L. 112-81, §926(a)(1), substituted “Subject to subsection (c), the maintenance and repair” for “The maintenance and repair”.

Subsec. (b). Pub. L. 112-81, §926(b)(2), which directed the substitution of “A real property” for “Subject to subsection (c), a real property”, subject to effective date set out in Effective Date of 2011 Amendment note below, was repealed by Pub. L. 114-92, §1632(b)(2).

Pub. L. 112-81, §926(a)(3), substituted “Subject to subsection (c), a real property” for “A real property”.

Subsec. (c). Pub. L. 112-81, §926(b)(3), which directed the striking out of subsec. (c), subject to effective date set out in Effective Date of 2011 Amendment note below, was repealed by Pub. L. 114-92, §1632(b)(2).

Pub. L. 112-81, §926(a)(4), added subsec. (c).

1982—Pub. L. 97-214 substituted “maintenance and repair” for “construction, maintenance, rehabilitation, repair, alteration, addition, expansion, or extension”.

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE OF 2011 AMENDMENT

Pub. L. 112-81, div. A, title IX, §926(b), Dec. 31, 2011, 125 Stat. 1541, as amended by Pub. L. 113-291, div. A,