

“(1) The construction is necessary to meet urgent military operational requirements of a temporary nature involving the use of the Armed Forces in support of a declaration of war, the declaration by the President of a national emergency under section 201 of the National Emergencies Act (50 U.S.C. 1621), or a contingency operation.

“(2) The construction is not carried out at a military installation where the United States is reasonably expected to have a long-term presence.

“(3) The United States has no intention of using the construction after the operational requirements have been satisfied.

“(4) The level of construction is the minimum necessary to meet the temporary operational requirements.

“(b) NOTIFICATION OF OBLIGATION OF FUNDS.—Before using appropriated funds available for operation and maintenance to carry out a construction project outside the United States that has an estimated cost in excess of the amounts authorized for unspecified minor military construction projects under section 2805(c) of title 10, United States Code, the Secretary of Defense shall submit to the congressional committees specified in subsection (d) a notice regarding the construction project. The project may be carried out only after the end of the 14-day period beginning on the date the notice is received by the committees, including when a copy of the notification is provided in an electronic medium pursuant to section 480 of title 10, United States Code. The notice shall include the following:

“(1) Certification that the conditions specified in subsection (a) are satisfied with regard to the construction project.

“(2) A description of the purpose for which appropriated funds available for operation and maintenance are being obligated.

“(3) All relevant documentation detailing the construction project.

“(4) An estimate of the total amount obligated for the construction.

“(c) ANNUAL LIMITATION ON USE OF AUTHORITY.—(1) The total cost of the construction projects carried out under the authority of this section using, in whole or in part, appropriated funds available for operation and maintenance shall not exceed \$50,000,000 during each of the following periods:

“(A) The period beginning October 1, 2021, and ending on the earlier of December 31, 2022, or the date of the enactment of an Act authorizing funds for military activities of the Department of Defense for fiscal year 2023 [Dec. 23, 2022].

“(B) The period beginning October 1, 2022, and ending on the earlier of December 31, 2023, or the date of the enactment of an Act authorizing funds for military activities of the Department of Defense for fiscal year 2024.

“(2) Notwithstanding paragraph (1), the Secretary of Defense may authorize the obligation under this section of not more than an additional \$10,000,000 of appropriated funds available for operation and maintenance for a fiscal year if the Secretary determines that the additional funds are needed for costs associated with contract closeouts.

“(3) The total amount of operation and maintenance funds used for a single construction project carried out under the authority of this section shall not exceed \$15,000,000. The Secretary of Defense may waive this limitation on a project-by-project basis. This waiver authority may not be delegated.

“(d) CONGRESSIONAL COMMITTEES.—The congressional committees referred to in this section are the following:

“(1) The Committee on Armed Services and the Subcommittee on Defense and the Subcommittee on Military Construction, Veterans Affairs, and Related Agencies of the Committee on Appropriations of the Senate.

“(2) The Committee on Armed Services and the Subcommittee on Defense and the Subcommittee on

Military Construction, Veterans Affairs, and Related Agencies of the Committee on Appropriations of the House of Representatives.

“(e) EFFECT OF FAILURE TO SUBMIT PROJECT NOTIFICATIONS.—If the advance notice of the proposed obligation of the funds for a construction project required by subsection (b) is not submitted to the congressional committees specified in subsection (d) by the required date, appropriated funds available for operation and maintenance may not be obligated or expended after that date under the authority of this section to carry out construction projects outside the United States until the date on which the notice is finally submitted.”

[Pub. L. 117-263, div. B, title XXVIII, §2809(d), Dec. 23, 2022, 136 Stat. 2997, provided that: “The Law Revision Counsel is directed to classify section 2808 of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108-136; 117 Stat. 1723), as amended by subsection (a), as a note following section 2804 of title 10, United States Code.”]

§ 2805. Unspecified minor construction

(a) AUTHORITY TO CARRY OUT UNSPECIFIED MINOR MILITARY CONSTRUCTION PROJECTS.—(1) Within an amount equal to 125 percent of the amount authorized by law for such purpose, the Secretary concerned may carry out unspecified minor military construction projects not otherwise authorized by law.

(2) An unspecified minor military construction project is a military construction project, land acquisition, or demolition project that has an approved cost equal to or less than \$9,000,000.

(3) Notwithstanding the requirements of this section, the Secretary concerned may use amounts authorized pursuant to another law or regulation to carry out a demolition project described in paragraph (2).

(b) APPROVAL AND CONGRESSIONAL NOTIFICATION.—(1) An unspecified minor military construction project costing more than \$750,000 may not be carried out under this section unless approved in advance by the Secretary concerned. This paragraph shall apply even though the project is to be carried out using funds made available to enhance the deployment and mobility of military forces and supplies.

(2) When a decision is made to carry out an unspecified minor military construction project to which paragraph (1) is applicable and which costs more than \$4,000,000, the Secretary concerned shall notify the appropriate committees of Congress of that decision, of the justification for the project, and of the estimated cost of the project. The project may then be carried out only after the end of the 14-day period beginning on the date the notification is received by the committees in an electronic medium pursuant to section 480 of this title.

(c) USE OF OPERATION AND MAINTENANCE FUNDS.—The Secretary concerned may spend from appropriations available for operation and maintenance amounts necessary to carry out an unspecified minor military construction project costing not more than \$4,000,000.

(d) LABORATORY REVITALIZATION.—(1) For the revitalization and recapitalization of laboratories owned by the United States and under the jurisdiction of the Secretary concerned, the Secretary concerned may obligate and expend—

(A) from appropriations available to the Secretary concerned for operation and maintenance, amounts necessary to carry out an un-

specified minor military construction project costing not more than \$9,000,000, notwithstanding subsection (c); or

(B) from appropriations available to the Secretary concerned for military construction not otherwise authorized by law or from funds authorized to be made available under section 4123(a) of this title, amounts necessary to carry out an unspecified minor military construction project costing not more than \$9,000,000.

(2) For purposes of this subsection, an unspecified minor military construction project is a military construction project that (notwithstanding subsection (a)) has an approved cost equal to or less than \$9,000,000.

(3) If the Secretary concerned makes a decision to carry out an unspecified minor military construction project to which this subsection applies, the Secretary concerned shall notify the appropriate committees of Congress of that decision, of the justification for the project, and of the estimated cost of the project. The project may then be carried out only after the end of the 14-day period beginning on the date the notification is received by the committees in an electronic medium pursuant to section 480 of this title.

(4) In this subsection, the term “laboratory” includes—

- (A) a research, engineering, and development center; and
- (B) a test and evaluation activity.

(e) PROHIBITION ON USE FOR NEW HOUSING UNITS.—Military family housing projects for construction of new housing units may not be carried out under the authority of this section.

(f) ADJUSTMENT OF DOLLAR LIMITATIONS FOR LOCATION.—

(1) ADJUSTMENT OF LIMITATIONS.—Each fiscal year, the Secretary concerned shall adjust the dollar limitations specified in this section applicable to an unspecified minor military construction project to reflect the area construction cost index for military construction projects published by the Department of Defense during the prior fiscal year for the location of the project, except that no limitation specified in this section may exceed \$14,000,000 as the result of any adjustment made under this paragraph.

[(2) Repealed. Pub. L. 118–31, div. B, title XXVIII, § 2803(2), Dec. 22, 2023, 137 Stat. 744.]

[(3) Repealed. Pub. L. 118–31, div. B, title XXVIII, § 2802(c)(2), Dec. 22, 2023, 137 Stat. 743.]

(g) DEFENSE LABORATORY MODERNIZATION PROGRAM.—(1) Using amounts appropriated or otherwise made available to the Department of Defense for research, development, test, and evaluation, the Secretary of Defense may fund a military construction project described in paragraph (4) at any of the following:

(A) A Department of Defense science and technology reinvention laboratory (as designated under section 4121(b) of this title).

(B) A Department of Defense federally funded research and development center that functions primarily as a research laboratory.

(C) A Department of Defense facility in support of a technology development program

that is consistent with the fielding of offset technologies as described in section 218 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 10 U.S.C. note 4811).

(D) A Department of Defense research, development, test, and evaluation facility that is not designated as a science and technology reinvention laboratory, but nonetheless is involved with developmental test and evaluation.

(2) Subject to the condition that a military construction project under paragraph (1) be authorized in a Military Construction Authorization Act, the authority to carry out the military construction project includes authority for—

(A) surveys, site preparation, and advanced planning and design;

(B) acquisition, conversion, rehabilitation, and installation of facilities;

(C) acquisition and installation of equipment and appurtenances integral to the project; acquisition and installation of supporting facilities (including utilities) and appurtenances incident to the project; and

(D) planning, supervision, administration, and overhead expenses incident to the project.

(3)(A) The Secretary of Defense shall include military construction projects proposed to be carried out under paragraph (1) in the budget justification documents for the Department of Defense submitted to Congress in connection with the budget for a fiscal year submitted under 1105 of title 31.

(B) Not less than 14 days prior to the first obligation of funds described in paragraph (1) for a military construction project to be carried out under such paragraph, the Secretary of Defense shall submit to the congressional defense committees a notification providing an updated construction description, cost, and schedule for the project and any other matters regarding the project as the Secretary considers appropriate.

(4) The authority provided by paragraph (1) to fund military construction projects using amounts appropriated or otherwise made available for research, development, test, and evaluation is limited to military construction projects that the Secretary of Defense, in the budget justification documents exhibits submitted pursuant to paragraph (3)(A), determines—

(A) will support research and development activities at laboratories described in paragraph (1);

(B) will establish facilities that will have significant potential for use by entities outside the Department of Defense, including universities, industrial partners, and other Federal agencies;

(C) are endorsed for funding by more than one military department or Defense Agency; and

(D) cannot be fully funded within the thresholds otherwise specified in this section.

(5) The maximum amount of funds appropriated or otherwise made available for research, development, test, and evaluation that may be obligated in any fiscal year for military construction projects under paragraph (1) is \$150,000,000.

(6)(A) In addition to the authority provided to the Secretary of Defense under paragraph (1) to use amounts appropriated or otherwise made available for research, development, test, and evaluation for a military construction project referred to in such subsection, the Secretary of the military department concerned may use amounts appropriated or otherwise made available for research, development, test, and evaluation to obtain architectural and engineering services and to carry out construction design in connection with such a project.

(B) In the case of architectural and engineering services and construction design to be undertaken under this paragraph for which the estimated cost exceeds \$4,000,000, the Secretary concerned shall notify the appropriate committees of Congress of the scope of the proposed project and the estimated cost of such services before the initial obligation of funds for such services. The Secretary may then obligate funds for such services only after the end of the 14-day period beginning on the date on which the notification is received by the committees in an electronic medium pursuant to section 480 of this title.

(Added Pub. L. 97-214, §2(a), July 12, 1982, 96 Stat. 155; amended Pub. L. 99-167, title VIII, §809, Dec. 3, 1985, 99 Stat. 989; Pub. L. 99-661, div. B, title VII, §2702(a), Nov. 14, 1986, 100 Stat. 4040; Pub. L. 100-180, div. B, subdiv. 3, title I, §2310, Dec. 4, 1987, 101 Stat. 1217; Pub. L. 101-510, div. A, title XIII, §1301(16), Nov. 5, 1990, 104 Stat. 1668; Pub. L. 102-190, div. B, title XXVIII, §§2807, 2870(4), Dec. 5, 1991, 105 Stat. 1540, 1563; Pub. L. 104-106, div. B, title XXVIII, §§2811(a), 2812, Feb. 10, 1996, 110 Stat. 552; Pub. L. 104-201, div. B, title XXVIII, §2801(a), Sept. 23, 1996, 110 Stat. 2787; Pub. L. 105-85, div. B, title XXVIII, §2801, Nov. 18, 1997, 111 Stat. 1989; Pub. L. 107-107, div. B, title XXVIII, §2801, Dec. 28, 2001, 115 Stat. 1305; Pub. L. 108-136, div. A, title X, §1031(a)(36), Nov. 24, 2003, 117 Stat. 1600; Pub. L. 110-181, div. B, title XXVIII, §§2803, 2804, Jan. 28, 2008, 122 Stat. 539; Pub. L. 111-84, div. B, title XXVIII, §2801(a)(1), (2), (b), Oct. 28, 2009, 123 Stat. 2660; Pub. L. 112-81, div. B, title XXVIII, §2802(a), (b), Dec. 31, 2011, 125 Stat. 1684; Pub. L. 113-66, div. B, title XXVIII, §2801(a), Dec. 26, 2013, 127 Stat. 1006; Pub. L. 113-291, div. B, title XXVIII, §2802, Dec. 19, 2014, 128 Stat. 3695; Pub. L. 114-328, div. B, title XXVIII, §2801, Dec. 23, 2016, 130 Stat. 2712; Pub. L. 115-91, div. A, title II, §220(c)(2), div. B, title XXVIII, §§2801(a)(3), 2802, 2803, Dec. 12, 2017, 131 Stat. 1333, 1840, 1845, 1846; Pub. L. 116-92, div. A, title XVII, §1731(a)(55), Dec. 20, 2019, 133 Stat. 1815; Pub. L. 116-283, div. A, title XVIII, §1843(c), div. B, title XXVIII, §2802, Jan. 1, 2021, 134 Stat. 4245, 4319; Pub. L. 117-81, div. A, title XVII, §1701(u)(4)(B), Dec. 27, 2021, 135 Stat. 2153; Pub. L. 117-263, div. B, title XXVIII, §§2802, 2803(a), 2804, Dec. 23, 2022, 136 Stat. 2992, 2994; Pub. L. 118-31, div. B, title XXVIII, §§2802(a)-(c), 2803, Dec. 22, 2023, 137 Stat. 743, 744; Pub. L. 118-159, div. B, title XXVIII, §§2804(a), 2805, Dec. 23, 2024, 138 Stat. 2248, 2249.)

Editorial Notes

CODIFICATION

Another section 2803(a) of Pub. L. 117-263 (136 Stat. 2970), is set out as a note under section 2687 of this title.

AMENDMENTS

2024—Subsec. (a)(2). Pub. L. 118-159, §2804(a), substituted “, land acquisition, or demolition project” for “or a demolition project”.

Subsec. (g)(6)(B). Pub. L. 118-159, §2805, substituted “\$4,000,000” for “\$1,000,000”.

2023—Subsec. (a)(2). Pub. L. 118-31, §2802(a)(1), (b)(1), inserted “or a demolition project” after “is a military construction project” and substituted “\$9,000,000” for “\$6,000,000”.

Subsec. (a)(3). Pub. L. 118-31, §2802(a)(2), added par. (3).

Subsec. (b)(2). Pub. L. 118-31, §2802(b)(2), substituted “\$4,000,000” for “\$2,000,000”.

Subsec. (c). Pub. L. 118-31, §2802(b)(3), substituted “\$4,000,000” for “\$2,000,000”.

Subsec. (d)(1)(A). Pub. L. 118-31, §2802(b)(4)(A)(i), substituted “\$9,000,000” for “\$6,000,000”.

Subsec. (d)(1)(B). Pub. L. 118-31, §2802(b)(4)(A)(ii), substituted “\$9,000,000” for “\$6,000,000”.

Subsec. (d)(2). Pub. L. 118-31, §2802(b)(4)(B), substituted “\$9,000,000” for “\$6,000,000”.

Subsec. (f)(1). Pub. L. 118-31, §§2802(c)(1), 2803(1), struck out “inside the United States” after “construction project” and substituted “\$14,000,000” for “\$10,000,000”.

Subsec. (f)(2). Pub. L. 118-31, §2803(2), struck out par. (2). Text read as follows: “For purposes of paragraph (1), a project shall be considered to be inside the United States if the project is carried out in any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, Wake Island, the Commonwealth of the Northern Mariana Islands, or a former United States Trust Territory now in a Compact of Free Association with the United States.”

Subsec. (f)(3). Pub. L. 118-31, §2802(c)(2), struck out par. (3). Text read as follows: “The requirements of this subsection shall not apply with respect to any fiscal year after fiscal year 2027.”

2022—Subsec. (d)(5). Pub. L. 117-263, §2804, struck out par. (5) which read as follows: “The authority to carry out a project under this subsection expires on September 30, 2025.”

Subsec. (f)(2). Pub. L. 117-263, §2802, substituted “Wake Island, the Commonwealth” for “or the Commonwealth” and inserted “, or a former United States Trust Territory now in a Compact of Free Association with the United States” after “Mariana Islands”.

Subsec. (g). Pub. L. 117-263, §2803(a), added subsec. (g).

2021—Subsec. (d)(1)(B). Pub. L. 116-283, §1843(c), as amended by Pub. L. 117-81, §1701(u)(4)(B), substituted “section 4123(a)” for “section 2363(a)”.

Subsec. (f)(3). Pub. L. 116-283, §2802, substituted “2027” for “2022”.

2019—Subsec. (d)(1)(B). Pub. L. 116-92 inserted “under” after “made available”.

2017—Subsec. (a)(2). Pub. L. 115-91, §2802(a), substituted “\$6,000,000” for “\$3,000,000” and struck out at end “However, if the military construction project is intended solely to correct a deficiency that is life-threatening, health-threatening, or safety-threatening, an unspecified minor military construction project may have an approved cost equal to or less than \$4,000,000.”

Subsec. (b)(1). Pub. L. 115-91, §2802(b), substituted “\$750,000” for “\$1,000,000”.

Subsec. (b)(2). Pub. L. 115-91, §2802(c), substituted “to which paragraph (1) is applicable and which costs more than \$2,000,000” for “to which paragraph (1) is applicable”.

Pub. L. 115-91, §2801(a)(3)(A), struck out “in writing” after “shall notify” and “or, if earlier, the end of the 14-day period beginning on the date on which a copy of the notification is provided” after “received by the committees” and substituted “14-day period” for “21-day period”.

Subsec. (c). Pub. L. 115-91, §2802(d), substituted “\$2,000,000” for “\$1,000,000”.

Subsec. (d)(1)(B). Pub. L. 115–91, § 220(c)(2), substituted “section 2363(a) of this title” for “under section 219(a) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 10 U.S.C. 2358 note)”.

Subsec. (d)(3). Pub. L. 115–91, § 2801(a)(3)(B), struck out “in writing” after “shall notify” and “or, if earlier, the end of the 14-day period beginning on the date on which a copy of the notification is provided” after “received by the committees” and substituted “14-day period” for “21-day period”.

Subsec. (f). Pub. L. 115–91, § 2803, added subsec. (f).

2016—Subsec. (d)(1). Pub. L. 114–328, § 2801(a), substituted “\$6,000,000” for “\$4,000,000” in subpars. (A) and (B).

Subsec. (d)(2). Pub. L. 114–328, § 2801(a), (b)(1), substituted “\$6,000,000” for “\$4,000,000” in first sentence and struck out second sentence which read as follows: “The Secretary of Defense shall establish procedures for the review and approval of requests from the Secretary of a military department to carry out a construction project under this subsection.”

Subsec. (d)(3). Pub. L. 114–328, § 2801(b)(2), amended par. (3) generally. Prior to amendment, par. (3) read as follows: “Not later than February 1, 2014, the Secretary of Defense shall submit to the congressional defense committees a report on the use of the authority provided by this subsection. The report shall include a list and description of the construction projects carried out under this subsection, including the location and cost of each project.”

Subsec. (d)(5). Pub. L. 114–328, § 2801(c), substituted “2025” for “2018”.

2014—Subsec. (a)(2). Pub. L. 113–291, § 2802(a), substituted “\$3,000,000” for “\$2,000,000” in first sentence and “\$4,000,000” for “\$3,000,000” in second sentence.

Subsec. (b)(1). Pub. L. 113–291, § 2802(b), substituted “\$1,000,000” for “\$750,000”.

Subsec. (c). Pub. L. 113–291, § 2802(c), substituted “\$1,000,000” for “\$750,000”.

2013—Subsec. (d)(1)(A). Pub. L. 113–66, § 2801(a)(1), substituted “not more than \$4,000,000, notwithstanding subsection (c)” for “not more than \$2,000,000”.

Subsec. (d)(2). Pub. L. 113–66, § 2801(a)(2), substituted “For purposes of this subsection, an unspecified minor military construction project is a military construction project that (notwithstanding subsection (a)) has an approved cost equal to or less than \$4,000,000.” for “For an unspecified minor military construction project conducted pursuant to this subsection, \$2,000,000 shall be deemed to be the amount specified in subsection (b)(1) regarding when advance approval of the project by the Secretary concerned and congressional notification is required.”

Subsec. (d)(5). Pub. L. 113–66, § 2801(a)(3), substituted “2018” for “2016”.

2011—Subsec. (c). Pub. L. 112–81, § 2802(a), substituted “The” for “(1) Except as provided in paragraph (2), the” and “not more than \$750,000.” for “not more than—

“(A) \$1,500,000, in the case of an unspecified minor military construction project intended solely to correct a deficiency that is life-threatening, health-threatening, or safety-threatening; or

“(B) \$750,000, in the case of any other unspecified minor military construction project.

“(2) The limitations specified in paragraph (1) shall not apply to an unspecified minor military construction project if the project is to be carried out using funds made available to enhance the deployment and mobility of military forces and supplies.”

Subsec. (d)(3). Pub. L. 112–81, § 2802(b)(1), substituted “February 1, 2014” for “February 1, 2010”.

Subsec. (d)(5). Pub. L. 112–81, § 2802(b)(2), substituted “September 30, 2016” for “September 30, 2012”.

2009—Subsec. (a). Pub. L. 111–84, § 2801(a)(1), substituted “Within” for “Except as provided in paragraph (2), within” in par. (1), redesignated the second and third sentences of par. (1) as par. (2), and struck out former par. (2) which read as follows: “A Secretary may not use more than \$5,000,000 for exercise-related unspec-

ified minor military construction projects coordinated or directed by the Joint Chiefs of Staff outside the United States during any fiscal year.”

Subsec. (c). Pub. L. 111–84, § 2801(a)(2), substituted “paragraph (2)” for “paragraphs (2) and (3)” in par. (1), redesignated par. (3) as (2), and struck out former par. (2) which read as follows: “The authority provided in paragraph (1) may not be used with respect to any exercise-related unspecified minor military construction project coordinated or directed by the Joint Chiefs of Staff outside the United States.”

Subsec. (d)(1)(B). Pub. L. 111–84, § 2801(b)(1), inserted “or from funds authorized to be made available under section 219(a) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 10 U.S.C. 2358 note)” after “authorized by law”.

Subsec. (d)(3) to (6). Pub. L. 111–84, § 2801(b)(2), (3), redesignated pars. (4) to (6) as (3) to (5), respectively, and struck out former par. (3) which read as follows: “For purposes of this subsection, the total amount allowed to be applied in any one fiscal year to projects at any one laboratory shall be limited to the larger of the amounts applicable under paragraph (1).”

2008—Subsec. (a). Pub. L. 110–181, § 2804(b)(1), inserted subsec. heading.

Subsec. (a)(1). Pub. L. 110–181, § 2803, substituted “\$2,000,000” for “\$1,500,000”.

Subsecs. (b), (c). Pub. L. 110–181, § 2804(b)(2), (3), inserted subsec. headings.

Subsecs. (d), (e). Pub. L. 110–181, § 2804(a), (b)(4), added subsec. (d), redesignated former subsec. (d) as (e), and inserted subsec. (e) heading.

2003—Subsec. (b)(2). Pub. L. 108–136 inserted before period at end “or, if earlier, the end of the 14-day period beginning on the date on which a copy of the notification is provided in an electronic medium pursuant to section 480 of this title”.

2001—Subsec. (b)(1). Pub. L. 107–107, § 2801(a), substituted “\$750,000” for “\$500,000”.

Subsec. (c)(1)(A). Pub. L. 107–107, § 2801(b)(1), substituted “\$1,500,000” for “\$1,000,000”.

Subsec. (c)(1)(B). Pub. L. 107–107, § 2801(b)(2), substituted “\$750,000” for “\$500,000”.

1997—Subsec. (a)(1). Pub. L. 105–85, § 2801(c)(1), substituted “unspecified minor military construction projects” for “minor military construction projects”, “An unspecified minor” for “A minor”, and “an unspecified minor” for “a minor”.

Subsec. (b)(1). Pub. L. 105–85, § 2801(c)(2), substituted “An unspecified minor” for “A minor”.

Pub. L. 105–85, § 2801(a), inserted at end “This paragraph shall apply even though the project is to be carried out using funds made available to enhance the deployment and mobility of military forces and supplies.”

Subsec. (b)(2). Pub. L. 105–85, § 2801(c)(3), substituted “an unspecified minor” for “a minor”.

Subsec. (c)(1). Pub. L. 105–85, § 2801(c)(4), substituted “unspecified minor military” for “unspecified military” wherever appearing.

Pub. L. 105–85, § 2801(b)(1), substituted “paragraphs (2) and (3)” for “paragraph (2)” in introductory provisions.

Subsec. (c)(2). Pub. L. 105–85, § 2801(c)(4), substituted “unspecified minor military” for “unspecified military”.

Subsec. (c)(3). Pub. L. 105–85, § 2801(b)(2), added par. (3).

1996—Subsec. (a)(1). Pub. L. 104–106, § 2812, in second sentence, struck out “(1) that is for a single undertaking at a military installation, and (2)” after “is a military construction project”.

Pub. L. 104–106, § 2811(a)(1), inserted at end “However, if the military construction project is intended solely to correct a deficiency that is life-threatening, health-threatening, or safety-threatening, a minor military construction project may have an approved cost equal to or less than \$3,000,000.”

Subsec. (c)(1). Pub. L. 104–106, § 2811(a)(2), substituted “not more than—” for “not more than \$300,000.” and added subpars. (A) and (B).

Subsec. (c)(1)(B). Pub. L. 104-201 substituted “\$500,000” for “\$300,000”.

1991—Subsec. (a)(1). Pub. L. 102-190, § 2807(a), substituted “\$1,500,000” for “\$1,000,000”.

Subsec. (b)(2). Pub. L. 102-190, § 2870(4), in second sentence struck out “(A)” after “carried out only” and “, or (B) after each such committee approves the project, if the committees approve the project before the end of that period” before period at end.

Subsec. (c)(1). Pub. L. 102-190, § 2807(b), substituted “\$300,000” for “\$200,000”.

1990—Subsec. (b)(3). Pub. L. 101-510 struck out par. (3) which read as follows: “A project for the relocation of any activity from one installation to another that involves 25 or more full-time civilian employees of the Department of Defense but that is not subject to paragraph (1) may not be carried out under the authority of this section until the appropriate committees of Congress have been notified by the Secretary concerned of the intent to carry out such relocation under the authority of this section.”

1987—Subsec. (a). Pub. L. 100-180, § 2310(b), designated existing provisions as par. (1), substituted “Except as provided in paragraph (2), within” for “Within”, and added par. (2).

Subsec. (c). Pub. L. 100-180, § 2310(a), designated existing provisions as par. (1), substituted “Except as provided in paragraph (2), the” for “The”, and added par. (2).

1986—Subsec. (a). Pub. L. 99-661, § 2702(a)(1), substituted “\$1,000,000” for “the amount specified by law as the maximum amount for a minor military construction project”.

Subsec. (b)(1). Pub. L. 99-661, § 2702(a)(2), substituted “\$500,000” for “50 percent of the amount specified by law as the maximum amount for a minor military construction project”.

Subsec. (c). Pub. L. 99-661, § 2702(a)(3), substituted “\$200,000” for “20 percent of the amount specified by law as the maximum amount for a minor military construction project”.

1985—Subsec. (a). Pub. L. 99-167, § 809(1), inserted “an amount equal to 125 percent of”.

Subsec. (c). Pub. L. 99-167, § 809(2), substituted “The” for “Only funds authorized for minor construction projects may be used to accomplish unspecified minor construction projects, except that the”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2022 AMENDMENT

Pub. L. 117-263, div. B, title XXVIII, § 2803(b), Dec. 23, 2022, 136 Stat. 2994, provided that: “Subsection (g) of section 2805 of title 10, United States Code, as added by subsection (a), shall apply with respect only to amounts appropriated after the date of the enactment of this Act [Dec. 23, 2022].”

EFFECTIVE DATE OF 2021 AMENDMENT

Amendment by Pub. L. 117-81 applicable as if included in the enactment of title XVIII of Pub. L. 116-283 as enacted, see section 1701(a)(2) of Pub. L. 117-81, set out in a note preceding section 3001 of this title and note below.

Amendment by section 1843(c) of Pub. L. 116-283 effective Jan. 1, 2022, with additional provisions for delayed implementation and applicability of existing law, see section 1801(d) of Pub. L. 116-283, set out as a note preceding section 3001 of this title.

EFFECTIVE DATE

For effective date and applicability of section, see section 12(a) of Pub. L. 97-214, set out as a note under section 2801 of this title.

TEMPORARY EXPANSION OF AUTHORITY FOR CAISSON REQUIREMENTS

Pub. L. 118-159, div. B, title XXVIII, § 2804(c), Dec. 23, 2024, 138 Stat. 2248, provided that: “During the period

beginning on the date of the enactment of this section [Dec. 23, 2024] and ending on February 1, 2026, the Secretary of the Army may use the authority under section 2805 of such title [meaning title 10, United States Code] for the purchase of interests in land at not more than 200 percent of the applicable dollar threshold specified in such section to support the caisson requirements of the Department of the Army with respect to equine welfare.”

AUTHORITY FOR INDO-PACIFIC POSTURE UNSPECIFIED MINOR MILITARY CONSTRUCTION PROJECTS

Pub. L. 118-31, div. B, title XXVIII, § 2810, Dec. 22, 2023, 137 Stat. 747, as amended by Pub. L. 118-159, div. B, title XXVIII, § 2807, Dec. 23, 2024, 138 Stat. 2250, provided that:

“(a) AUTHORITY.—To support the posture of the Armed Forces in the United States Indo-Pacific Command area of operations, the Commander of the United States Indo-Pacific Command (in this section referred to as the ‘Commander’) may carry out unspecified minor military construction projects not otherwise authorized by law with an approved cost less than \$30,000,000.

“(b) SCOPE OF PROJECT AUTHORITY.—A project carried out under this section may include—

“(1) the design, construction, development, conversion, extension, renovation, or repair of a facility, whether to satisfy temporary or permanent requirements; and

“(2) to the extent necessary, as either a stand-alone acquisition or as part of a minor military construction project, any acquisition of interests in land, or support or reimbursement for acquisition of interests in land, for establishment of a defense site or other area over which the Secretary of a military department or the Secretary of Defense will exercise operational control, without regard to the duration of the operational control.

“(c) PURPOSES.—A project carried out under this section shall be for the purpose of—

“(1) supporting the rotational deployments of the Armed Forces;

“(2) enhancing facility preparedness and military installation resilience (as defined in section 101(e)(8) of title 10, United States Code) in support of potential, planned, or anticipated defense activities;

“(3) providing for prepositioning and storage of equipment and supplies; or

“(4) acquiring interests in land, defense sites, or operational control over an area needed to support another project or projects under this section or to support a future military construction project.

“(d) LOCATION OF PROJECTS.—A project carried out under this section must be located within the area of responsibility of the United States Indo-Pacific Command and at a military installation or planned military installation that includes a main operating base, cooperative security location, forward operating base, or contingency location for use by the Armed Forces.

“(e) AVAILABLE AMOUNTS.—In carrying out a project under this section, the Commander may use amounts appropriated for—

“(1) the INDOPACOM Military Construction Pilot Program fund (as specified in the funding table in section 4601 [Pub. L. 118-31, 137 Stat. 901]); and

“(2) operation and maintenance, not to exceed 200 percent of the amount specified in subsection (c) of section 2805, United States Code, subject to adjustment upward to reflect a construction cost index published pursuant to subsection (f) of such section if such an index applies to the location of the project, except that the adjusted amount may not exceed the limit under subsection (a).

“(f) NOTICE TO CONGRESS.—

“(1) IN GENERAL.—If the Commander decides to carry out a project under this section with a cost exceeding \$2,000,000, the Commander shall submit a written notification to the congressional defense committees [Committees on Armed Services and Ap-

ropriations of the Senate and the House of Representatives] of that decision.

“(2) RELEVANT DETAILS.—A notice under paragraph (1) with respect to a project shall include relevant details and justification of the project, including the estimated cost, and may include a classified annex.

“(3) TIMING.—A project under this section covered by paragraph (1) may not be carried out until the end of the 14-day period beginning on the date of receipt of the notification under such paragraph by the congressional defense committees.

“(g) PROJECT EXECUTION.—

“(1) PROJECT SUPERVISION.—Subsections (a) and (b) of section 2851 of title 10, United States Code, shall not apply to projects carried out by the Commander under this section.

“(2) APPLICATION OF CHAPTER 169 OF TITLE 10, UNITED STATES CODE.—When exercising the authority under subsection (a), the Commander shall, for purposes of chapter 169 of title 10, United States Code, be considered the Secretary concerned.

“(h) ANNUAL REPORT.—Not later than December 31, 2024, and annually thereafter until the termination date in subsection (i), the Commander shall submit to the congressional defense committees a report containing a list of projects funded, lessons learned, and, subject to the concurrence of the Secretary of Defense, recommended adjustments to the authority under this section for the most recently ended fiscal year covered by the report.

“(i) TERMINATION.—The authority to carry out a project under this section expires on March 31, 2029.”

TEMPORARY INCREASE OF AMOUNTS IN CONNECTION WITH AUTHORITY TO CARRY OUT UNSPECIFIED MINOR MILITARY CONSTRUCTION

Pub. L. 117–263, div. B, title XXVIII, § 2801, Dec. 23, 2022, 136 Stat. 2992, which increased amounts in connection with authority to carry out unspecified minor military construction projects for the period beginning on Dec. 23, 2022, and ending on Dec. 1, 2025, was repealed by Pub. L. 118–31, div. B, title XXVIII, § 2802(e), Dec. 22, 2023, 137 Stat. 743.

NO APPLICATION TO CURRENT PROJECTS

Pub. L. 113–66, div. B, title XXVIII, § 2801(b), Dec. 26, 2013, 127 Stat. 1006, provided that: “The amendments made by subsection (a) [amending this section] do not apply to any laboratory revitalization project for which the design phase has been completed as of the date of the enactment of this Act [Dec. 26, 2013].”

RELATION TO OTHER AUTHORITIES

Pub. L. 108–136, div. B, title XXVIII, § 2808(e), Nov. 24, 2003, 117 Stat. 1724, which directed that the temporary authority provided by section 2808 of Pub. L. 108–136, and the limited authority provided by section 2805(c) of this title, to use appropriated funds available for operation and maintenance to carry out a construction project were the only authorities available to the Secretary of Defense and the Secretaries of the military departments to use appropriated funds available for operation and maintenance to carry out construction projects, was repealed by Pub. L. 117–263, div. B, title XXVIII, § 2809(b)(2), Dec. 23, 2022, 136 Stat. 2996.

DEPARTMENT OF DEFENSE LABORATORY REVITALIZATION DEMONSTRATION PROGRAM

Pub. L. 104–106, div. B, title XXVIII, § 2892, Feb. 10, 1996, 110 Stat. 590, as amended by Pub. L. 105–261, div. B, title XXVIII, § 2871, Oct. 17, 1998, 112 Stat. 2225; Pub. L. 108–375, div. B, title XXVIII, § 2891, Oct. 28, 2004, 118 Stat. 2154, provided that:

“(a) PROGRAM AUTHORIZED.—The Secretary of Defense may carry out a program (to be known as the ‘Department of Defense Laboratory Revitalization Demonstration Program’) for the revitalization of Department of Defense laboratories. Under the program, the Secretary may carry out minor military construction projects in

accordance with subsection (b) and other applicable law to improve Department of Defense laboratories covered by the program.

“(b) INCREASED MAXIMUM AMOUNTS APPLICABLE TO MINOR CONSTRUCTION PROJECTS.—For purpose of any military construction project carried out under the program—

“(1) the amount provided in the second sentence of subsection (a)(1) of section 2805 of title 10, United States Code, shall be deemed to be \$3,000,000;

“(2) the amount provided in subsection (b)(1) of such section shall be deemed to be \$1,500,000; and

“(3) the amount provided in subsection (c)(1)(B) of such section shall be deemed to be \$1,000,000.

“(c) PROGRAM REQUIREMENTS.—(1) Not later than 30 days before commencing the program, the Secretary shall establish procedures for the review and approval of requests from Department of Defense laboratories for construction under the program.

“(2) The laboratories at which construction may be carried out under the program may not include Department of Defense laboratories that are contractor-owned.

“(d) REPORT.—Not later than February 1, 2003, the Secretary shall submit to Congress a report on the program. The report shall include the Secretary’s conclusions and recommendation regarding the desirability of making the authority set forth under subsection (b) permanent.

“(e) EXCLUSIVITY OF PROGRAM.—Nothing in this section may be construed to limit any other authority provided by law for any military construction project at a Department of Defense laboratory covered by the program.

“(f) DEFINITIONS.—In this section:

“(1) The term ‘laboratory’ includes—

“(A) a research, engineering, and development center;

“(B) a test and evaluation activity owned, funded, and operated by the Federal Government through the Department of Defense; and

“(C) a supporting facility of a laboratory.

“(2) The term ‘supporting facility’, with respect to a laboratory, means any building or structure that is used in support of research, development, test, and evaluation at the laboratory.

“(g) EXPIRATION OF AUTHORITY.—The Secretary may not commence a construction project under the program after September 30, 2005.”

INITIAL ESTABLISHMENT OF CERTAIN AMOUNTS REQUIRED TO BE SPECIFIED BY LAW

Maximum amount of \$1,000,000 for unspecified minor military construction project under this section during the period beginning Oct. 1, 1982, and ending on the date of the enactment of the Military Construction Authorization Act for fiscal year 1984 or Oct. 1, 1983, whichever is later, see section 11(1) of Pub. L. 97–214, set out as a note under section 2828 of this title.

§ 2806. Contributions for North Atlantic Treaty Organizations Security Investment

(a) Within amounts authorized by law for such purpose, the Secretary of Defense may make contributions for the United States share of the cost of multilateral programs for the acquisition and construction of military facilities and installations (including international military headquarters) and for related expenses for the collective defense of the North Atlantic Treaty Area.

(b)(1) Funds may not be obligated or expended in connection with the North Atlantic Treaty Organization Security Investment program in any year unless such funds have been authorized by law for such program.

(2) If any funds authorized for the North Atlantic Treaty Organization Security Investment