

propriations 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minor military construction projects for the period beginning on Dec. 23, 2022, and ending on Dec. 1, 2025, was repealed by Pub.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

program for a fiscal year are available to be obligated or expended at the end of that fiscal year and no funds have been authorized for the following fiscal year, not more than 50 percent of the amount authorized for the North Atlantic Treaty Organization Security Investment program for that fiscal year shall be deemed to be authorized by law for purposes of paragraph (1) for the following fiscal year.

(c)(1) The Secretary of Defense may make contributions in excess of the amount appropriated for contribution under subsection (a) if the amount of the contribution in excess of that amount does not exceed 200 percent of the amount specified by section 2805(a) of this title as the maximum amount for a minor military construction project.

(2) If the Secretary determines that the amount appropriated for contribution under subsection (a) in any fiscal year must be exceeded by more than the amount authorized under paragraph (1), the Secretary may make contributions in excess of such amount, but not in excess of 125 percent of the amount appropriated, only after the end of the 14-day period beginning on the date on which the Secretary submits, in an electronic medium pursuant to section 480 of this title, to the appropriate committees of Congress notice of the increase, including the reasons for the increase and the source of the funds to be used for the increase.

(Added Pub. L. 97-214, §2(a), July 12, 1982, 96 Stat. 156; amended Pub. L. 97-321, title VIII, §805(b)(1), Oct. 15, 1982, 96 Stat. 1573; Pub. L. 99-661, div. B, title V, §2503(a), Nov. 14, 1986, 100 Stat. 4039; Pub. L. 100-26, §7(f)(1), Apr. 21, 1987, 101 Stat. 281; Pub. L. 102-190, div. B, title XXVIII, §2870(5), Dec. 5, 1991, 105 Stat. 1563; Pub. L. 104-201, div. B, title XXVIII, §2802(a), (c)(1), Sept. 23, 1996, 110 Stat. 2787; Pub. L. 111-84, div. B, title XXVIII, §2801(a)(3), Oct. 28, 2009, 123 Stat. 2660; Pub. L. 111-383, div. B, title XXVIII, §2803(b), Jan. 7, 2011, 124 Stat. 4459; Pub. L. 115-91, div. B, title XXVIII, §2801(a)(4), Dec. 12, 2017, 131 Stat. 1840; Pub. L. 118-159, div. B, title XXV, §2503, Dec. 23, 2024, 138 Stat. 2236.)

Editorial Notes

AMENDMENTS

2024—Subsec. (b). Pub. L. 118-159 designated existing provisions as par. (1) and added par. (2).

2017—Subsec. (c)(1). Pub. L. 115-91, §2801(a)(4)(A), inserted “of Defense” after “The Secretary”.

Subsec. (c)(2). Pub. L. 115-91, §2801(a)(4)(B), substituted “, only after the end of the 14-day period beginning on the date on which the Secretary submits, in an electronic medium pursuant to section 480 of this title, to the appropriate committees of Congress notice of the increase, including the reasons for the increase and the source of the funds to be used for the increase.” for “(A) after submitting a report in writing to the appropriate committees of Congress on such increase, including a statement of the reasons for the increase and a statement of the source of the funds to be used for the increase, and (B) after a period of 21 days has elapsed from the date of receipt of the report or, if earlier, a period of 14 days has elapsed from the date on which a copy of the report is provided in an electronic medium pursuant to section 480 of this title.”

2011—Subsec. (c)(2)(B). Pub. L. 111-383 inserted before period at end “or, if earlier, a period of 14 days has elapsed from the date on which a copy of the report is

provided in an electronic medium pursuant to section 480 of this title”.

2009—Subsec. (c)(1). Pub. L. 111-84 substituted “section 2805(a)” for “section 2805(a)(2)”.

1996—Pub. L. 104-201, §2802(c)(1), substituted “Organizations Security Investment” for “Organization Infrastructure” in section catchline.

Subsec. (b). Pub. L. 104-201, §2802(a), substituted “Security Investment program” for “Infrastructure program”.

1991—Subsec. (c)(2)(B). Pub. L. 102-190 substituted “after” for “after either” and struck out before period at end “or after each such committee has indicated approval of the increased contribution”.

1987—Subsec. (c)(1). Pub. L. 100-26 substituted “specified by section 2805(a)(2) of this title” for “specified by law”.

1986—Subsec. (a). Pub. L. 99-661 inserted “and for related expenses” after “headquarters”.

1982—Pub. L. 97-321 substituted “Infrastructure” for “infrastructure” in section catchline.

Statutory Notes and Related Subsidiaries

CHANGE OF NAME

Pub. L. 104-201, div. B, title XXVIII, §2802(b), Sept. 23, 1996, 110 Stat. 2787, provided that: “Any reference to the North Atlantic Treaty Organization Infrastructure program in any Federal law, Executive order, regulation, delegation of authority, or document of or pertaining to the Department of Defense shall be deemed to refer to the North Atlantic Treaty Organization Security Investment program.”

EFFECTIVE DATE OF 2024 AMENDMENT

Pub. L. 118-159, div. B, §2003, Dec. 23, 2024, 138 Stat. 2212, provided that: “Titles XXI through XXVII [of Pub. L. 118-159, amending this section and enacting provisions related to military construction authorizations not set out in the Code] shall take effect on the later of—

“(1) October 1, 2024; or

“(2) the date of the enactment of this Act [Dec. 23, 2024].”

EFFECTIVE DATE OF 1986 AMENDMENT

Pub. L. 99-661, div. B, title V, §2503(b), Nov. 14, 1986, 100 Stat. 4039, provided that: “The amendment made by subsection (a) [amending this section] shall apply only with respect to contributions made with funds appropriated for fiscal years after fiscal year 1986.”

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.

RESTRICTION ON CERTAIN FUNDING

Pub. L. 99-661, div. B, title V, §2504, Nov. 14, 1986, 100 Stat. 4039, prohibited Secretary of Defense from obligating or expending any funds after fiscal year 1987 with respect to NATO infrastructure program under this section until Secretary submitted to Committees on Armed Services of Senate and House (1) a comprehensive master plan for establishing adequate active defenses for air bases in Europe at which operations of United States aircraft are planned, sites in Europe used by United States for logistic support of NATO or for prepositioned overseas matériel configured to unit sets, and (2) a report containing a certification by Secretary that sufficient funds have been budgeted by Department of Defense in fiscal year 1988 five-year defense plan to meet objectives of such comprehensive master plan.

§ 2807. Architectural and engineering services and construction design

(a) Within amounts appropriated for military construction and military family housing, the