

viding that no more than 5 contracts may be entered into under this section other than contracts for child care centers, and providing that authority to enter into such contracts was to expire on Sept. 30, 1991.

1989—Subsec. (a)(1)(B)(ii). Pub. L. 101-189, § 2803(1), substituted “Utilities, including potable” for “Potable”.

Subsec. (b). Pub. L. 101-189, § 2803(2), substituted “activities and services described in clause (i) or (ii) of subsection (a)(1)(B)” for “child care centers”.

Subsec. (c). Pub. L. 101-189, § 2803(3), substituted “1991” for “1989”.

1988—Subsec. (a)(3). Pub. L. 100-456 substituted “32” for “20”.

1987—Subsec. (a)(1)(B)(vi), (vii). Pub. L. 100-180, § 2302(a), added cl. (vi) and redesignated former cl. (vi) as (vii).

Subsec. (c). Pub. L. 100-180, § 2302(b), substituted “1989” for “1987”.

1986—Subsec. (a)(1). Pub. L. 99-661, § 2711, amended par. (1) generally. Prior to amendment, par. (1) read as follows: “The Secretary concerned may enter into a contract for the construction, management, and operation of a facility on or near a military installation in the United States for the provision of child care services, waste water treatment, or depot supply activities in a case in which the Secretary concerned determines that the facility can be more efficiently and more economically provided under a long-term contract than by other appropriate means.”

Pub. L. 99-661, § 1343(a)(20)(A), substituted “a contract” for “contracts”, “a facility” for “facilities”, “a military installation” for “military installations”, “a case” for “cases”, “facility” for “facilities”, and “a long-term contract” for “long-term contracts” and inserted a comma after “waste water treatment”.

Subsec. (a)(2). Pub. L. 99-661, § 1343(a)(20)(B), substituted “this section” for “subsection (a)”.

Subsec. (a)(3). Pub. L. 99-661, § 1343(a)(20)(C), substituted “20” for “twenty”.

Subsec. (a)(4)(A). Pub. L. 99-661, § 1343(a)(20)(D), struck out “the” before “Congress”.

Subsec. (b). Pub. L. 99-661, § 1343(a)(20)(E), struck out “the authority of subsection (a) of” after “under”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1991 AMENDMENT

Pub. L. 102-190, div. B, title XXVIII, § 2805(b), Dec. 5, 1991, 105 Stat. 1538, provided that: “Section 2809 of title 10, United States Code, as amended by subsection (a), shall apply with respect to contracts entered into under that section on or after the date of the enactment of this Act [Dec. 5, 1991].”

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by Pub. L. 100-456 effective Oct. 1, 1988, see section 2702 of Pub. L. 100-456, set out as a note under section 2391 of this title.

DEMONSTRATION PROGRAM ON REDUCTION IN LONG-TERM FACILITY MAINTENANCE COSTS

Pub. L. 107-107, div. B, title XXVIII, § 2814, Dec. 28, 2001, 115 Stat. 1310, as amended by Pub. L. 107-314, div. B, title XXVIII, § 2813(a)-(d)(1), Dec. 2, 2002, 116 Stat. 2709, 2710, provided that:

“(a) **AUTHORITY TO CARRY OUT PROGRAM.**—The Secretary of Defense or the Secretary of a military department may conduct a demonstration program to assess the feasibility and desirability of including facility maintenance requirements in construction contracts for military construction projects for the purpose of determining whether such requirements facilitate reductions in the long-term facility maintenance costs of the military departments.

“(b) **CONTRACTS.**—(1) Not more than 12 contracts per military department may contain requirements referred to in subsection (a) for the purpose of the demonstration program.

“(2) The demonstration program may only cover contracts entered into on or after the date of the enactment of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 [Pub. L. 107-314, approved Dec. 2, 2002], except that the Secretary of the Army shall treat any contract containing requirements referred to in subsection (a) that was entered into under the authority in such subsection between that date and December 28, 2001, as a contract for the purpose of the demonstration program.

“(c) **EFFECTIVE PERIOD OF REQUIREMENTS.**—The effective period of a requirement referred to in subsection (a) that is included in a contract for the purpose of the demonstration program may not exceed five years.

“(d) **REPORTING REQUIREMENTS.**—Not later than January 31, 2005, the Secretary of Defense shall submit to Congress a report on the demonstration program, including the following:

“(1) A description of all contracts that contain requirements referred to in subsection (a) for the purpose of the demonstration program.

“(2) An evaluation of the demonstration program and a description of the experience of the Secretary with respect to such contracts.

“(3) Any recommendations, including recommendations for the termination, continuation, or expansion of the demonstration program, that the Secretary considers appropriate.

“(e) **EXPIRATION.**—The authority under subsection (a) to include requirements referred to in that subsection in contracts under the demonstration program shall expire on September 30, 2006.

“(f) **FUNDING.**—Amounts authorized to be appropriated for the military departments or defense-wide for a fiscal year for military construction shall be available for the demonstration program under this section in such fiscal year.”

[Pub. L. 107-314, div. B, title XXVIII, § 2813(d)(2), Dec. 2, 2002, 116 Stat. 2710, provided that: “The amendment made by paragraph (1) [amending section 2814(f) of Pub. L. 107-107, set out above] shall not affect the availability for the purpose of the demonstration program under section 2814 of the Military Construction Authorization Act for Fiscal Year 2002, as amended by this section, of any amounts authorized to be appropriated before the date of the enactment of this Act [Dec. 2, 2002] for the Army for military construction that have been obligated for the demonstration program, but not expended, as of that date.”]

REPORT

Pub. L. 100-180, div. B, subdiv. 3, title I, § 2302(c), Dec. 4, 1987, 101 Stat. 1215, directed each Secretary who has entered into a contract under this section to submit a report to Committees on Armed Services of Senate and House of Representatives by Feb. 15, 1989, containing date and duration of, other party to, and nature of activities carried out under each such contract, and recommendations, and reasons therefor, concerning whether authority to enter into contracts under this section should be extended.

§ 2810. Military construction projects for innovation, research, development, test, and evaluation

(a) **PROJECT AUTHORIZATION REQUIRED.**—The Secretary of Defense may carry out such military construction projects for innovation, research, development, test, and evaluation as are authorized by law, using funds appropriated or otherwise made available for that purpose.

(b) **SUBMISSION OF PROJECT PROPOSALS.**—As part of the defense budget materials for each fiscal year, the Secretary of Defense shall include the following information for each military construction project covered by subsection (a):

(1) The project title.

(2) The location of the project.

(3) A brief description of the scope of work.

(4) A completed Department of Defense Form 1391 budget justification that includes the original project cost estimate.

(5) A current working cost estimate, if different than the cost estimate contained in such Form 1391.

(6) Such other information as the Secretary considers appropriate.

(c) **BUDGET JUSTIFICATION DISPLAY.**—The Secretary of Defense shall include with the defense budget materials for each fiscal year a consolidated budget justification display that individually identifies each military construction project covered by subsection (a) and the amount requested for such project for such fiscal year.

(d) **APPLICATION TO MILITARY CONSTRUCTION PROJECTS.**—This section shall apply to military construction projects covered by subsection (a) for which a Department of Defense Form 1391 is submitted to the appropriate committees of Congress in connection with the budget of the Department of Defense for fiscal year 2023 and thereafter.

(e) **ANNUAL FIVE-YEAR PLANS ON IMPROVEMENT OF INNOVATION INFRASTRUCTURE.**—

(1) **SUBMISSION.**—Along with the budget for each fiscal year submitted by the President pursuant to section 1105(a) of title 31, each Secretary of a military department and the Secretary of Defense shall submit to the congressional defense committees a plan that describes the objectives of that Secretary to improve innovation infrastructure during the five fiscal years following the fiscal year for which such budget is submitted.

(2) **ELEMENTS.**—Each plan submitted by a Secretary of a military department under paragraph (1) shall include the following:

(A) With respect to the five-year period covered by the plan, an identification of the major lines of effort, milestones, and investment goals of the Secretary over such period relating to the improvement of innovation infrastructure and a description of how such goals support such goals, including the use of—

(i) military construction, facilities restoration and modernization funds;

(ii) the defense lab modernization program under section 2805(d) of this title; and

(iii) military construction projects for innovation, research, development, test, and evaluation under this section.

(B) The estimated costs of necessary innovation infrastructure improvements and a description of how such costs would be addressed by the Department of Defense budget request submitted during the same year as the plan and the applicable future-years defense program.

(C) Information regarding the plan of the Secretary to initiate such environmental and engineering studies as may be necessary to carry out planned innovation infrastructure improvements.

(D) Detailed information regarding how innovation infrastructure improvement

projects will be paced and sequenced to ensure continuous operations.

(3) **INCORPORATION OF RESULTS-ORIENTED MANAGEMENT PRACTICES.**—Each plan under subsection (a) shall incorporate the leading results-oriented management practices identified in the report of the Comptroller General of the United States titled “Actions Needed to Improve Poor Conditions of Facilities and Equipment that Affect Maintenance Timeliness and Efficiency” (GAO-19-242), or any successor report, including—

(A) analytically based goals;

(B) results-oriented metrics;

(C) the identification of required resources, risks, and stakeholders; and

(D) regular reporting on progress to decision makers.

(4) **INNOVATIVE INFRASTRUCTURE DEFINED.**—In this subsection, the term “innovation infrastructure” includes laboratories, test and evaluation ranges, and any other infrastructure whose primary purpose is research, development, test, and evaluation.

(Added Pub. L. 117-263, div. B, title XXVIII, §2805(a), Dec. 23, 2022, 136 Stat. 2994; amended Pub. L. 118-159, div. B, title XXVIII, §2806(a), Dec. 23, 2024, 138 Stat. 2249.)

Editorial Notes

PRIOR PROVISIONS

A prior section 2810, added Pub. L. 99-499, title II, §211(b)(1), Oct. 17, 1986, 100 Stat. 1725, related to military construction projects for environmental response actions, prior to repeal by Pub. L. 107-314, div. A, title III, §313(b), Dec. 2, 2002, 116 Stat. 2507.

AMENDMENTS

2024—Subsec. (e). Pub. L. 118-159 added subsec. (e).

Statutory Notes and Related Subsidiaries

DEADLINE

Pub. L. 118-159, div. B, title XXVIII, §2806(b), Dec. 23, 2024, 138 Stat. 2250, provided that: “The first plan required under subsection (e) of such section [meaning 10 U.S.C. 2810] (as amended by subsection (a)) shall be submitted as part of the annual budget submission of the President to Congress pursuant to section 1105(a) of title 31, United States Code, for fiscal year 2027.”

§ 2811. Repair of facilities

(a) **REPAIRS USING OPERATIONS AND MAINTENANCE FUNDS.**—Using funds available to the Secretary concerned for operation and maintenance, the Secretary concerned may carry out repair projects for an entire single-purpose facility or one or more functional areas of a multipurpose facility.

(b) **APPROVAL REQUIRED FOR MAJOR REPAIRS.**—A repair project costing more than \$7,500,000 may not be carried out under this section unless approved in advance by the Secretary concerned. In determining the total cost of a repair project, the Secretary shall include all phases of a multi-year repair project to a single facility. In considering a repair project for approval, the Secretary shall ensure that the project is consistent with force structure plans, that repair of the facility is more cost effective than replace-