

(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-

ment, and that the project is an appropriate use of operation and maintenance funds.

(c) PROHIBITION ON NEW CONSTRUCTION OR ADDITIONS.—Construction of new facilities or additions to existing facilities may not be carried out under the authority of this section.

(d) CONGRESSIONAL NOTIFICATION.—When a decision is made to carry out a repair project under this section with an estimated cost in excess of \$7,500,000, the Secretary concerned shall submit, in an electronic medium pursuant to section 480 of this title, to the appropriate committees of Congress a report containing—

(1) the justification for the repair project and the current estimate of the cost of the project, including, in the case of a multi-year repair project to a single facility, the total cost of all phases of the project;

(2) if the current estimate of the cost of the repair project exceeds 75 percent of the estimated cost of a military construction project to replace the facility, an explanation of the reasons why replacement of the facility is not in the best interest of the Government; and

(3) a description of the elements of military construction, including the elements specified in section 2802(b) of this title, incorporated into the repair project.

(e) REPAIR PROJECT DEFINED.—In this section, the term “repair project” means a project—

(1) to restore a real property facility, system, or component to such a condition that it may effectively be used for its designated functional purpose; or

(2) to convert a real property facility, system, or component to a new functional purpose without increasing its external dimensions.

(Added Pub. L. 99-661, div. A, title III, §315(a), Nov. 14, 1986, 100 Stat. 3854, §2810; renumbered §2811, Pub. L. 100-26, §7(e)(3), Apr. 21, 1987, 101 Stat. 281; amended Pub. L. 103-337, div. B, title XXVIII, §2801(a), Oct. 5, 1994, 108 Stat. 3050; Pub. L. 105-85, div. B, title XXVIII, §2802, Nov. 18, 1997, 111 Stat. 1990; Pub. L. 108-375, div. B, title XXVIII, §2801, Oct. 28, 2004, 118 Stat. 2119; Pub. L. 111-84, div. B, title XXVIII, §2802, Oct. 28, 2009, 123 Stat. 2661; Pub. L. 114-328, div. B, title XXVIII, §2802, Dec. 23, 2016, 130 Stat. 2712; Pub. L. 115-91, div. B, title XXVIII, §2801(a)(8), Dec. 12, 2017, 131 Stat. 1841.)

### Editorial Notes

#### AMENDMENTS

2017—Subsec. (d). Pub. L. 115-91 inserted “, in an electronic medium pursuant to section 480 of this title,” after “shall submit” in introductory provisions.

2016—Subsec. (e). Pub. L. 114-328 amended subsec. (e) generally. Prior to amendment, text read as follows: “In this section, the term ‘repair project’ means a project to restore a real property facility, system, or component to such a condition that it may effectively be used for its designated functional purpose.”

2009—Subsec. (d)(2), (3). Pub. L. 111-84 added pars. (2) and (3) and struck out former par. (2) which read as follows: “the justification for carrying out the project under this section.”

2004—Subsec. (b). Pub. L. 108-375, §2801(a), substituted “\$7,500,000” for “\$5,000,000”.

Subsec. (d). Pub. L. 108-375, §2801(b), substituted “\$7,500,000” for “\$10,000,000” in introductory provisions.

Subsec. (d)(1). Pub. L. 108-375, §2801(c), inserted before semicolon “, including, in the case of a multi-year repair project to a single facility, the total cost of all phases of the project”.

1997—Subsecs. (d), (e). Pub. L. 105-85 added subsecs. (d) and (e).

1994—Pub. L. 103-337 substituted “Repair” for “Renovation” in section catchline and amended text generally. Prior to amendment, text read as follows:

“(a) The Secretary concerned may carry out renovation projects that combine maintenance, repair, and minor construction projects for an entire single-purpose facility, or one or more functional areas of a multipurpose facility, using funds available for operations and maintenance.

“(b) The amount obligated on such a renovation project may not exceed the maximum amount specified by law for a minor construction project under section 2805 of this title.

“(c) Construction of new facilities or additions to existing facilities may not be carried out under the authority of this section.”

### § 2812. Lease-purchase of facilities

(a)(1) The Secretary concerned may enter into an agreement with a private contractor for the lease of a facility of the kind specified in paragraph (2) if the facility is provided at the expense of the contractor on a military installation under the jurisdiction of the Department of Defense.

(2) The facilities that may be leased pursuant to paragraph (1) are as follows:

(A) Administrative office facilities.

(B) Troop housing facilities.

(C) Energy production facilities.

(D) Utilities, including potable and waste water treatment facilities.

(E) Hospital and medical facilities.

(F) Transient quarters.

(G) Depot or storage facilities.

(H) Child care centers.

(I) Classroom and laboratories.

(b) Leases entered into under subsection (a)—

(1) may not exceed a term of 32 years;

(2) shall provide that, at the end of the term of the lease, title to the leased facility shall vest in the United States; and

(3) shall include such other terms and conditions as the Secretary concerned determines are necessary or desirable to protect the interests of the United States.

(c)(1) The Secretary concerned may enter into a lease under this section 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 a justification of the need for the facility covered by the proposed lease, including an economic analysis (based upon accepted life-cycle costing procedures) that demonstrates the cost effectiveness of the proposed lease compared with a military construction project for the same facility.

(2) Each Secretary concerned may, under this section, enter into—

(A) not more than three leases in fiscal year 1990; and

(B) not more than five leases in each of the fiscal years 1991 and 1992.

(d) Each lease entered into under this section shall include a provision that the obligation of