

(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.

(Added Pub. L. 118–31, div. B, title XXVIII, § 2805, Dec. 22, 2023, 137 Stat. 744.)

§ 2818. Contracts for design and construction of facilities of Department of Defense

(a) IN GENERAL.—The head of an element of the Department of Defense (as defined in section 111(b) of this title) may award a contract¹ to any other such element for the design and construction of facilities of the Department of Defense, including facility maintenance and repair projects and unspecified minor military construction projects under section 2805 of this title, on a reimbursable basis.

(b) CONSIDERATION AS AN OBLIGATION.—A contract awarded under subsection (a) by such head shall be considered to be an obligation of such head in the same manner as a similar order or contract placed by such head with a private entity.

(c) LIMITATION.—An awardee of a contract under subsection (a) may include an amount equal to not more than 10 percent of the proposed value of the contract for contingency expenses.

(Added Pub. L. 118–159, div. B, title XXVIII, § 2843, Dec. 23, 2024, 138 Stat. 2263.)

§ 2819. Strategy and assessment with respect to non-operational, underutilized, and other Department of Defense facilities: assessments of historical significance

(a) STRATEGY FOR DEMOLITION.—Each Secretary concerned shall develop a strategy to demolish facilities under the respective jurisdiction of each such Secretary that—

- (1) are in poor or failing condition under the uniform index developed under section 2838 of the National Defense Authorization Act for Fiscal Year 2024 (Public Law 118–31);
- (2) are not in operational use; or
- (3) such Secretary determines are underutilized.

(b) ASSESSMENT OF CERTAIN MAINTENANCE COSTS.—Each Secretary concerned shall conduct an assessment to determine the total cost to the United States to maintain facilities that—

- (1) are not in operational use; and
- (2) such Secretary determines are underutilized.

(c) REQUIRED CONSIDERATION.—In determining whether a facility is underutilized pursuant to subsections (a) or (b), each Secretary concerned shall compare the occupancy of such facility to the total square footage of such facility.

(d) ASSESSMENTS OF HISTORIC SIGNIFICANCE.—(1) Not later than December 1, 2025, and on an annual basis thereafter, each Secretary concerned shall conduct an assessment of each facility under the jurisdiction of the Secretary

concerned that was constructed at least 25 years prior to the year covered by the assessment to determine whether the facility—

(A) is historically significant; or

(B) will be historically significant at the end of the 25-year period beginning on the date of the completion of such assessment.

(2) For each facility described in paragraph (1) that a Secretary concerned determines is not, or will not be, historically significant pursuant to an assessment under such paragraph, the Secretary concerned shall—

(A) conduct an assessment of the condition of such facility;

(B) make an initial determination of whether such facility will be modernized or demolished during such 25-year period; and

(C) submit to the digital facilities management system of the military department under the jurisdiction of such Secretary—

- (i) the results of the assessment under subparagraph (A); and
- (ii) the initial determination required by subparagraph (B).

(3) If, during the course of any assessment of a facility described in paragraph (1), the Secretary concerned changes a determination with respect to the historic significance of the facility or plans of such Secretary to modernize or demolish the facility, such Secretary shall revise the information submitted to the applicable digital facilities management system pursuant to subparagraph (C) of paragraph (2).

(e) ANNUAL BRIEFING.—(1) Along with the budget for fiscal year 2027 submitted by the President pursuant to section 1105(a) of title 31, United States Code, and on an annual basis thereafter, each Secretary concerned shall provide to¹ congressional defense committees a briefing on—

- (A) the strategy required by subsection (a); and
- (B) the results of the assessments required by subsections (b) and (d).

(2) Each such briefing shall include—

- (A) a summary of the existing authorities of each Secretary concerned to demolish the facilities covered by such strategy;
- (B) a plan to implement such strategy; and
- (C) recommendations of each such Secretary with respect to reducing—

- (i) the inventory of facilities in poor or failing condition under the uniform index developed under section 2838 of the National Defense Authorization Act for Fiscal Year 2024 (Public Law 118–31); and
- (ii) the total cost to the United States to maintain the facilities covered by the assessment required by subsection (b) of such section.

(Added Pub. L. 118–159, div. B, title XXVIII, § 2822(a), Dec. 23, 2024, 138 Stat. 2254.)

Editorial Notes

REFERENCES IN TEXT

Section 2838 of the National Defense Authorization Act for Fiscal Year 2024, referred to in subsecs. (a)(1)

¹ So in original. Probably should be “contract”.

¹ So in original. Probably should be followed by “the”.