

Subsec. (a)(2). Pub. L. 104-106, § 2802(b)(2), substituted “Secretary concerned” for “Secretary”.

Subsec. (b). Pub. L. 104-106, § 2802(b)(2), substituted “Secretary concerned” for “Secretary”.

Subsec. (b)(1). Pub. L. 104-106, § 2802(a)(2), substituted “of the armed forces” for “of the naval service”.

Subsec. (c). Pub. L. 104-106, § 2802(b)(2), substituted “Secretary concerned” for “Secretary” wherever appearing.

Subsec. (d). Pub. L. 104-106, § 2802(c), amended subsec. (d) generally. Prior to amendment, subsec. (d) read as follows:

“(d) ACCOUNT.—(1) There is hereby established on the books of the Treasury an account to be known as the ‘Navy Housing Investment Account’.

“(2) There shall be deposited into the Account—

“(A) such funds as may be authorized for and appropriated to the Account; and

“(B) any proceeds received by the Secretary from the repayment of investments or profits on investments of the Secretary under subsection (a).

“(3) In such amounts as is provided in advance in appropriation Acts, the Account shall be available for contracts, investments, and expenses necessary for the implementation of this section.

“(4) The Secretary may not enter into a contract in connection with a limited partnership under subsection (a) or a collateral incentive agreement under subsection (b) unless the Account contains sufficient funds, as of the time the contract is entered into, to satisfy the total obligations to be incurred by the United States under the contract.”

Subsec. (e). Pub. L. 104-106, § 2802(d)(1), struck out subsec. (e) which related to establishment of Navy Housing Investment Board.

Subsec. (f). Pub. L. 104-106, § 2802(e), substituted “activities are carried out” for “the Secretary carries out activities” and “the Secretaries concerned shall jointly” for “the Secretary shall”.

Subsec. (g). Pub. L. 104-106, § 2802(g), struck out “Navy” after “Transfer of” in heading.

Pub. L. 104-106, § 2802(b)(2), substituted “Secretary concerned” for “Secretary” in two places.

Subsec. (h). Pub. L. 104-106, § 2802(f), substituted “September 30, 2000” for “September 30, 1999”.

Pub. L. 104-106, § 2802(d)(2), substituted “Authority” for “Authorities” in heading and struck out “(1)” before “The authority” and par. (2) which read as follows: “The Navy Housing Investment Board shall terminate on November 30, 1999.”

Pub. L. 104-106, § 2802(b)(2), substituted “Secretary concerned” for “Secretary” in par. (1).

§ 2838. Leasing of military family housing to Secretary of Defense

(a) AUTHORITY.—(1) The Secretary of a military department may lease to the Secretary of Defense military family housing in the National Capital Region (as defined in section 2674(f) of this title).

(2) In determining the military housing unit to lease under this section, the Secretary of Defense should first consider any available military housing units that are already substantially equipped for executive communications and security.

(b) RENTAL RATE.—A lease under subsection (a) shall provide for the payment by the Secretary of Defense of consideration in an amount equal to 105 percent of the monthly rate of basic allowance for housing prescribed under section 403(b) of title 37 for a member of the uniformed services in the pay grade of O-10 with dependents assigned to duty at the military installation on which the leased housing unit is located. A rate so established shall be considered the fair market value of the lease interest.

(c) TREATMENT OF PROCEEDS.—(1) The Secretary of a military department shall deposit all amounts received pursuant to leases entered into by the Secretary under this section into a special account in the Treasury established for such military department.

(2) The proceeds deposited into the special account of a military department pursuant to paragraph (1) shall be available to the Secretary of that military department, without further appropriation, for the maintenance, protection, alteration, repair, improvement, or restoration of military housing on the military installation at which the housing leased pursuant to subsection (a) is located.

(Added Pub. L. 110-417, div. B, title XXVIII, § 2804(a), Oct. 14, 2008, 122 Stat. 4720.)

SUBCHAPTER III—ADMINISTRATION OF MILITARY CONSTRUCTION AND MILITARY FAMILY HOUSING

Sec.	
2851.	Supervision of military construction projects.
2852.	Military construction projects: waiver of certain restrictions.
2853.	Authorized cost and scope of work variations.
2854.	Restoration or replacement of damaged or destroyed facilities.
2854a.	Conveyance of damaged or deteriorated military family housing; use of proceeds.
2855.	Law applicable to contracts for architectural and engineering services and construction design.
2856.	Military unaccompanied housing: local comparability of floor areas.
[2857.	Renumbered.]
2858.	Limitation on the use of funds for expediting a construction project.
2859.	Construction requirements related to anti-terrorism and force protection or urban-training operations.
2860.	Availability of appropriations.
2861.	Military construction projects in connection with industrial facility investment program.
2862.	Turn-key selection procedures.
2863.	Payment of contractor claims.
[2864, 2865.	Repealed.]
2866.	Water conservation at military installations.
2867.	Energy monitoring and utility control system specification for military construction and military family housing activities.
2868.	Utility services: furnishing for certain buildings.
2869.	Exchange of property at military installations.

AMENDMENTS

2011—Pub. L. 112-81, div. B, title XXVIII, § 2815(c), Dec. 31, 2011, 125 Stat. 1689, which directed amendment of table of sections at the beginning of this chapter by substituting “Exchange of property at military installations” for “Conveyance of property at military installations to limit encroachment” in item 2869, was executed by making the substitution in the table of sections at the beginning of this subchapter to reflect the probable intent of Congress.

Pub. L. 111-383, div. A, title X, § 1075(d)(23), Jan. 7, 2011, 124 Stat. 4374, made technical amendment to directory language of Pub. L. 111-84, § 2804(d)(2). See 2009 Amendment note below.

2009—Pub. L. 111-84, div. B, title XXVIII, § 2841(a)(2), Oct. 28, 2009, 123 Stat. 2680, added item 2867.

Pub. L. 111-84, div. B, title XXVIII, § 2804(d)(2), Oct. 28, 2009, 123 Stat. 2662, as amended by Pub. L. 111-383, div. A, title X, § 1075(d)(23), Jan. 7, 2011, 124 Stat. 4374, sub-

stituted “Conveyance of property at military installations to limit encroachment” for “Conveyance of property at military installations to support military construction or limit encroachment” in item 2869.

2006—Pub. L. 109-364, div. B, title XXVIII, §§2807(a)(2), 2808(b)(2), 2809(b), 2810(b), 2811(f)(2), 2851(c)(4), Oct. 17, 2006, 120 Stat. 2468-2471, 2473, 2495, added item 2861, inserted “or urban-training operations” after “force protection” in item 2859, substituted “Military unaccompanied housing: local comparability of floor areas” for “Limitations on barracks space by pay grade” in item 2856 and “to support military construction or limit encroachment” for “closed or realigned to support military construction” in item 2869, and struck out items 2857 “Use of renewable forms of energy in new facilities”, 2864 “Military construction contracts on Guam”, 2865 “Energy savings at military installations”, and 2867 “Sale of electricity from alternate energy and cogeneration production facilities”.

Pub. L. 109-163, div. B, title XXVIII, §2804(c)(2), Jan. 6, 2006, 119 Stat. 3507, substituted “Authorized cost and scope of work variations” for “Authorized cost variations” in item 2853.

Pub. L. 108-375, div. B, title XXVIII, §2804(a)(2), Oct. 28, 2004, 118 Stat. 2122, added item 2859.

2003—Pub. L. 108-136, div. A, title X, §1044(b)(2), div. B, title XXVIII, §2805(a)(2), Nov. 24, 2003, 117 Stat. 1612, 1721, struck out item 2859 “Transmission of annual military construction authorization request” and added item 2869.

2001—Pub. L. 107-107, div. B, title XXVIII, §2803(b), Dec. 28, 2001, 115 Stat. 1305, struck out item 2861 “Annual report to Congress”.

1997—Pub. L. 105-85, div. A, title III, §371(c)(3), Nov. 18, 1997, 111 Stat. 1705, added items 2867 and 2868.

1996—Pub. L. 104-106, div. B, title XXVIII, §2818(a)(2), Feb. 10, 1996, 110 Stat. 555, added item 2854a.

1993—Pub. L. 103-160, div. B, title XXVIII, §2803(b), Nov. 30, 1993, 107 Stat. 1885, added item 2866.

1990—Pub. L. 101-510, div. B, title XXVIII, §2851(b), Nov. 5, 1990, 104 Stat. 1804, added item 2865.

1989—Pub. L. 101-189, div. B, title XXVIII, §2807(b), Nov. 29, 1989, 103 Stat. 1648, added item 2864.

1987—Pub. L. 100-180, div. B, subdiv. 3, title I, §2303(b), Dec. 4, 1987, 101 Stat. 1215, added item 2863.

1986—Pub. L. 99-661, div. A, title XIII, §1343(a)(21)(B), Nov. 14, 1986, 100 Stat. 3994, struck out “for five years” after “Availability of appropriations” in item 2860.

1985—Pub. L. 99-167, title VIII, §807(b), Dec. 3, 1985, 99 Stat. 988, added item 2862.

1982—Pub. L. 97-321, title VIII, §801(b)(3), Oct. 15, 1982, 96 Stat. 1571, substituted “renewable forms of energy in new facilities” for “solar energy systems” in item 2857.

§ 2851. Supervision of military construction projects

(a) SUPERVISION OF MILITARY DEPARTMENT PROJECTS.—Each contract entered into by the United States in connection with a military construction project or a military family housing project shall be carried out under the direction and supervision of the Secretary of the Army (acting through the Chief of Engineers), the Secretary of the Navy (acting through the Commander of the Naval Facilities Engineering Command), or such other department or Government agency as the Secretary of Defense approves to assure the most efficient, expeditious, and cost-effective completion of the project.

(b) SUPERVISION OF DEFENSE AGENCY PROJECTS.—A military construction project for an activity or agency of the Department of Defense (other than a military department) financed from appropriations for military functions of the Department of Defense shall be accomplished by or through a military department designated by the Secretary of Defense.

(c) MAINTENANCE OF MILITARY CONSTRUCTION INFORMATION ON INTERNET; ACCESS.—(1) The Secretary of Defense shall maintain an Internet site that will permit a person to access and view on a separate page of the Internet site a document or other file containing the information required by paragraph (2) for the following:

(A) Each military construction project or military family housing project that has been specifically authorized by Act of Congress.

(B) Each project carried out with funds authorized for the operation and maintenance of military family housing.

(C) Each project carried out with funds authorized for the improvement of military family housing units.

(D) Each unspecified minor construction project carried out under the authority of section 2805(a) of this title.

(E) Each military construction project or military family housing project regarding which a statutory requirement exists to notify Congress.

(2) The information to be provided via the Internet site required by paragraph (1) for each project described in such paragraph shall include the following:

(A) The solicitation date and award date (or anticipated dates) for each contract entered into (or to be entered into) by the United States in connection with the project.

(B) The contract recipient, contract award amount, construction milestone schedule proposed by the contractor, and construction completion date stipulated in the awarded contract.

(C) The most current Department of Defense Form 1391, Military Construction Project Data, for the project.

(D) The progress of the project, including the percentage of construction currently completed and the current estimated construction completion date.

(E) The current contract obligation of funds for the project, including any changes to the original contract award amount.

(F) If funds appropriated for the project have been diverted for use in another project, the project to which the funds were diverted and the amount so diverted.

(G) For accounts such as planning and design, unspecified minor construction, and family housing operation and maintenance, detailed information regarding expenditures and anticipated expenditures under these accounts and the purposes for which the expenditures are made.

(3) The information required to be provided for each project described in paragraph (1) shall be made available on the Internet site required by such paragraph not later than 90 days after the award of a contract or delivery order for the project. The Secretary of Defense shall update the required information as promptly as practicable, but not less frequently than once a month, to ensure that the information is available in a timely manner.

(Added Pub. L. 97-214, §2(a), July 12, 1982, 96 Stat. 163; amended Pub. L. 109-163, div. B, title XXVIII, §2803(a), (c), Jan. 6, 2006, 119 Stat. 3505,