

RELATION TO OTHER AUTHORITIES

Pub. L. 108-136, div. B, title XXVIII, §2808(e), Nov. 24, 2003, 117 Stat. 1724, provided that: “The temporary authority provided by this section [117 Stat. 1723], and the limited authority provided by section 2805(c) of title 10, United States Code, to use appropriated funds available for operation and maintenance to carry out a construction project are 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.”

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) 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.

(c)(1) The Secretary 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 (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.

(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.)

AMENDMENTS

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.

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 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 Secretary concerned may obtain architectural and engineering services and may carry out construction design in connection with military construction projects, family housing projects, and projects undertaken in connection with the authority provided under section 2854 of this title that are not otherwise authorized by law. Amounts available for such purposes may be used for construction management of projects that are funded by foreign governments directly or through international organizations and for which elements of the armed forces of the United States are the primary user.

(b) In the case of architectural and engineering services and construction design to be undertaken under subsection (a) for which the estimated cost exceeds \$1,000,000, the Secretary

concerned shall notify the appropriate committees of Congress of the scope of the proposed project and the estimated cost of such services before the initial obligation of funds for such services. The Secretary may then obligate funds for such services only after the end of the 21-day period beginning on the date on which the notification is received by the committees or, if earlier, the end of the 14-day period beginning on the date on which a copy of the report is provided in an electronic medium pursuant to section 480 of this title.

(c) If the Secretary concerned determines that the amount authorized for activities under subsection (a) in any fiscal year must be increased the Secretary may proceed with activities at such higher level (1) 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 funds to be used for the increase, and (2) after a period of 21 days has elapsed from the date of receipt of the report or, if over sooner, 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.

(d) For architectural and engineering services and construction design related to military construction and family housing projects, the Secretaries of the military departments may incur obligations for contracts or portions of contracts using military construction and family housing appropriations from different fiscal years to the extent that those appropriations are available for obligation.

(Added Pub. L. 97-214, §2(a), July 12, 1982, 96 Stat. 156; amended Pub. L. 98-115, title VIII, §804, Oct. 11, 1983, 97 Stat. 785; Pub. L. 99-661, div. B, title VII, §§2702(b), 2712(a), Nov. 14, 1986, 100 Stat. 4040, 4041; Pub. L. 102-190, div. B, title XXVIII, §2870(6), Dec. 5, 1991, 105 Stat. 1563; Pub. L. 105-261, div. B, title XXVIII, §2801, Oct. 17, 1998, 112 Stat. 2202; Pub. L. 108-136, div. A, title X, §1031(a)(37), Nov. 24, 2003, 117 Stat. 1601.)

AMENDMENTS

2003—Subsec. (b). Pub. L. 108-136, §1031(a)(37)(A), substituted “\$1,000,000” for “\$500,000”, struck out “not less than 21 days” after “of such services”, and inserted last sentence.

Subsec. (c)(2). Pub. L. 108-136, §1031(a)(37)(B), inserted before period at end “or, if over sooner, 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”.

1998—Subsec. (b). Pub. L. 105-261, §2801(a), substituted “\$500,000” for “\$300,000”.

Subsec. (d). Pub. L. 105-261, §2801(b), substituted “architectural and engineering services and construction design” for “study, planning, design, architectural, and engineering services”.

1991—Subsec. (c)(2). 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 level of activity”.

1986—Subsec. (b). Pub. L. 99-661, §2702(b), substituted “\$300,000” for “the maximum amount specified by law for the purposes of this section”.

Subsec. (d). Pub. L. 99-661, §2712(a), added subsec. (d).

1983—Subsec. (a). Pub. L. 98-115 substituted “Within amounts appropriated for military construction and military family housing” for “Within amounts appro-