

XXVIII, §§ 2803, 2870(2), Dec. 5, 1991, 105 Stat. 1537, 1562; Pub. L. 102-484, div. A, title X, § 1053(9), Oct. 23, 1992, 106 Stat. 2502; Pub. L. 108-136, div. A, title X, § 1031(a)(34), div. B, title XXVIII, § 2802, Nov. 24, 2003, 117 Stat. 1600, 1719; Pub. L. 109-364, div. B, title XXVIII, § 2801, Oct. 17, 2006, 120 Stat. 2466; Pub. L. 112-81, div. A, title X, § 1064(9), Dec. 31, 2011, 125 Stat. 1587.)

AMENDMENTS

2011—Subsec. (b). Pub. L. 112-81 substituted “after the end of the seven-day period” for “after the end of the 21-day period”.

2006—Subsec. (c)(1). Pub. L. 109-364 substituted “\$50,000,000” for “\$45,000,000”.

2003—Subsec. (b). Pub. L. 108-136, § 1031(a)(34), inserted before period at end “or, if earlier, the end of the seven-day period beginning on the date on which a copy of the notification is provided in an electronic medium pursuant to section 480 of this title”.

Subsec. (c)(1). Pub. L. 108-136, § 2802, substituted “\$45,000,000” for “\$30,000,000”.

1992—Subsec. (b). Pub. L. 102-484 made technical amendment to directory language of Pub. L. 102-190, § 2870(2). See 1991 Amendment note below.

1991—Subsec. (a). Pub. L. 102-190, § 2803, substituted “or to the protection of health, safety, or the quality of the environment, and” for “, and” in cl. (1) and inserted “or the protection of health, safety, or environmental quality, as the case may be” before period at end of cl. (2).

Subsec. (b). Pub. L. 102-190, § 2870(2), as amended by Pub. L. 102-484, struck out “, or after each such committee has approved the project, if the committee approves the project before the end of that period” after “by such committees”.

EFFECTIVE DATE OF 1992 AMENDMENT

Pub. L. 102-484, div. A, title X, § 1053, Oct. 23, 1992, 106 Stat. 2501, provided that the amendment made by that section is effective Dec. 5, 1991.

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.

§ 2804. Contingency construction

(a) Within the amount appropriated for such purpose, the Secretary of Defense may carry out a military construction project not otherwise authorized by law, or may authorize the Secretary of a military department to carry out such a project, if the Secretary of Defense determines that deferral of the project for inclusion in the next Military Construction Authorization Act would be inconsistent with national security or national interest.

(b) When a decision is made to carry out a military construction project under this section, the Secretary of Defense shall submit a report in writing to the appropriate committees of Congress on that decision. Each such report shall include (1) the justification for the project and the current estimate of the cost of the project, and (2) the justification for carrying out the project under this section. The project may then be carried out only after the end of the 14-day period beginning on the date the notification is received by such committees or, if earlier, the end of the seven-day period beginning on the date on which a copy of the notification 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. 155; amended Pub. L. 102-190, div. B, title XXVIII, § 2870(3), Dec. 5, 1991, 105 Stat. 1563; Pub. L. 108-136, div. A, title X, § 1031(a)(35), Nov. 24, 2003, 117 Stat. 1600; Pub. L. 109-163, div. B, title XXVIII, § 2801(a), Jan. 6, 2006, 119 Stat. 3504.)

AMENDMENTS

2006—Subsec. (b). Pub. L. 109-163 substituted “14-day period” for “21-day period” and “seven-day period” for “14-day period”.

2003—Subsec. (b). Pub. L. 108-136 inserted before period at end “or, if earlier, the end of the 14-day period beginning on the date on which a copy of the notification is provided in an electronic medium pursuant to section 480 of this title”.

1991—Subsec. (b). Pub. L. 102-190 struck out before period at end “, or after each such committee has approved the project, if the committees approve the project before the end of that period”.

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.

§ 2805. Unspecified minor construction

(A) **AUTHORITY TO CARRY OUT UNSPECIFIED MINOR MILITARY CONSTRUCTION PROJECTS.**—(1) Within an amount equal to 125 percent of the amount authorized by law for such purpose, the Secretary concerned may carry out unspecified minor military construction projects not otherwise authorized by law.

(2) An unspecified minor military construction project is a military construction project that has an approved cost equal to or less than \$3,000,000. However, if the military construction project is intended solely to correct a deficiency that is life-threatening, health-threatening, or safety-threatening, an unspecified minor military construction project may have an approved cost equal to or less than \$4,000,000.

(B) **APPROVAL AND CONGRESSIONAL NOTIFICATION.**—(1) An unspecified minor military construction project costing more than \$1,000,000 may not be carried out under this section unless approved in advance by the Secretary concerned. This paragraph shall apply even though the project is to be carried out using funds made available to enhance the deployment and mobility of military forces and supplies.

(2) When a decision is made to carry out an unspecified minor military construction project to which paragraph (1) is applicable, the Secretary concerned shall notify in writing the appropriate committees of Congress of that decision, of the justification for the project, and of the estimated cost of the project. The project may then be carried out only after the end of the 21-day period beginning on the date 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 notification is provided in an electronic medium pursuant to section 480 of this title.

(C) **USE OF OPERATION AND MAINTENANCE FUNDS.**—The Secretary concerned may spend from appropriations available for operation and maintenance amounts necessary to carry out an unspecified minor military construction project costing not more than \$1,000,000.