

[§ 2792. Renumbered § 451]

[§ 2793. Renumbered § 452]

[§ 2794. Renumbered § 453]

[§ 2795. Renumbered § 454]

[§ 2796. Renumbered § 455]

[§ 2797. Repealed. Pub. L. 104-201, div. A, title XI, § 1121(b), Sept. 23, 1996, 110 Stat. 2687]

Section, added Pub. L. 103-337, div. A, title X, §1074(a), Oct. 5, 1994, 108 Stat. 2861, related to unauthorized use of Defense Mapping Agency name, initials, or seal.

EFFECTIVE DATE OF REPEAL

Repeal effective Oct. 1, 1996, see section 1124 of Pub. L. 104-201, set out as an Effective Date of 1996 Amendment note under section 193 of this title.

[§ 2798. Renumbered § 456]

CHAPTER 169—MILITARY CONSTRUCTION AND MILITARY FAMILY HOUSING

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AMENDMENTS

1996—Pub. L. 104-106, div. B, title XXVIII, §2801(a)(2), Feb. 10, 1996, 110 Stat. 551, added item for subchapter IV.

SUBCHAPTER I—MILITARY CONSTRUCTION

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2807. Architectural and engineering services and construction design.
2808. Construction authority in the event of a declaration of war or national emergency.
2809. Long-term facilities contracts for certain activities and services.
[2810. Repealed.]
2811. Repair of facilities.
2812. Lease-purchase of facilities.
2813. Acquisition of existing facilities in lieu of authorized construction.
2814. Special authority for development of Ford Island, Hawaii.
[2815. Repealed.]

AMENDMENTS

2011—Pub. L. 112-81, div. A, title X, §1061(23)(B), Dec. 31, 2011, 125 Stat. 1584, struck out item 2815 "Joint use military construction projects: annual evaluation".

2002—Pub. L. 107-314, div. A, title III, §313(d)(2), Dec. 2, 2002, 116 Stat. 2508, struck out item 2810 "Construction projects for environmental response actions".

2000—Pub. L. 106-398, §1 [div. B, title XXVIII, §2801(b)(2)], Oct. 30, 2000, 114 Stat. 1654, 1654A-412, added item 2815.

1999—Pub. L. 106-65, div. B, title XXVIII, §2802(a)(2), Oct. 5, 1999, 113 Stat. 848, added item 2814.

1996—Pub. L. 104-201, div. B, title XXVIII, §2802(c)(2), Sept. 23, 1996, 110 Stat. 2787, substituted "Organizations

Security Investment" for "Organization Infrastructure" in item 2806.

Pub. L. 104-106, div. A, title XV, §1503(a)(31), Feb. 10, 1996, 110 Stat. 512, inserted period at end of item 2811.

1994—Pub. L. 103-337, div. B, title XXVIII, §2801(b), Oct. 5, 1994, 108 Stat. 3050, substituted "Repair" for "Renovation" in item 2811.

1993—Pub. L. 103-160, div. B, title XXVIII, §2805(a)(2), Nov. 30, 1993, 107 Stat. 1887, added item 2813.

1991—Pub. L. 102-190, div. B, title XXVIII, §2805(a)(2), Dec. 5, 1991, 105 Stat. 1538, substituted "Long-term facilities contracts for certain activities and services" for "Test of long-term facilities contracts" in item 2809.

1989—Pub. L. 101-189, div. B, title XXVIII, §2809(b), Nov. 29, 1989, 103 Stat. 1650, added item 2812.

1987—Pub. L. 100-26, §7(e)(3), Apr. 21, 1987, 101 Stat. 281, redesignated item 2810 "Renovation of facilities" as item 2811.

1986—Pub. L. 99-661, div. A, title III, §315(b), Nov. 14, 1986, 100 Stat. 3854, added item 2810 "Renovation of facilities".

Pub. L. 99-499, title II, §211(b)(2), Oct. 17, 1986, 100 Stat. 1726, added item 2810 "Construction projects for environmental response actions".

1985—Pub. L. 99-167, title VIII, §811(b), Dec. 3, 1985, 99 Stat. 991, added item 2809.

§ 2801. Scope of chapter; definitions

(a) The term "military construction" as used in this chapter or any other provision of law includes any construction, development, conversion, or extension of any kind carried out with respect to a military installation, whether to satisfy temporary or permanent requirements, or any acquisition of land or construction of a defense access road (as described in section 210 of title 23).

(b) A military construction project includes all military construction work, or any contribution authorized by this chapter, necessary to produce a complete and usable facility or a complete and usable improvement to an existing facility (or to produce such portion of a complete and usable facility or improvement as is specifically authorized by law).

(c) In this chapter and chapter 173 of this title:

(1) The term "appropriate committees of Congress" means the congressional defense committees and, with respect to any project to be carried out by, or for the use of, an intelligence component of the Department of Defense, the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.

(2) The term "facility" means a building, structure, or other improvement to real property.

(3) The term "life-cycle cost-effective", with respect to a project, product, or measure, means that the sum of the present values of investment costs, capital costs, installation costs, energy costs, operating costs, maintenance costs, and replacement costs, as estimated for the lifetime of the project, product, or measure, does not exceed the base case (current or standard) for the practice, product, or measure.

(4) The term "military installation" means a base, camp, post, station, yard, center, or other activity under the jurisdiction of the Secretary of a military department or, in the case of an activity in a foreign country, under

the operational control of the Secretary of a military department or the Secretary of Defense, without regard to the duration of operational control.

(5) The term “Secretary concerned” includes the Secretary of Defense with respect to matters concerning the Defense Agencies.

(d) This chapter (other than sections 2830, 2835, and 2836 of this chapter) does not apply to the Coast Guard or to civil works projects of the Army Corps of Engineers.

(Added Pub. L. 97–214, §2(a), July 12, 1982, 96 Stat. 153; amended Pub. L. 100–26, §7(k)(2), Apr. 21, 1987, 101 Stat. 284; Pub. L. 100–180, div. A, title VI, §632(b)(1), title XII, §1231(15), div. B, subdiv. 3, title I, §2306(b), Dec. 4, 1987, 101 Stat. 1105, 1160, 1216; Pub. L. 102–484, div. A, title X, §1052(37), Oct. 23, 1992, 106 Stat. 2501; Pub. L. 102–496, title IV, §403(b), Oct. 24, 1992, 106 Stat. 3185; Pub. L. 104–106, div. A, title XV, §1502(a)(10), Feb. 10, 1996, 110 Stat. 503; Pub. L. 106–65, div. A, title X, §1067(1), Oct. 5, 1999, 113 Stat. 774; Pub. L. 108–136, div. A, title X, §1043(b)(16), div. B, title XXVIII, §2801, Nov. 24, 2003, 117 Stat. 1611, 1719; Pub. L. 109–163, div. A, title X, §1056(c)(9), Jan. 6, 2006, 119 Stat. 3440; Pub. L. 109–364, div. B, title XXVIII, §2851(b)(4), Oct. 17, 2006, 120 Stat. 2495; Pub. L. 110–181, div. B, title XXVIII, §2802(b), Jan. 28, 2008, 122 Stat. 539; Pub. L. 110–417, div. B, title XXVIII, §2801(a), Oct. 14, 2008, 122 Stat. 4719.)

AMENDMENTS

2008—Subsec. (a). Pub. L. 110–181 inserted “, or any acquisition of land or construction of a defense access road (as described in section 210 of title 23)” before period at end.

Subsec. (c). Pub. L. 110–417 added par. (3) and redesignated former pars. (4), (1), (2), and (3) as (1), (2), (4), and (5), respectively.

2006—Subsec. (c). Pub. L. 109–364 inserted “and chapter 173 of this title” after “this chapter” in introductory provisions.

Subsec. (d). Pub. L. 109–163 substituted “sections 2830, 2835, and 2836 of this chapter” for “sections 2830 and 2835”.

2003—Subsec. (a). Pub. L. 108–136, §2801(a), inserted before period at end “, whether to satisfy temporary or permanent requirements”.

Subsec. (c)(2). Pub. L. 108–136, §2801(b), inserted before period at end “, without regard to the duration of operational control”.

Subsec. (c)(4). Pub. L. 108–136, §1043(b)(16), substituted “the congressional defense committees” for “the Committee on Armed Services and the Committee on Appropriations of the Senate and the Committee on Armed Services and the Committee on Appropriations of the House of Representatives”.

1999—Subsec. (c)(4). Pub. L. 106–65 substituted “and the Committee on Armed Services” for “and the Committee on National Security”.

1996—Subsec. (c)(4). Pub. L. 104–106 substituted “the Committee on Armed Services and the Committee on Appropriations of the Senate and the Committee on National Security and the Committee on Appropriations of the” for “the Committees on Armed Services and on Appropriations of the Senate and”.

1992—Subsec. (c)(4). Pub. L. 102–496 inserted before period at end “and, with respect to any project to be carried out by, or for the use of, an intelligence component of the Department of Defense, the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate”.

Subsec. (d). Pub. L. 102–484 substituted “sections 2830 and 2835” for “sections 2828(g) and 2830”.

1987—Subsec. (c). Pub. L. 100–26 inserted “The term” after each par. designation and struck out uppercase letter of first word after first quotation marks in pars. (1), (2), and (4) and substituted lowercase letter.

Subsec. (c)(3). Pub. L. 100–180, §1231(15), substituted “Defense Agencies” for “defense agencies”.

Subsec. (d). Pub. L. 100–180, §2306(b), substituted “(other than sections 2828(g) and 2830)” for “(other than section 2830)”.

Pub. L. 100–180, §632(b)(1), inserted “(other than section 2830)” after “This chapter”.

EFFECTIVE DATE

Pub. L. 97–214, §12, July 12, 1982, 96 Stat. 176, provided: “(a) Except as provided in subsection (b), the amendments made by this Act [see Short Title of 1982 Amendment note below] shall take effect on October 1, 1982, and shall apply to military construction projects, and to construction and acquisition of military family housing, authorized before, on, or after such date.

“(b) The amendment made by section 4 [amending section 138(f)(1) [now 114(b)] of this title] shall apply with respect to funds appropriated for fiscal years beginning after September 30, 1983.”

SHORT TITLE OF 1982 AMENDMENT

Pub. L. 97–214, §1, July 12, 1982, 96 Stat. 153, provided that: “This Act [see Tables for classification] may be cited as the ‘Military Construction Codification Act’.”

TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

PERMITTING MACHINE ROOM-LESS ELEVATORS IN DEPARTMENT OF DEFENSE FACILITIES

Pub. L. 115–91, div. B, title XXVIII, §2875, Dec. 12, 2017, 131 Stat. 1871, provided that:

“(a) IN GENERAL.—The Secretary of Defense shall issue modifications to all relevant construction and facilities specifications to ensure that machine room-less elevators (MRLs) are not prohibited in buildings and facilities throughout the Department of Defense, including modifications to the Unified Facilities Guide Specifications (UFGS), the Naval Facilities Engineering Command Interim Technical Guidance, and the Army Corps of Engineers Engineering and Construction Bulletin.

“(b) CONFORMING TO BEST PRACTICES.—In addition to the modifications required under subsection (a), the Secretary may issue further modifications to conform generally with commercial best practices as reflected in the safety code for elevators and escalators as issued by the American Society of Mechanical Engineers.

“(c) DEADLINES.—The Secretary shall promulgate interim MRL standards not later than 180 days after the date of the enactment of this Act [Dec. 12, 2017], and shall issue final and formal MRL specifications not later than 1 year after the date of the enactment of this Act.

“(d) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall issue a report to the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives] on the integration and utilization of MRLs, including information on quantity, location, problems, and successes.”

§ 2802. Military construction projects

(a) The Secretary of Defense and the Secretaries of the military departments may carry out