

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 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 seven-day period; and¹ beginning on the date the notification is received by such committees 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; Pub. L. 115-91, div. B, title XXVIII, §2801(a)(2), Dec. 12, 2017, 131 Stat. 1840.)

AMENDMENTS

2017—Subsec. (b). Pub. L. 115-91 struck out “in writing” after “submit a report” and “or, if earlier, the end of the seven-day period beginning on the date on which a copy of the notification is provided” after “such committees” and substituted “seven-day period; and” for “14-day period”.

¹ So in original. The semicolon and “and” probably should not appear.

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 \$6,000,000.

(b) APPROVAL AND CONGRESSIONAL NOTIFICATION.—(1) An unspecified minor military construction project costing more than \$750,000 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 and which costs more than \$2,000,000, the Secretary concerned shall notify 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 14-day period beginning on the date the notification is received by the committees 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 \$2,000,000.

(d) LABORATORY REVITALIZATION.—(1) For the revitalization and recapitalization of laboratories owned by the United States and under the jurisdiction of the Secretary concerned, the Secretary concerned may obligate and expend—

(A) from appropriations available to the Secretary concerned for operation and maintenance, amounts necessary to carry out an unspecified minor military construction project costing not more than \$6,000,000, notwithstanding subsection (c); or

(B) from appropriations available to the Secretary concerned for military construction not otherwise authorized by law or from funds authorized to be made available section¹ 2363(a)

¹ So in original. Probably should be preceded by “under”.

of this title, amounts necessary to carry out an unspecified minor military construction project costing not more than \$6,000,000.

(2) For purposes of this subsection, an unspecified minor military construction project is a military construction project that (notwithstanding subsection (a)) has an approved cost equal to or less than \$6,000,000.

(3) If the Secretary concerned makes a decision to carry out an unspecified minor military construction project to which this subsection applies, the Secretary concerned shall notify 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 14-day period beginning on the date the notification is received by the committees in an electronic medium pursuant to section 480 of this title.

(4) In this subsection, the term “laboratory” includes—

- (A) a research, engineering, and development center; and
- (B) a test and evaluation activity.

(5) The authority to carry out a project under this subsection expires on September 30, 2025.

(e) PROHIBITION ON USE FOR NEW HOUSING UNITS.—Military family housing projects for construction of new housing units may not be carried out under the authority of this section.

(f) ADJUSTMENT OF DOLLAR LIMITATIONS FOR LOCATION.—

(1) ADJUSTMENT OF LIMITATIONS.—Each fiscal year, the Secretary concerned shall adjust the dollar limitations specified in this section applicable to an unspecified minor military construction project inside the United States to reflect the area construction cost index for military construction projects published by the Department of Defense during the prior fiscal year for the location of the project, except that no limitation specified in this section may exceed \$10,000,000 as the result of any adjustment made under this paragraph.

(2) LOCATION OF PROJECTS.—For purposes of paragraph (1), a project shall be considered to be inside the United States if the project is carried out in any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, or the Commonwealth of the Northern Mariana Islands.

(3) SUNSET.—The requirements of this subsection shall not apply with respect to any fiscal year after fiscal year 2022.

(Added Pub. L. 97-214, §2(a), July 12, 1982, 96 Stat. 155; amended Pub. L. 99-167, title VIII, §809, Dec. 3, 1985, 99 Stat. 989; Pub. L. 99-661, div. B, title VII, §2702(a), Nov. 14, 1986, 100 Stat. 4040; Pub. L. 100-180, div. B, subdiv. 3, title I, §2310, Dec. 4, 1987, 101 Stat. 1217; Pub. L. 101-510, div. A, title XIII, §1301(16), Nov. 5, 1990, 104 Stat. 1668; Pub. L. 102-190, div. B, title XXVIII, §§2807, 2870(4), Dec. 5, 1991, 105 Stat. 1540, 1563; Pub. L. 104-106, div. B, title XXVIII, §§2811(a), 2812, Feb. 10, 1996, 110 Stat. 552; Pub. L. 104-201, div. B, title XXVIII, §2801(a), Sept. 23, 1996, 110 Stat. 2787; Pub. L. 105-85, div. B, title XXVIII, §2801, Nov. 18, 1997, 111 Stat. 1989; Pub. L. 107-107, div. B,

title XXVIII, §2801, Dec. 28, 2001, 115 Stat. 1305; Pub. L. 108-136, div. A, title X, §1031(a)(36), Nov. 24, 2003, 117 Stat. 1600; Pub. L. 110-181, div. B, title XXVIII, §§2803, 2804, Jan. 28, 2008, 122 Stat. 539; Pub. L. 111-84, div. B, title XXVIII, §2801(a)(1), (2), (b), Oct. 28, 2009, 123 Stat. 2660; Pub. L. 112-81, div. B, title XXVIII, §2802(a), (b), Dec. 31, 2011, 125 Stat. 1684; Pub. L. 113-66, div. B, title XXVIII, §2801(a), Dec. 26, 2013, 127 Stat. 1006; Pub. L. 113-291, div. B, title XXVIII, §2802, Dec. 19, 2014, 128 Stat. 3695; Pub. L. 114-328, div. B, title XXVIII, §2801, Dec. 23, 2016, 130 Stat. 2712; Pub. L. 115-91, div. A, title II, §220(c)(2), div. B, title XXVIII, §§2801(a)(3), 2802, 2803, Dec. 12, 2017, 131 Stat. 1333, 1840, 1845, 1846.)

AMENDMENTS

2017—Subsec. (a)(2). Pub. L. 115-91, §2802(a), substituted “\$6,000,000” for “\$3,000,000” and struck out at end “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.”

Subsec. (b)(1). Pub. L. 115-91, §2802(b), substituted “\$750,000” for “\$1,000,000”.

Subsec. (b)(2). Pub. L. 115-91, §2802(c), substituted “to which paragraph (1) is applicable and which costs more than \$2,000,000” for “to which paragraph (1) is applicable”.

Pub. L. 115-91, §2801(a)(3)(A), struck out “in writing” after “shall notify” and “or, if earlier, the end of the 14-day period beginning on the date on which a copy of the notification is provided” after “received by the committees” and substituted “14-day period” for “21-day period”.

Subsec. (c). Pub. L. 115-91, §2802(d), substituted “\$2,000,000” for “\$1,000,000”.

Subsec. (d)(1)(B). Pub. L. 115-91, §220(c)(2), substituted “section 2363(a) of this title” for “under section 219(a) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 10 U.S.C. 2358 note)”.

Subsec. (d)(3). Pub. L. 115-91, §2801(a)(3)(B), struck out “in writing” after “shall notify” and “or, if earlier, the end of the 14-day period beginning on the date on which a copy of the notification is provided” after “received by the committees” and substituted “14-day period” for “21-day period”.

Subsec. (f). Pub. L. 115-91, §2803, added subsec. (f).

2016—Subsec. (d)(1). Pub. L. 114-328, §2801(a), substituted “\$6,000,000” for “\$4,000,000” in subpars. (A) and (B).

Subsec. (d)(2). Pub. L. 114-328, §2801(a), (b)(1), substituted “\$6,000,000” for “\$4,000,000” in first sentence and struck out second sentence which read as follows: “The Secretary of Defense shall establish procedures for the review and approval of requests from the Secretary of a military department to carry out a construction project under this subsection.”

Subsec. (d)(3). Pub. L. 114-328, §2801(b)(2), amended par. (3) generally. Prior to amendment, par. (3) read as follows: “Not later than February 1, 2014, the Secretary of Defense shall submit to the congressional defense committees a report on the use of the authority provided by this subsection. The report shall include a list and description of the construction projects carried out under this subsection, including the location and cost of each project.”

Subsec. (d)(5). Pub. L. 114-328, §2801(c), substituted “2025” for “2018”.

2014—Subsec. (a)(2). Pub. L. 113-291, §2802(a), substituted “\$3,000,000” for “\$2,000,000” in first sentence and “\$4,000,000” for “\$3,000,000” in second sentence.

Subsec. (b)(1). Pub. L. 113-291, §2802(b), substituted “\$1,000,000” for “\$750,000”.

Subsec. (c). Pub. L. 113-291, §2802(c), substituted “\$1,000,000” for “\$750,000”.

2013—Subsec. (d)(1)(A). Pub. L. 113-66, § 2801(a)(1), substituted “not more than \$4,000,000, notwithstanding subsection (c)” for “not more than \$2,000,000”.

Subsec. (d)(2). Pub. L. 113-66, § 2801(a)(2), substituted “For purposes of this subsection, an unspecified minor military construction project is a military construction project that (notwithstanding subsection (a)) has an approved cost equal to or less than \$4,000,000.” for “For an unspecified minor military construction project conducted pursuant to this subsection, \$2,000,000 shall be deemed to be the amount specified in subsection (b)(1) regarding when advance approval of the project by the Secretary concerned and congressional notification is required.”

Subsec. (d)(5). Pub. L. 113-66, § 2801(a)(3), substituted “2018” for “2016”.

2011—Subsec. (c). Pub. L. 112-81, § 2802(a), substituted “The” for “(1) Except as provided in paragraph (2), the” and “not more than \$750,000.” for “not more than—

“(A) \$1,500,000, in the case of an unspecified minor military construction project intended solely to correct a deficiency that is life-threatening, health-threatening, or safety-threatening; or

“(B) \$750,000, in the case of any other unspecified minor military construction project.

“(2) The limitations specified in paragraph (1) shall not apply to an unspecified minor military construction project if the project is to be carried out using funds made available to enhance the deployment and mobility of military forces and supplies.”

Subsec. (d)(3). Pub. L. 112-81, § 2802(b)(1), substituted “February 1, 2014” for “February 1, 2010”.

Subsec. (d)(5). Pub. L. 112-81, § 2802(b)(2), substituted “September 30, 2016” for “September 30, 2012”.

2009—Subsec. (a). Pub. L. 111-84, § 2801(a)(1), substituted “Within” for “Except as provided in paragraph (2), within” in par. (1), redesignated the second and third sentences of par. (1) as par. (2), and struck out former par. (2) which read as follows: “A Secretary may not use more than \$5,000,000 for exercise-related unspecified minor military construction projects coordinated or directed by the Joint Chiefs of Staff outside the United States during any fiscal year.”

Subsec. (c). Pub. L. 111-84, § 2801(a)(2), substituted “paragraph (2)” for “paragraphs (2) and (3)” in par. (1), redesignated par. (3) as (2), and struck out former par. (2) which read as follows: “The authority provided in paragraph (1) may not be used with respect to any exercise-related unspecified minor military construction project coordinated or directed by the Joint Chiefs of Staff outside the United States.”

Subsec. (d)(1)(B). Pub. L. 111-84, § 2801(b)(1), inserted “or from funds authorized to be made available under section 219(a) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 10 U.S.C. 2358 note)” after “authorized by law”.

Subsec. (d)(3) to (6). Pub. L. 111-84, § 2801(b)(2), (3), redesignated pars. (4) to (6) as (3) to (5), respectively, and struck out former par. (3) which read as follows: “For purposes of this subsection, the total amount allowed to be applied in any one fiscal year to projects at any one laboratory shall be limited to the larger of the amounts applicable under paragraph (1).”

2008—Subsec. (a). Pub. L. 110-181, § 2804(b)(1), inserted subsec. heading.

Subsec. (a)(1). Pub. L. 110-181, § 2803, substituted “\$2,000,000” for “\$1,500,000”.

Subsecs. (b), (c). Pub. L. 110-181, § 2804(b)(2), (3), inserted subsec. headings.

Subsecs. (d), (e). Pub. L. 110-181, § 2804(a), (b)(4), added subsec. (d), redesignated former subsec. (d) as (e), and inserted subsec. (e) heading.

2003—Subsec. (b)(2). 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”.

2001—Subsec. (b)(1). Pub. L. 107-107, § 2801(a), substituted “\$750,000” for “\$500,000”.

Subsec. (c)(1)(A). Pub. L. 107-107, § 2801(b)(1), substituted “\$1,500,000” for “\$1,000,000”.

Subsec. (c)(1)(B). Pub. L. 107-107, § 2801(b)(2), substituted “\$750,000” for “\$500,000”.

1997—Subsec. (a)(1). Pub. L. 105-85, § 2801(c)(1), substituted “unspecified minor military construction projects” for “minor military construction projects”, “An unspecified minor” for “A minor”, and “an unspecified minor” for “a minor”.

Subsec. (b)(1). Pub. L. 105-85, § 2801(c)(2), substituted “An unspecified minor” for “A minor”.

Pub. L. 105-85, § 2801(a), inserted at end “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.”

Subsec. (b)(2). Pub. L. 105-85, § 2801(c)(3), substituted “an unspecified minor” for “a minor”.

Subsec. (c)(1). Pub. L. 105-85, § 2801(c)(4), substituted “unspecified minor military” for “unspecified military” wherever appearing.

Pub. L. 105-85, § 2801(b)(1), substituted “paragraphs (2) and (3)” for “paragraph (2)” in introductory provisions.

Subsec. (c)(2). Pub. L. 105-85, § 2801(c)(4), substituted “unspecified minor military” for “unspecified military”.

Subsec. (c)(3). Pub. L. 105-85, § 2801(b)(2), added par. (3).

1996—Subsec. (a)(1). Pub. L. 104-106, § 2812, in second sentence, struck out “(1) that is for a single undertaking at a military installation, and (2)” after “is a military construction project”.

Pub. L. 104-106, § 2811(a)(1), inserted at end “However, if the military construction project is intended solely to correct a deficiency that is life-threatening, health-threatening, or safety-threatening, a minor military construction project may have an approved cost equal to or less than \$3,000,000.”

Subsec. (c)(1). Pub. L. 104-106, § 2811(a)(2), substituted “not more than—” for “not more than \$300,000.” and added subpars. (A) and (B).

Subsec. (c)(1)(B). Pub. L. 104-201 substituted “\$500,000” for “\$300,000”.

1991—Subsec. (a)(1). Pub. L. 102-190, § 2807(a), substituted “\$1,500,000” for “\$1,000,000”.

Subsec. (b)(2). Pub. L. 102-190, § 2870(4), in second sentence struck out “(A)” after “carried out only” and “, or (B) after each such committee approves the project, if the committees approve the project before the end of that period” before period at end.

Subsec. (c)(1). Pub. L. 102-190, § 2807(b), substituted “\$300,000” for “\$200,000”.

1990—Subsec. (b)(3). Pub. L. 101-510 struck out par. (3) which read as follows: “A project for the relocation of any activity from one installation to another that involves 25 or more full-time civilian employees of the Department of Defense but that is not subject to paragraph (1) may not be carried out under the authority of this section until the appropriate committees of Congress have been notified by the Secretary concerned of the intent to carry out such relocation under the authority of this section.”

1987—Subsec. (a). Pub. L. 100-180, § 2310(b), designated existing provisions as par. (1), substituted “Except as provided in paragraph (2), within” for “Within”, and added par. (2).

Subsec. (c). Pub. L. 100-180, § 2310(a), designated existing provisions as par. (1), substituted “Except as provided in paragraph (2), the” for “The”, and added par. (2).

1986—Subsec. (a). Pub. L. 99-661, § 2702(a)(1), substituted “\$1,000,000” for “the amount specified by law as the maximum amount for a minor military construction project”.

Subsec. (b)(1). Pub. L. 99-661, § 2702(a)(2), substituted “\$500,000” for “50 percent of the amount specified by law as the maximum amount for a minor military construction project”.

Subsec. (c). Pub. L. 99-661, § 2702(a)(3), substituted “\$200,000” for “20 percent of the amount specified by law as the maximum amount for a minor military construction project”.

1985—Subsec. (a). Pub. L. 99-167, §809(1), inserted “an amount equal to 125 percent of”.

Subsec. (c). Pub. L. 99-167, §809(2), substituted “The” for “Only funds authorized for minor construction projects may be used to accomplish unspecified minor construction projects, except that the”.

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.

NO APPLICATION TO CURRENT PROJECTS

Pub. L. 113-66, div. B, title XXVIII, §2801(b), Dec. 26, 2013, 127 Stat. 1006, provided that: “The amendments made by subsection (a) [amending this section] do not apply to any laboratory revitalization project for which the design phase has been completed as of the date of the enactment of this Act [Dec. 26, 2013].”

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 of Defense 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, only after the end of the 14-day period beginning on the date on which the Secretary submits, in an electronic medium pursuant to section 480 of this title, to the appropriate committees of Congress notice of the increase, including the reasons for the increase and the source of the funds to be used for the increase.

(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.