

1991—Pub. L. 102-190 substituted section catchline for one which read “Test of long-term facilities contracts” and amended text generally, substituting present provisions for provisions authorizing contracts for construction, management, and operation of facilities on or near military installations for the provision of certain enumerated activities or services, setting out procedures, terms, and other limits for such contracts, providing that no more than 5 contracts may be entered into under this section other than contracts for child care centers, and providing that authority to enter into such contracts was to expire on Sept. 30, 1991.

1989—Subsec. (a)(1)(B)(ii). Pub. L. 101-189, § 2803(1), substituted “Utilities, including potable” for “Potable”.

Subsec. (b). Pub. L. 101-189, § 2803(2), substituted “activities and services described in clause (i) or (ii) of subsection (a)(1)(B)” for “child care centers”.

Subsec. (c). Pub. L. 101-189, § 2803(3), substituted “1991” for “1989”.

1988—Subsec. (a)(3). Pub. L. 100-456 substituted “32” for “20”.

1987—Subsec. (a)(1)(B)(vi), (vii). Pub. L. 100-180, § 2302(a), added cl. (vi) and redesignated former cl. (vi) as (vii).

Subsec. (c). Pub. L. 100-180, § 2302(b), substituted “1989” for “1987”.

1986—Subsec. (a)(1). Pub. L. 99-661, § 2711, amended par. (1) generally. Prior to amendment, par. (1) read as follows: “The Secretary concerned may enter into a contract for the construction, management, and operation of a facility on or near a military installation in the United States for the provision of child care services, waste water treatment, or depot supply activities in a case in which the Secretary concerned determines that the facility can be more efficiently and more economically provided under a long-term contract than by other appropriate means.”

Pub. L. 99-661, § 1343(a)(20)(A), substituted “a contract” for “contracts”, “a facility” for “facilities”, “a military installation” for “military installations”, “a case” for “cases”, “facility” for “facilities”, and “a long-term contract” for “long-term contracts” and inserted a comma after “waste water treatment”.

Subsec. (a)(2). Pub. L. 99-661, § 1343(a)(20)(B), substituted “this section” for “subsection (a)”.

Subsec. (a)(3). Pub. L. 99-661, § 1343(a)(20)(C), substituted “20” for “twenty”.

Subsec. (a)(4)(A). Pub. L. 99-661, § 1343(a)(20)(D), struck out “the” before “Congress”.

Subsec. (b). Pub. L. 99-661, § 1343(a)(20)(E), struck out “the authority of subsection (a) of” after “under”.

#### EFFECTIVE DATE OF 1991 AMENDMENT

Pub. L. 102-190, div. B, title XXVIII, § 2805(b), Dec. 5, 1991, 105 Stat. 1538, provided that: “Section 2809 of title 10, United States Code, as amended by subsection (a), shall apply with respect to contracts entered into under that section on or after the date of the enactment of this Act [Dec. 5, 1991].”

#### EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by Pub. L. 100-456 effective Oct. 1, 1988, see section 2702 of Pub. L. 100-456, set out as a note under section 2391 of this title.

#### DEMONSTRATION PROGRAM ON REDUCTION IN LONG-TERM FACILITY MAINTENANCE COSTS

Pub. L. 107-107, div. B, title XXVIII, § 2814, Dec. 28, 2001, 115 Stat. 1310, as amended by Pub. L. 107-314, div. B, title XXVIII, § 2813(a)-(d)(1), Dec. 2, 2002, 116 Stat. 2709, 2710, provided that:

“(a) **AUTHORITY TO CARRY OUT PROGRAM.**—The Secretary of Defense or the Secretary of a military department may conduct a demonstration program to assess the feasibility and desirability of including facility maintenance requirements in construction contracts for military construction projects for the purpose of determining whether such requirements facilitate reduc-

tions in the long-term facility maintenance costs of the military departments.

“(b) **CONTRACTS.**—(1) Not more than 12 contracts per military department may contain requirements referred to in subsection (a) for the purpose of the demonstration program.

“(2) The demonstration program may only cover contracts entered into on or after the date of the enactment of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 [Pub. L. 107-314, approved Dec. 2, 2002], except that the Secretary of the Army shall treat any contract containing requirements referred to in subsection (a) that was entered into under the authority in such subsection between that date and December 28, 2001, as a contract for the purpose of the demonstration program.

“(c) **EFFECTIVE PERIOD OF REQUIREMENTS.**—The effective period of a requirement referred to in subsection (a) that is included in a contract for the purpose of the demonstration program may not exceed five years.

“(d) **REPORTING REQUIREMENTS.**—Not later than January 31, 2005, the Secretary of Defense shall submit to Congress a report on the demonstration program, including the following:

“(1) A description of all contracts that contain requirements referred to in subsection (a) for the purpose of the demonstration program.

“(2) An evaluation of the demonstration program and a description of the experience of the Secretary with respect to such contracts.

“(3) Any recommendations, including recommendations for the termination, continuation, or expansion of the demonstration program, that the Secretary considers appropriate.

“(e) **EXPIRATION.**—The authority under subsection (a) to include requirements referred to in that subsection in contracts under the demonstration program shall expire on September 30, 2006.

“(f) **FUNDING.**—Amounts authorized to be appropriated for the military departments or defense-wide for a fiscal year for military construction shall be available for the demonstration program under this section in such fiscal year.”

[Pub. L. 107-314, div. B, title XXVIII, § 2813(d)(2), Dec. 2, 2002, 116 Stat. 2710, provided that: “The amendment made by paragraph (1) [amending section 2814(f) of Pub. L. 107-107, set out above] shall not affect the availability for the purpose of the demonstration program under section 2814 of the Military Construction Authorization Act for Fiscal Year 2002, as amended by this section, of any amounts authorized to be appropriated before the date of the enactment of this Act [Dec. 2, 2002] for the Army for military construction that have been obligated for the demonstration program, but not expended, as of that date.”]

#### REPORT

Pub. L. 100-180, div. B, subdiv. 3, title I, § 2302(c), Dec. 4, 1987, 101 Stat. 1215, directed each Secretary who has entered into a contract under this section to submit a report to Committees on Armed Services of Senate and House of Representatives by Feb. 15, 1989, containing date and duration of, other party to, and nature of activities carried out under each such contract, and recommendations, and reasons therefor, concerning whether authority to enter into contracts under this section should be extended.

#### **[§ 2810. Repealed. Pub. L. 107-314, div. A, title III, § 313(b), Dec. 2, 2002, 116 Stat. 2507]**

Section, added Pub. L. 99-499, title II, § 211(b)(1), Oct. 17, 1986, 100 Stat. 1725, related to military construction projects for environmental response actions.

#### **§ 2811. Repair of facilities**

(a) **REPAIRS USING OPERATIONS AND MAINTENANCE FUNDS.**—Using funds available to the Secretary concerned for operation and mainte-