

(based upon accepted life-cycle costing procedures) that demonstrates the cost effectiveness of the proposed lease compared with a military construction project for the same facility.

(2) Each Secretary concerned may, under this section, enter into—

(A) not more than three leases in fiscal year 1990; and

(B) not more than five leases in each of the fiscal years 1991 and 1992.

(d) Each lease entered into under this section shall include a provision that the obligation of the United States to make payments under the lease in any fiscal year is subject to the availability of appropriations for that purpose.

(Added Pub. L. 101-189, div. B, title XXVIII, §2809(a), Nov. 29, 1989, 103 Stat. 1649; amended Pub. L. 101-510, div. B, title XXVIII, §2864, Nov. 5, 1990, 104 Stat. 1806; Pub. L. 108-136, div. A, title X, §1031(a)(39), Nov. 24, 2003, 117 Stat. 1601; Pub. L. 115-91, div. B, title XXVIII, §2801(a)(9), Dec. 12, 2017, 131 Stat. 1841.)

AMENDMENTS

2017—Subsec. (c)(1). Pub. L. 115-91 added par. (1) and struck out former par. (1) which set out justification, economic analysis, and wait requirements for entering into a lease.

2003—Subsec. (c)(1)(B). Pub. L. 108-136 inserted before period at end “or, if over sooner, a period of 14 days has expired following the date on which a copy of the justification and economic analysis are provided in an electronic medium pursuant to section 480 of this title”.

1990—Subsec. (a)(2)(I). Pub. L. 101-510 added subpar. (I).

§ 2813. Acquisition of existing facilities in lieu of authorized construction

(a) ACQUISITION AUTHORITY.—Using funds appropriated for a military construction project authorized by law for a military installation, the Secretary of the military department concerned may acquire an existing facility (including the real property on which the facility is located) at or near the military installation instead of carrying out the authorized military construction project if the Secretary determines that—

(1) the acquisition of the facility satisfies the requirements of the military department concerned for the authorized military construction project; and

(2) it is in the best interests of the United States to acquire the facility instead of carrying out the authorized military construction project.

(b) MODIFICATION OR CONVERSION OF ACQUIRED FACILITY.—(1) As part of the acquisition of an existing facility under subsection (a), the Secretary of the military department concerned may carry out such modifications, repairs, or conversions of the facility as the Secretary considers to be necessary so that the facility satisfies the requirements for which the military construction project was authorized.

(2) The costs of anticipated modifications, repairs, or conversions under paragraph (1) are required to remain within the authorized amount of the military construction project. The Secretary concerned shall consider such costs in de-

termining whether the acquisition of an existing facility is—

(A) more cost effective than carrying out the authorized military construction project; and

(B) in the best interests of the United States.

(c) NOTICE AND WAIT REQUIREMENTS.—A contract may not be entered into for the acquisition of a facility under subsection (a) until the Secretary concerned notifies the appropriate committees of Congress of the determination to acquire an existing facility instead of carrying out the authorized military construction project. The notification shall include the reasons for acquiring the facility. After the notification is transmitted, the Secretary may then enter into the contract only after the end of the 14-day period beginning on the date on which the notification is received by the committees in an electronic medium pursuant to section 480 of this title.

(Added Pub. L. 103-160, div. B, title XXVIII, §2805(a)(1), Nov. 30, 1993, 107 Stat. 1886; amended Pub. L. 104-106, div. A, title XV, §1502(a)(25), Feb. 10, 1996, 110 Stat. 506; Pub. L. 108-136, div. A, title X, §1031(a)(40), Nov. 24, 2003, 117 Stat. 1601; Pub. L. 109-163, div. B, title XXVIII, §2801(b), Jan. 6, 2006, 119 Stat. 3504; Pub. L. 115-91, div. B, title XXVIII, §2801(a)(10), Dec. 12, 2017, 131 Stat. 1841.)

AMENDMENTS

2017—Subsec. (c). Pub. L. 115-91 substituted “notifies the appropriate committees of Congress” for “transmits to the appropriate committees of Congress a written notification” and “14-day period” for “21-day period” and struck out “or, if earlier, the end of the 14-day period beginning on the date on which a copy of the report is provided” after “received by the committees”.

2006—Subsec. (c). Pub. L. 109-163 substituted “21-day period” for “30-day period” and “14-day period” for “21-day period”.

2003—Subsec. (c). Pub. L. 108-136 struck out “the end of the 30-day period beginning on the date” after “until” and inserted last sentence.

1996—Subsec. (c). Pub. L. 104-106 substituted “appropriate committees of Congress” for “Committees on Armed Services and the Committees on Appropriations of the Senate and House of Representatives”.

EFFECTIVE DATE

Pub. L. 103-160, div. B, title XXVIII, §2805(b), Nov. 30, 1993, 107 Stat. 1887, provided that: “Section 2813 of title 10, United States Code, as added by subsection (a), shall apply with respect to military construction projects authorized on or after the date of the enactment of this Act [Nov. 30, 1993].”

§ 2814. Special authority for development of Ford Island, Hawaii

(a) IN GENERAL.—(1) Subject to paragraph (2), the Secretary of the Navy may exercise any authority or combination of authorities in this section for the purpose of developing or facilitating the development of Ford Island, Hawaii, to the extent that the Secretary determines the development is compatible with the mission of the Navy.

(2) The Secretary of the Navy may not exercise any authority under this section until—

(A) the Secretary submits to the appropriate committees of Congress a master plan for the development of Ford Island, Hawaii; and