

step turn-key selection procedures for the purpose of entering into a contract for any of the following purposes:

- (1) The construction of an authorized military construction project.
- (2) A repair project (as defined in section 2811(e) of this title) with an approved cost equal to or less than \$4,000,000.
- (3) The construction of a facility as part of an authorized security assistance activity.

(b) DEFINITIONS.—In this section:

(1) The term “one-step turn-key selection procedures” means procedures used for the selection of a contractor on the basis of price and other evaluation criteria to perform, in accordance with the provisions of a firm fixed-price contract, both the design and construction of a facility using performance specifications supplied by the Secretary concerned.

(2) The term “security assistance activity” means—

- (A) humanitarian and civic assistance authorized by sections 401 and 2561 of this title;
- (B) foreign disaster assistance authorized by section 404 of this title;
- (C) foreign military construction sales authorized by section 29 of the Arms Export Control Act (22 U.S.C. 2769);
- (D) foreign assistance authorized under sections 607 and 632 of the Foreign Assistance Act of 1961 (22 U.S.C. 2357, 2392); and
- (E) other international security assistance specifically authorized by law.

(Added Pub. L. 99-167, title VIII, §807(a), Dec. 3, 1985, 99 Stat. 988; amended Pub. L. 100-26, §7(k)(3), Apr. 21, 1987, 101 Stat. 284; Pub. L. 100-180, div. B, subdiv. 3, title I, §2301, Dec. 4, 1987, 101 Stat. 1214; Pub. L. 101-189, div. B, title XXVIII, §2806, Nov. 29, 1989, 103 Stat. 1647; Pub. L. 102-190, div. B, title XXVIII, §2802, Dec. 5, 1991, 105 Stat. 1537; Pub. L. 113-291, div. B, title XXVIII, §2804, Dec. 19, 2014, 128 Stat. 3697.)

AMENDMENTS

2014—Pub. L. 113-291 amended section generally. Prior to amendment, text read as follows:

“(a) AUTHORITY TO USE.—The Secretary concerned may use one-step turn-key selection procedures for the purpose of entering into contracts for the construction of authorized military construction projects.

“(b) DEFINITION.—In this section, the term ‘one-step turn-key selection procedures’ means procedures used for the selection of a contractor on the basis of price and other evaluation criteria to perform, in accordance with the provisions of a firm fixed-price contract, both the design and construction of a facility using performance specifications supplied by the Secretary concerned.”

1991—Pub. L. 102-190 redesignated par. (1) of subsec. (a) as entire subsec. (a) and inserted heading, redesignated par. (2) of subsec. (a) as (b), inserted heading, and struck out former subsecs. (b) and (c) which read as follows:

“(b) The Secretary of Defense, with respect to any Defense Agency, or the Secretary of a military department may not, during any fiscal year, enter into more than three contracts for military construction projects using procedures authorized by this section.

“(c) The authority under this section shall expire on October 1, 1991.”

1989—Subsec. (a)(1). Pub. L. 101-189, §2806(1), struck out at end “Such procedures may be used by the Secretary of a military department only with the approval of the Secretary of Defense.”

Subsec. (c). Pub. L. 101-189, §2806(2), substituted “1991” for “1990”.

1987—Subsec. (a)(1). Pub. L. 100-180, §2301(1), substituted “The Secretary concerned” for “The Secretaries of the military departments, with the approval of the Secretary of Defense,” and inserted provision at end that such procedures may be used by the Secretary of a military department only with the approval of the Secretary of Defense.

Subsec. (a)(2). Pub. L. 100-26 inserted “the term” after “In this section,”.

Subsec. (b). Pub. L. 100-180, §2301(2), inserted “Secretary of Defense, with respect to any Defense Agency, or the” after “The”.

EFFECTIVE DATE

Pub. L. 99-167, title VIII, §807(c), Dec. 3, 1985, 99 Stat. 989, provided that: “The amendments made by this section [enacting this section] shall take effect on October 1, 1986.”

§ 2863. Payment of contractor claims

Notwithstanding any other provision of law, the Secretary concerned may pay meritorious contractor claims that arise under military construction contracts or family housing contracts. The Secretary of Defense, with respect to a Defense Agency, or the Secretary of a military department may use for such purpose any unobligated funds appropriated to such department and available for military construction or family housing construction, as the case may be.

(Added Pub. L. 100-180, div. B, subdiv. 3, title I, §2303(a), Dec. 4, 1987, 101 Stat. 1215.)

§ 2864. Master plans for major military installations

(a) PLANS REQUIRED.—(1) At a time interval prescribed by the Secretary concerned (but not less frequently than once every 10 years), the commander of each major military installation under the jurisdiction of the Secretary shall ensure that an installation master plan is developed to address environmental planning, sustainable design and development, sustainable range planning, real property master planning, military installation resilience, and transportation planning.

(2) To address the requirements under paragraph (1), each installation master plan shall include consideration of—

- (A) planning for compact and infill development;
- (B) horizontal and vertical mixed-use development;
- (C) the full lifecycle costs of real property planning decisions;
- (D) capacity planning through the establishment of growth boundaries around cantonment areas to focus development towards the core and preserve range and training space; and
- (E) energy and climate resiliency efforts.

(b) TRANSPORTATION COMPONENT.—(1) The transportation component of the master plan for a major military installation shall be developed and updated in consultation with the metropolitan planning organization designated for the metropolitan planning area in which the military installation is located.

(2) To address the requirements under subsection (a) and paragraph (1), each installation

master plan shall include consideration of ways to diversify and connect transit systems.

(c) **MILITARY INSTALLATION RESILIENCE COMPONENT.**—To address military installation resilience under subsection (a)(1), each installation master plan shall discuss the following:

(1) Risks and threats to military installation resilience that exist at the time of the development of the plan and that are projected for the future, including from extreme weather events, mean sea level fluctuation, wildfires, flooding, and other changes in environmental conditions.

(2) Assets or infrastructure located on the military installation vulnerable to the risks and threats described in paragraph (1), with a special emphasis on assets or infrastructure critical to the mission of the installation and the mission of members of the armed forces.

(3) Lessons learned from the impacts of extreme weather events, including changes made to the military installation to address such impacts, since the prior master plan developed under this section.

(4) Ongoing or planned infrastructure projects or other measures, as of the time of the development of the plan, to mitigate the impacts of the risks and threats described in paragraph (1).

(5) Community infrastructure and resources located outside the installation (such as medical facilities, transportation systems, and energy infrastructure) that are—

(A) necessary to maintain mission capability or that impact the resilience of the military installation; and

(B) vulnerable to the risks and threats described in paragraph (1).

(6) Agreements in effect or planned, as of the time of the development of the plan, with public or private entities for the purpose of maintaining or enhancing military installation resilience or resilience of the community infrastructure and resources described in paragraph (5).

(7) Projections from recognized governmental and scientific entities such as the Census Bureau, the National Academies of Sciences, the United States Geological Survey, and the United States Global Change Research Office (or any similar successor entities) with respect to future risks and threats (including the risks and threats described in paragraph (1)) to the resilience of any project considered in the installation master plan during the 50-year lifespan of the installation.

(d) **REPORT.**—Not later than March 1 of each year, the Secretary of Defense shall submit to the congressional defense committees a report listing all master plans completed pursuant to this section in the prior calendar year.

(e) **SAVINGS CLAUSE.**—Nothing in this section shall supersede the requirements of section 2859(a) of this title.

(f) **DEFINITIONS.**—In this section:

(1) The term “major military installation” has the meaning given to the term “large site” in the most recent version of the Department of Defense Base Structure Report issued before the time interval prescribed for devel-

opment of installation master plans arises under subsection (a).

(2) The terms “metropolitan planning area” and “metropolitan planning organization” have the meanings given those terms in section 134(b) of title 23 and section 5303(b) of title 49.

(3) The term “energy and climate resilience” means anticipation, preparation for, and adaptation to utility disruptions and changing environmental conditions and the ability to withstand, respond to, and recover rapidly from utility disruptions while ensuring the sustainment of mission-critical operations.

(Added Pub. L. 112-239, div. B, title XXVIII, §2802(a), Jan. 2, 2013, 126 Stat. 2147; amended Pub. L. 113-66, div. B, title XXVIII, §2811, Dec. 26, 2013, 127 Stat. 1013; Pub. L. 115-232, div. B, title XXVIII, §2805(d), Aug. 13, 2018, 132 Stat. 2263; Pub. L. 116-92, div. B, title XXVIII, §2801(a), Dec. 20, 2019, 133 Stat. 1879.)

PRIOR PROVISIONS

A prior section 2864, added Pub. L. 101-189, div. B, title XXVIII, §2807(a), Nov. 29, 1989, 103 Stat. 1648; amended Pub. L. 104-106, div. A, title X, §1062(g), Feb. 10, 1996, 110 Stat. 444, related to military construction contracts on Guam, prior to repeal by Pub. L. 109-364, div. B, title XXVIII, §2810(a), Oct. 17, 2006, 120 Stat. 2470.

AMENDMENTS

2019—Subsec. (a)(1). Pub. L. 116-92, §2801(a)(1)(A), inserted “military installation resilience,” after “master planning.”

Subsec. (c). Pub. L. 116-92, §2801(a)(1)(C), added subsec. (c). Former subsec. (c) redesignated (e).

Subsec. (d). Pub. L. 116-92, §2801(a)(2), added subsec. (d). Former subsec. (d) redesignated (f).

Subsecs. (e), (f). Pub. L. 116-92, §2801(a)(1)(B), redesignated subsecs. (c) and (d) as (e) and (f), respectively.

2018—Subsec. (a)(2)(E). Pub. L. 115-232, §2805(d)(1), added subpar. (E).

Subsec. (d)(3). Pub. L. 115-232, §2805(d)(2), added par. (3).

2013—Subsec. (a). Pub. L. 113-66, §2811(1), designated existing provisions as par. (1) and added par. (2).

Subsec. (b). Pub. L. 113-66, §2811(2), designated existing provisions as par. (1) and added par. (2).

Subsecs. (c), (d). Pub. L. 113-66, §2811(3), (4), added subsec. (c) and redesignated former subsec. (c) as (d).

REMOVAL OF BARRIERS THAT DISCOURAGE INVESTMENTS TO INCREASE MILITARY INSTALLATION RESILIENCE

Pub. L. 116-92, div. A, title III, §327, Dec. 20, 2019, 133 Stat. 1311, provided that:

“(a) **IN GENERAL.**—The Secretary of Defense shall—

“(1) identify and seek to remove barriers that discourage investments to increase military installation resilience;

“(2) reform policies and programs that unintentionally increased the vulnerability of systems to related extreme weather events; and

“(3) develop, and update at least once every four years, an adaptation plan to assess how climate impacts affected the ability of the Department of Defense to accomplish its mission, and the short- and long-term actions the Department can take to ensure military installation resilience.

“(b) **MILITARY INSTALLATION RESILIENCE.**—In this section, the term ‘military installation resilience’ has the

meaning given such term in section 101(e)(8) of title 10, United States Code.”

INCORPORATION OF CHANGING ENVIRONMENTAL CONDITION PROJECTIONS IN MILITARY CONSTRUCTION DESIGNS AND MODIFICATIONS

Pub. L. 115–232, div. B, title XXVIII, § 2805(c), Aug. 13, 2018, 132 Stat. 2262, as amended by Pub. L. 116–92, div. A, title XVII, § 1731(b)(4), div. B, title XXVII, § 2804(c), Dec. 20, 2019, 133 Stat. 1816, 1882, provided that:

“(1) FISCAL YEAR 2019.—Not later than 30 days after the date of the enactment of this Act [Aug. 13, 2018], the Secretary of Defense shall amend section 3–5.6.2.3 of Unified Facilities Criteria (UFC) 1–200–01 and UFC 1–200–02 (or any similar successor regulations) to provide that in order to anticipate changing environmental conditions during the design life of existing or planned new facilities and infrastructure, projections from reliable and authorized sources such as the Census Bureau (for population projections), the National Academies of Sciences (for land use change projections and climate projections), the U.S. Geological Survey (for land use change projections), and the U.S. Global Change Research Office and National Climate Assessment (for climate projections) shall be considered and incorporated into military construction designs and modifications.

“(2) FISCAL YEAR 2020.—

“(A) AMENDMENTS REQUIRED.—Not later than 30 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2020 [Dec. 20, 2019], the Secretary of Defense shall amend the Unified Facilities Criteria as follows:

“(i) To require that installations of the Department of Defense assess the risks from extreme weather and related effects, and develop plans to address such risks.

“(ii) To require in the development of such Criteria the use of—

“(I) land use change projections through the use of land use and land cover modeling by the United States Geological Survey; and

“(II) weather projections—

“(aa) from the United States Global Change Research Program, including in the National Climate Assessment; or

“(bb) from the National Oceanic and Atmospheric Administration, if such projections are more up-to-date than projections under item (aa).

“(iii) To require the Secretary of Defense to provide guidance to project designers and master planners on how to use weather projections.

“(iv) To require the use throughout the Department of the Naval Facilities Engineering Command Climate Change Installation Adaptation and Resilience planning handbook, as amended (or similar publication of the Army Corps of Engineers).

“(B) NOTIFICATION.—If the Secretary of Defense determines that a projection other than a projection described in subparagraph (A)(ii) is more appropriate for use in amending the Unified Facilities Criteria, the Secretary shall notify the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives] of such determination, which shall include the rationale underlying such determination and a description of such other projection.”

[Section 1731(b)(4) of Pub. L. 116–92, which directed amendment of section 2805(c) of Pub. L. 115–232, set out above, by substituting “Unified Facilities Criteria” for “United Facilities Criteria”, was not executed in light of the amendment by section 2804(c)(2) of Pub. L. 116–92, which substituted “Unified Facilities Criteria (UFC) 1–200–01 and UFC 1–200–02” for “United Facilities Criteria (UFC) 2–100–01 and UFC 2–100–02”.]

§ 2865. Work in Process Curve charts and outlay tables for military construction projects

Along with the budget for each fiscal year submitted by the President pursuant to section

1105(a) of title 31, United States Code, the Secretary of Defense and the Secretaries of the military departments shall include for any military construction project over \$90,000,000, as an addendum to be included within the same document as the 1391s for the Military Construction Program budget documentation, a Project Spending Plan that includes—

(1) a Work in Process Curve chart to identify funding, obligations, and outlay figures; and

(2) a monthly outlay table for funding, obligations, and outlay figures.

(Added Pub. L. 115–232, div. B, title XXVIII, § 2806(a)(1), Aug. 13, 2018, 132 Stat. 2264.)

PRIOR PROVISIONS

A prior section 2865, added Pub. L. 101–510, div. B, title XXVIII, § 2851(a), Nov. 5, 1990, 104 Stat. 1803; amended Pub. L. 102–484, div. B, title XXVIII, § 2801, Oct. 23, 1992, 106 Stat. 2604; Pub. L. 103–160, div. B, title XXVIII, § 2804, Nov. 30, 1993, 107 Stat. 1885; Pub. L. 103–337, div. A, title X, § 1070(a)(14), Oct. 5, 1994, 108 Stat. 2856; Pub. L. 104–106, div. A, title XV, § 1502(a)(27), div. B, title XXVIII, § 2819, Feb. 10, 1996, 110 Stat. 506, 555; Pub. L. 105–85, div. A, title III, § 371(d)(2), div. B, title XXVIII, § 2804(a), Nov. 18, 1997, 111 Stat. 1706, 1990; Pub. L. 107–314, div. B, title XXVIII, § 2805, Dec. 2, 2002, 116 Stat. 2705; Pub. L. 108–136, div. A, title X, § 1031(a)(47), div. B, title XXVIII, § 2812(a), Nov. 24, 2003, 117 Stat. 1602, 1725, related to energy savings at military installations, prior to repeal by Pub. L. 109–364, div. B, title XXVIII, § 2851(a)(2), Oct. 17, 2006, 120 Stat. 2494.

DEPARTMENT OF DEFENSE GUIDANCE

Pub. L. 115–232, div. B, title XXVIII, § 2806(b), Aug. 13, 2018, 132 Stat. 2264, provided that: “The Secretary of Defense shall, in coordination with the Under Secretary of Defense (Comptroller), update Department of Defense Financial Management Regulation 7000.14–R, and any other appropriate instructions and guidance, to ensure that the Department of Defense takes appropriate actions to comply with section 2865 of title 10, United States Code, as added by this section.”

§ 2866. Water conservation at military installations

(a) WATER CONSERVATION ACTIVITIES.—(1) The Secretary of Defense shall permit and encourage each military department, Defense Agency, and other instrumentality of the Department of Defense to participate in programs conducted by a utility for the management of water demand or for water conservation.

(2) The Secretary of Defense may authorize a military installation to accept a financial incentive (including an agreement to reduce the amount of a future water bill), goods, or services generally available from a utility, for the purpose of adopting technologies and practices that—

(A) relate to the management of water demand or to water conservation; and

(B) as determined by the Secretary, are cost effective for the Federal Government.

(3) Subject to paragraph (4), the Secretary of Defense may authorize the Secretary of a military department having jurisdiction over a military installation to enter into an agreement with a utility to design and implement a cost-effective program that provides incentives for the management of water demand and for water conservation and that addresses the requirements and circumstances of the installation. Ac-