

§ 2811, Pub. L. 100-26, § 7(e)(3), Apr. 21, 1987, 101 Stat. 281; amended Pub. L. 103-337, div. B, title XXVIII, § 2801(a), Oct. 5, 1994, 108 Stat. 3050; Pub. L. 105-85, div. B, title XXVIII, § 2802, Nov. 18, 1997, 111 Stat. 1990; Pub. L. 108-375, div. B, title XXVIII, § 2801, Oct. 28, 2004, 118 Stat. 2119; Pub. L. 111-84, div. B, title XXVIII, § 2802, Oct. 28, 2009, 123 Stat. 2661; Pub. L. 114-328, div. B, title XXVIII, § 2802, Dec. 23, 2016, 130 Stat. 2712; Pub. L. 115-91, div. B, title XXVIII, § 2801(a)(8), Dec. 12, 2017, 131 Stat. 1841.)

Editorial Notes

AMENDMENTS

2017—Subsec. (d). Pub. L. 115-91 inserted “, in an electronic medium pursuant to section 480 of this title,” after “shall submit” in introductory provisions.

2016—Subsec. (e). Pub. L. 114-328 amended subsec. (e) generally. Prior to amendment, text read as follows: “In this section, the term ‘repair project’ means a project to restore a real property facility, system, or component to such a condition that it may effectively be used for its designated functional purpose.”

2009—Subsec. (d)(2), (3). Pub. L. 111-84 added pars. (2) and (3) and struck out former par. (2) which read as follows: “the justification for carrying out the project under this section.”

2004—Subsec. (b). Pub. L. 108-375, § 2801(a), substituted “\$7,500,000” for “\$5,000,000”.

Subsec. (d). Pub. L. 108-375, § 2801(b), substituted “\$7,500,000” for “\$10,000,000” in introductory provisions.

Subsec. (d)(1). Pub. L. 108-375, § 2801(c), inserted before semicolon “, including, in the case of a multi-year repair project to a single facility, the total cost of all phases of the project”.

1997—Subsecs. (d), (e). Pub. L. 105-85 added subsecs. (d) and (e).

1994—Pub. L. 103-337 substituted “Repair” for “Renovation” in section catchline and amended text generally. Prior to amendment, text read as follows:

“(a) The Secretary concerned may carry out renovation projects that combine maintenance, repair, and minor construction projects for an entire single-purpose facility, or one or more functional areas of a multipurpose facility, using funds available for operations and maintenance.

“(b) The amount obligated on such a renovation project may not exceed the maximum amount specified by law for a minor construction project under section 2805 of this title.

“(c) Construction of new facilities or additions to existing facilities may not be carried out under the authority of this section.”

§ 2812. Lease-purchase of facilities

(a)(1) The Secretary concerned may enter into an agreement with a private contractor for the lease of a facility of the kind specified in paragraph (2) if the facility is provided at the expense of the contractor on a military installation under the jurisdiction of the Department of Defense.

(2) The facilities that may be leased pursuant to paragraph (1) are as follows:

- (A) Administrative office facilities.
- (B) Troop housing facilities.
- (C) Energy production facilities.
- (D) Utilities, including potable and waste water treatment facilities.
- (E) Hospital and medical facilities.
- (F) Transient quarters.
- (G) Depot or storage facilities.
- (H) Child care centers.
- (I) Classroom and laboratories.

(b) Leases entered into under subsection (a)—

(1) may not exceed a term of 32 years;

(2) shall provide that, at the end of the term of the lease, title to the leased facility shall vest in the United States; and

(3) shall include such other terms and conditions as the Secretary concerned determines are necessary or desirable to protect the interests of the United States.

(c)(1) The Secretary concerned may enter into a lease under this section 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 a justification of the need for the facility covered by the proposed lease, including an economic analysis (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.)

Editorial Notes

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