§ 2801. Scope of chapter; definitions

(a) The term “military construction” as used in this chapter or any other provision of law includes any construction, development, conversion, or extension of any kind carried out with respect to a military installation, whether to satisfy temporary or permanent requirements, or any acquisition of land or construction of a defense access road (as described in section 210 of title 23).

(b) A military construction project includes all military construction work, or any contribution authorized by this chapter, necessary to produce a complete and usable facility or a complete and usable improvement to an existing facility (or to produce such portion of a complete and usable facility or improvement as is specifically authorized by law).

(c) In this chapter and chapter 173 of this title:

(1) The term “appropriate committees of Congress” means the congressional defense committees and, with respect to any project to be carried out by, or for the use of, an intelligence component of the Department of Defense, the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.

(2) The term “facility” means a building, structure, or other improvement to real property.

(3) The term “life-cycle cost-effective”, with respect to a project, product, or measure, means that the sum of the present values of investment costs, capital costs, installation costs, energy costs, operating costs, maintenance costs, and replacement costs, as estimated for the lifetime of the project, product, or measure, does not exceed the base case (current or standard) for the practice, product, or measure.

(4) The term “military installation” means a base, camp, post, station, yard, center, or other activity under the jurisdiction of the Secretary of a military department or, in the case of an activity in a foreign country, under the operational control of the Secretary of a military department or the Secretary of Defense, without regard to the duration of operational control.

(5) The term “Secretary concerned” includes the Secretary of Defense with respect to matters concerning the Defense Agencies.

(d) This chapter (other than sections 2830, 2835, and 2836 of this chapter) does not apply to the Coast Guard or to civil works projects of the Army Corps of Engineers.


Amendments

2008—Subsec. (a). Pub. L. 110–181 inserted “, or any acquisition of land or construction of a defense access road (as described in section 210 of title 23)” before period at end.
Subsec. (c). Pub. L. 110–417 added par. (3) and redesignated former pars. (4), (1), (2), and (3) as (1), (2), (4), and (5), respectively.


Subsec. (d). Pub. L. 109–163 substituted “sections 2830, 2835, and 2836 of this chapter” for “sections 2830 and 2835”.

2003—Subsec. (a). Pub. L. 108–136, § 2801(a), inserted before period at end “, whether to satisfy temporary or permanent requirements”.

Subsec. (c)(2). Pub. L. 108–136, § 2801(b), inserted before period at end “, without regard to the duration of operational control”.

Subsec. (c)(4). Pub. L. 108–136, § 1043(b)(16), substituted “the congressional defense committees” for “the Committee on Armed Services and the Committee on Appropriations of the Senate and the Committee on Armed Services and the Committee on Appropriations of the House of Representatives”.

1999—Subsec. (c)(4). Pub. L. 106–65 substituted “and the Committee on Armed Services” for “and the Committee on National Security”.

1996—Subsec. (c)(4). Pub. L. 104–106 substituted “the Committee on Armed Services and the Committee on Appropriations of the Senate and the Committee on National Security and the Committee on Appropriations of the Senate and” for “the Committees on Armed Services and on Appropriations of the Senate”.

1992—Subsec. (c)(4). Pub. L. 102–496 inserted before period at end “and, with respect to any project to be carried out by, or for the use of, an intelligence component of the Department of Defense, the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate”.

Subsec. (d). Pub. L. 102–484 substituted “sections 2830 and 2835” for “sections 2828 (g) and 2830”.

1987—Subsec. (c). Pub. L. 100–26 inserted “The term” after each par. designation and struck out uppercase letter of first word after first quotation marks in pars. (1), (2), and (4) and substituted lowercase letter.

Subsec. (c)(3). Pub. L. 100–180, § 1231(15), substituted “Defense Agencies” for “defense agencies”.

Subsec. (d). Pub. L. 100–180, § 2306(b), substituted “(other than sections 2828 (g) and 2830)” for “(other than section 2830)”.

Pub. L. 100–180, § 632(b)(1), inserted “(other than section 2830)” after “This chapter”.

**Effective Date**

Section 12 of Pub. L. 97–214 provided:

“(a) Except as provided in subsection (b), the amendments made by this Act [see Short Title of 1982 Amendment note below] shall take effect on October 1, 1982, and shall apply to military construction projects, and to construction and acquisition of military family housing, authorized before, on, or after such date.

“(b) The amendment made by section 4 [amending section 138 (f)(1) [now 114(b)] of this title] shall apply with respect to funds appropriated for fiscal years beginning after September 30, 1983.”

**Short Title of 1982 Amendment**

Section 1 of Pub. L. 97–214 provided that: “This Act [see Tables for classification] may be cited as the ‘Military Construction Codification Act’.”

**Transfer of Functions**

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468 (b), 551 (d), 552 (d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.