TITLE 10 - ARMED FORCES
Subtitle A - General Military Law
PART IV - SERVICE, SUPPLY, AND PROCUREMENT
CHAPTER 169 - MILITARY CONSTRUCTION AND MILITARY FAMILY HOUSING
SUBCHAPTER I - MILITARY CONSTRUCTION

§ 2805. Unspecified minor construction

(a) Authority to Carry Out Unspecified Minor Military Construction Projects.—

(1) Within an amount equal to 125 percent of the amount authorized by law for such purpose, the Secretary concerned may carry out unspecified minor military construction projects not otherwise authorized by law.

(2) An unspecified minor military construction project is a military construction project that has an approved cost equal to or less than $2,000,000. However, if the military construction project is intended solely to correct a deficiency that is life-threatening, health-threatening, or safety-threatening, an unspecified minor military construction project may have an approved cost equal to or less than $3,000,000.

(b) Approval and Congressional Notification.—

(1) An unspecified minor military construction project costing more than $750,000 may not be carried out under this section unless approved in advance by the Secretary concerned. This paragraph shall apply even though the project is to be carried out using funds made available to enhance the deployment and mobility of military forces and supplies.

(2) When a decision is made to carry out an unspecified minor military construction project to which paragraph (1) is applicable, the Secretary concerned shall notify in writing the appropriate committees of Congress of that decision, of the justification for the project, and of the estimated cost of the project. The project may then be carried out only after the end of the 21-day period beginning on the date the notification is received by the committees or, if earlier, the end of the 14-day period beginning on the date on which a copy of the notification is provided in an electronic medium pursuant to section 480 of this title.

(c) Use of Operation and Maintenance Funds.— The Secretary concerned may spend from appropriations available for operation and maintenance amounts necessary to carry out an unspecified minor military construction project costing not more than $750,000.

(d) Laboratory Revitalization.—

(1) For the revitalization and recapitalization of laboratories owned by the United States and under the jurisdiction of the Secretary concerned, the Secretary concerned may obligate and expend—

(A) from appropriations available to the Secretary concerned for operation and maintenance, amounts necessary to carry out an unspecified minor military construction project costing not more than $2,000,000; or

(B) from appropriations available to the Secretary concerned for military construction not otherwise authorized by law or from funds authorized to be made available under section 219(a) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 10 U.S.C. 2358 note), amounts necessary to carry out an unspecified minor military construction project costing not more than $4,000,000.

(2) For an unspecified minor military construction project conducted pursuant to this subsection, $2,000,000 shall be deemed to be the amount specified in subsection (b)(1) regarding when advance approval of the project by the Secretary concerned and congressional notification is required. The Secretary of Defense shall establish procedures for the review and approval of requests from the Secretary of a military department to carry out a construction project under this subsection.
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(3) Not later than February 1, 2014, the Secretary of Defense shall submit to the congressional defense committees a report on the use of the authority provided by this subsection. The report shall include a list and description of the construction projects carried out under this subsection, including the location and cost of each project.

(4) In this subsection, the term “laboratory” includes—

(A) a research, engineering, and development center; and

(B) a test and evaluation activity.

(5) The authority to carry out a project under this subsection expires on September 30, 2016.

(e) Prohibition on Use for New Housing Units.— Military family housing projects for construction of new housing units may not be carried out under the authority of this section.


Amendments

2011—Subsec. (c). Pub. L. 112–81, § 2802(a), substituted “The” for “(1) Except as provided in paragraph (2), the” and “not more than $750,000.” for “not more than—

“(A) $1,500,000, in the case of an unspecified minor military construction project intended solely to correct a deficiency that is life-threatening, health-threatening, or safety-threatening; or

“(B) $750,000, in the case of any other unspecified minor military construction project.

“(2) The limitations specified in paragraph (1) shall not apply to an unspecified minor military construction project if the project is to be carried out using funds made available to enhance the deployment and mobility of military forces and supplies.”


2009—Subsec. (a). Pub. L. 111–84, § 2801(a)(1), substituted “Within” for “Except as provided in paragraph (2), within” in par. (1), redesignated the second and third sentences of par. (1) as par. (2), and struck out former par. (2) which read as follows: “A Secretary may not use more than $5,000,000 for exercise-related unspecified minor military construction projects coordinated or directed by the Joint Chiefs of Staff outside the United States during any fiscal year.”

Subsec. (c). Pub. L. 111–84, § 2801(a)(2), substituted “paragraph (2)” for “paragraphs (2) and (3)” in par. (1), redesignated par. (3) as (2), and struck out former par. (2) which read as follows: “The authority provided in paragraph (1) may not be used with respect to any exercise-related unspecified minor military construction project coordinated or directed by the Joint Chiefs of Staff outside the United States.”


Subsec. (d)(3) to (6). Pub. L. 111–84, § 2801(b)(2), (3), redesignated pars. (4) to (6) as (3) to (5), respectively, and struck out former par. (3) which read as follows: “For purposes of this subsection, the total amount allowed to be applied in any one fiscal year to projects at any one laboratory shall be limited to the larger of the amounts applicable under paragraph (1).”

Subsec. (a)(1). Pub. L. 110–181, § 2803, substituted “$2,000,000” for “$1,500,000”.


Subsecs. (d), (e). Pub. L. 110–181, § 2804(a), (b)(4), added subsec. (d), redesignated former subsec. (d) as (e), and inserted subsec. (e) heading.

2003—Subsec. (b)(2). Pub. L. 108–136 inserted before period at end “or, if earlier, the end of the 14-day period beginning on the date on which a copy of the notification is provided in an electronic medium pursuant to section 480 of this title”.

2001—Subsec. (b)(1). Pub. L. 107–107, § 2801(a), substituted “$750,000” for “$500,000”.

Subsec. (c)(1)(A). Pub. L. 107–107, § 2801(b)(1), substituted “$1,500,000” for “$1,000,000”.

Subsec. (c)(1)(B). Pub. L. 107–107, § 2801(b)(2), substituted “$750,000” for “$500,000”.


Pub. L. 105–85, § 2801(a), inserted at end “This paragraph shall apply even though the project is to be carried out using funds made available to enhance the deployment and mobility of military forces and supplies.”

Subsec. (b)(2). Pub. L. 105–85, § 2801(c)(3), substituted “an unspecified minor” for “a minor”.


Pub. L. 105–85, § 2801(b)(1), substituted “paragraphs (2) and (3)” for “paragraph (2)” in introductory provisions.

Subsec. (c)(2). Pub. L. 105–85, § 2801(c)(4), substituted “unspecified minor military” for “unspecified military”.


1996—Subsec. (a)(1). Pub. L. 104–106, § 2812, in second sentence, struck out “(1) that is for a single undertaking at a military installation, and (2)” after “is a military construction project”. Pub. L. 104–106, § 2811(a)(2), substituted “not more than—” for “not more than $300,000.” and added subpars. (A) and (B).

Subsec. (c)(1)(B). Pub. L. 104–201 substituted “$500,000” for “$300,000”.

1991—Subsec. (a)(1). Pub. L. 102–190, § 2807(a), substituted “$1,500,000” for “$1,000,000”.

Subsec. (b)(2). Pub. L. 102–190, § 2870(4), in second sentence struck out“(A)” after “carried out only” and “, or (B)” after each such committee approves the project, if the committees approve the project before the end of that period before period at end.

Subsec. (c)(1). Pub. L. 102–190, § 2807(b), substituted “$300,000” for “$200,000”.

1990—Subsec. (b)(3). Pub. L. 101–510 struck out par. (3) which read as follows: “A project for the relocation of any activity from one installation to another that involves 25 or more full-time civilian employees of the Department of Defense but that is not subject to paragraph (1) may not be carried out under the authority of this section until the appropriate committees of Congress have been notified by the Secretary concerned of the intent to carry out such relocation under the authority of this section.”

1987—Subsec. (a). Pub. L. 100–180, § 2310(b), designated existing provisions as par. (1), substituted “Except as provided in paragraph (2), within” for “Within”, and added par. (2).

Subsec. (c). Pub. L. 100–180, § 2310(a), designated existing provisions as par. (1), substituted “Except as provided in paragraph (2), the” for “The”, and added par. (2).

1986—Subsec. (a). Pub. L. 99–661, § 2702(a)(1), substituted “$1,000,000” for “the amount specified by law as the maximum amount for a minor military construction project”.

Subsec. (b)(1). Pub. L. 99–661, § 2702(a)(2), substituted “$500,000” for “50 percent of the amount specified by law as the maximum amount for a minor military construction project”.

Subsec. (c)(1). Pub. L. 99–661, § 2702(a)(3), substituted “not more than—” for “not more than $300,000.” and added subpars. (A) and (B).
Subsec. (c). Pub. L. 99–661, § 2702(a)(3), substituted “$200,000” for “20 percent of the amount specified by law as the maximum amount for a minor military construction project”.


Subsec. (c). Pub. L. 99–167, § 809(2), substituted “The” for “Only funds authorized for minor construction projects may be used to accomplish unspecified minor construction projects, except that the”.

**Effective Date**

For effective date and applicability of section, see section 12(a) of Pub. L. 97–214, set out as a note under section 2801 of this title.

**Relation to Other Authorities**

Pub. L. 108–136, div. B, title XXVIII, § 2808(e), Nov. 24, 2003, 117 Stat. 1724, provided that: “The temporary authority provided by this section [117 Stat. 1723], and the limited authority provided by section 2805 (c) of title 10, United States Code, to use appropriated funds available for operation and maintenance to carry out a construction project are the only authorities available to the Secretary of Defense and the Secretaries of the military departments to use appropriated funds available for operation and maintenance to carry out construction projects.”

**Department of Defense Laboratory Revitalization Demonstration Program**


“(a) Program Authorized.—The Secretary of Defense may carry out a program (to be known as the ‘Department of Defense Laboratory Revitalization Demonstration Program’) for the revitalization of Department of Defense laboratories. Under the program, the Secretary may carry out minor military construction projects in accordance with subsection (b) and other applicable law to improve Department of Defense laboratories covered by the program.

“(b) Increased Maximum Amounts Applicable to Minor Construction Projects.—For purpose of any military construction project carried out under the program—

“(1) the amount provided in the second sentence of subsection (a)(1) of section 2805 of title 10, United States Code, shall be deemed to be $3,000,000;

“(2) the amount provided in subsection (b)(1) of such section shall be deemed to be $1,500,000; and

“(3) the amount provided in subsection (c)(1)(B) of such section shall be deemed to be $1,000,000.

“(c) Program Requirements.—(1) Not later than 30 days before commencing the program, the Secretary shall establish procedures for the review and approval of requests from Department of Defense laboratories for construction under the program.

“(2) The laboratories at which construction may be carried out under the program may not include Department of Defense laboratories that are contractor-owned.

“(d) Report.—Not later than February 1, 2003, the Secretary shall submit to Congress a report on the program. The report shall include the Secretary’s conclusions and recommendation regarding the desirability of making the authority set forth under subsection (b) permanent.

“(e) Exclusivity of Program.—Nothing in this section may be construed to limit any other authority provided by law for any military construction project at a Department of Defense laboratory covered by the program.

“(f) Definitions.—In this section:

“(1) The term ‘laboratory’ includes—

“(A) a research, engineering, and development center;

“(B) a test and evaluation activity owned, funded, and operated by the Federal Government through the Department of Defense; and

“(C) a supporting facility of a laboratory.

“(2) The term ‘supporting facility’, with respect to a laboratory, means any building or structure that is used in support of research, development, test, and evaluation at the laboratory.

“(g) Expiration of Authority.—The Secretary may not commence a construction project under the program after September 30, 2005.”
Initial Establishment of Certain Amounts Required To Be Specified by Law

Maximum amount of $1,000,000 for unspecified minor military construction project under this section during the period beginning Oct. 1, 1982, and ending on the date of the enactment of the Military Construction Authorization Act for fiscal year 1984 or Oct. 1, 1983, whichever is later, see section 11(1) of Pub. L. 97–214, set out as a note under section 2828 of this title.