

(b) **TERMINATION OR LIMITATION OF CONTRACT UNDER CERTAIN CIRCUMSTANCES.**—A contract entered into under subsection (a) shall contain a provision that the Secretary of Defense may terminate, prohibit, or suspend immediately any commercial test or evaluation activity to be conducted at the Major Range and Test Facility Installation under the contract if the Secretary of Defense certifies in writing that the test or evaluation activity is or would be detrimental—

- (1) to the public health and safety;
- (2) to property (either public or private); or
- (3) to any national security interest or foreign policy interest of the United States.

(c) **CONTRACT PRICE.**—A contract entered into under subsection (a) shall include a provision that requires a commercial entity using a Major Range and Test Facility Installation under the contract to reimburse the Department of Defense for all direct costs to the United States that are associated with the test and evaluation activities conducted by the commercial entity under the contract. In addition, the contract may include a provision that requires the commercial entity to reimburse the Department of Defense for such indirect costs related to the use of the installation as the Secretary of Defense considers to be appropriate. The Secretary may delegate to the commander of the Major Range and Test Facility Installation the authority to determine the appropriateness of the amount of indirect costs included in such a contract provision.

(d) **RETENTION OF FUNDS COLLECTED FROM COMMERCIAL USERS.**—Amounts collected under subsection (c) from a commercial entity conducting test and evaluation activities at a Major Range and Test Facility Installation shall be credited to the appropriation accounts under which the costs associated with the test and evaluation activities of the commercial entity were incurred.

(e) **REGULATIONS AND LIMITATIONS.**—The Secretary of Defense shall prescribe regulations to carry out this section.

(f) **DEFINITIONS.**—In this section:

(1) The term “Major Range and Test Facility Installation” means a test and evaluation installation under the jurisdiction of the Department of Defense and designated as a Major Range and Test Facility Installation by the Secretary.

(2) The term “direct costs” includes the cost of—

(A) labor, material, facilities, utilities, equipment, supplies, and any other resources damaged or consumed during test or evaluation activities or maintained for a particular commercial entity; and

(B) construction specifically performed for a commercial entity to conduct test and evaluation activities.

(Added Pub. L. 103–160, div. A, title VIII, §846(a), Nov. 30, 1993, 107 Stat. 1722; amended Pub. L. 105–85, div. A, title VIII, §842, Nov. 18, 1997, 111 Stat. 1844; Pub. L. 105–261, div. A, title VIII, §820, Oct. 17, 1998, 112 Stat. 2090.)

#### PRIOR PROVISIONS

A prior section, added Pub. L. 87–651, title II, §209(a), Sept. 7, 1962, 76 Stat. 523; amended Pub. L. 88–174, title

V, §508, Nov. 7, 1963, 77 Stat. 326; Pub. L. 96–513, title V, §511(93), Dec. 12, 1980, 94 Stat. 2928, related to construction or acquisition of family housing and community facilities in foreign countries, prior to repeal by Pub. L. 97–214, §§7(1), 12(a), July 12, 1982, 96 Stat. 173, 176, effective Oct. 1, 1982, and applicable to military construction projects, and to construction and acquisition of military family housing authorized before, on, or after such date.

#### AMENDMENTS

1998—Subsec. (g). Pub. L. 105–261, §820(a), struck out heading and text of subsec. (g). Text read as follows: “The authority provided to the Secretary of Defense by subsection (a) shall terminate on September 30, 2002.”

Subsec. (h). Pub. L. 105–261, §820(b), struck out heading and text of subsec. (h). Text read as follows: “Not later than March 1, 1998, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report identifying existing and proposed procedures to ensure that the use of Major Range and Test Facility Installations by commercial entities does not compete with private sector test and evaluation services.”

1997—Subsec. (g). Pub. L. 105–85, §842(a), substituted “2002” for “1998”.

Subsec. (h). Pub. L. 105–85, §842(b), amended subsec. (h) generally. Prior to amendment, subsec. (h) read as follows:

“(h) **REPORT.**—Not later than January 1, 1998, the Secretary of Defense shall submit to Congress a report describing the number and purposes of contracts entered into under subsection (a) and evaluating the extent to which the authority under this section is exercised to open Major Range and Test Facility Installations to commercial test and evaluation activities.”

#### § 2682. Facilities for defense agencies

(a) **MAINTENANCE AND REPAIR.**—Subject to subsection (c), the maintenance and repair of a real property facility for an activity or agency of the Department of Defense (other than a military department) financed from appropriations for military functions of the Department of Defense will be accomplished by or through a military department designated by the Secretary of Defense.

(b) **JURISDICTION.**—Subject to subsection (c), a real property facility under the jurisdiction of the Department of Defense which is used by an activity or agency of the Department of Defense (other than a military department) shall be under the jurisdiction of a military department designated by the Secretary of Defense.

(c) **FACILITIES FOR INTELLIGENCE COLLECTION OR FOR SPECIAL OPERATIONS ABROAD.**—The Secretary of Defense may waive the requirements of subsections (a) and (b) if necessary to provide security for authorized intelligence collection or special operations activities abroad undertaken by the Department of Defense.

(Added Pub. L. 88–174, title VI, §609(a)(1), Nov. 7, 1963, 77 Stat. 329; amended Pub. L. 97–214, §10(a)(7), July 12, 1982, 96 Stat. 175; Pub. L. 112–81, div. A, title IX, §926, Dec. 31, 2011, 125 Stat. 1541.)

#### AMENDMENT OF SECTION

*Pub. L. 112–81, div. A, title IX, §926(b), Dec. 31, 2011, 125 Stat. 1541, as amended by Pub. L. 113–291, div. A, title XVI, §1624, Dec. 19, 2014, 128 Stat. 3633, provided that, effective on Sept. 30, 2017, or the date of the enactment of an Act*

*authorizing funds for military construction for fiscal year 2018, whichever is later, this section is amended as follows:*

(1) in subsec. (a), by substituting “The maintenance and repair” for “Subject to subsection (c), the maintenance and repair”;

(2) in subsec. (b), by substituting “A real property” for “Subject to subsection (c), a real property”; and

(3) by striking out subsec. (c).

See 2011 Amendment notes below.

#### AMENDMENTS

2011—Pub. L. 112-81, §926(a)(1), (2), designated first and second sentences as subsecs. (a) and (b), respectively, inserted headings, and realigned margins of subsec. (b).

Subsec. (a). Pub. L. 112-81, §926(b)(1), substituted “The maintenance and repair” for “Subject to subsection (c), the maintenance and repair”. See Effective Date of 2011 Amendment note below.

Pub. L. 112-81, §926(a)(1), substituted “Subject to subsection (c), the maintenance and repair” for “The maintenance and repair”.

Subsec. (b). Pub. L. 112-81, §926(b)(2), substituted “A real property” for “Subject to subsection (c), a real property”. See Effective Date of 2011 Amendment note below.

Pub. L. 112-81, §926(a)(3), substituted “Subject to subsection (c), a real property” for “A real property”.

Subsec. (c). Pub. L. 112-81, §926(b)(3), struck out subsec. (c). Text read as follows: “The Secretary of Defense may waive the requirements of subsections (a) and (b) if necessary to provide security for authorized intelligence collection or special operations activities abroad undertaken by the Department of Defense.” See Effective Date of 2011 Amendment note below.

Pub. L. 112-81, §926(a)(4), added subsec. (c).

1982—Pub. L. 97-214 substituted “maintenance and repair” for “construction, maintenance, rehabilitation, repair, alteration, addition, expansion, or extension”.

#### EFFECTIVE DATE OF 2011 AMENDMENT

Pub. L. 112-81, div. A, title IX, §926(b), Dec. 31, 2011, 125 Stat. 1541, as amended by Pub. L. 113-291, div. A, title XVI, §1624, Dec. 19, 2014, 128 Stat. 3633, provided that the amendments made by section 926(b) [amending this section] are effective on Sept. 30, 2017, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2018, whichever is later.

#### EFFECTIVE DATE OF 1982 AMENDMENT

Amendment by Pub. L. 97-214 effective Oct. 1, 1982, and applicable to military construction projects, and to construction and acquisition of military family housing authorized before, on, or after such date, see section 12(a) of Pub. L. 97-214, set out as an Effective Date note under section 2801 of this title.

### § 2683. Relinquishment of legislative jurisdiction; minimum drinking age on military installations

(a) Notwithstanding any other provision of law, the Secretary concerned may, whenever he considers it desirable, relinquish to a State, or to a Commonwealth, territory, or possession of the United States, all or part of the legislative jurisdiction of the United States over lands or interests under his control in that State, Commonwealth, territory, or possession. Relinquishment of legislative jurisdiction under this section may be accomplished (1) by filing with the Governor (or, if none exists, with the chief executive officer) of the State, Commonwealth, ter-

ritory, or possession concerned a notice of relinquishment to take effect upon acceptance thereof, or (2) as the laws of the State, Commonwealth, territory, or possession may otherwise provide.

(b) The authority granted by subsection (a) is in addition to and not instead of that granted by any other provision of law.

(c)(1) Except as provided in paragraphs (2) and (3), the Secretary concerned shall establish and enforce as the minimum drinking age on a military installation located in a State the age established by the law of that State as the State minimum drinking age.

(2)(A) In the case of a military installation located—

(i) in more than one State; or

(ii) in one State but within 50 miles of another State or Mexico or Canada,

the Secretary concerned may establish and enforce as the minimum drinking age on that military installation the lowest applicable age.

(B) In subparagraph (A), the term “lowest applicable age” means the lowest minimum drinking age established by the law—

(i) of a State in which a military installation is located; or

(ii) of a State or jurisdiction of Mexico or Canada that is within 50 miles of such military installation.

(3)(A) The commanding officer of a military installation may waive the requirement of paragraph (1) if such commanding officer determines that the exemption is justified by special circumstances.

(B) The Secretary of Defense shall define by regulations what constitute special circumstances for the purposes of this paragraph.

(4) In this subsection:

(A) The term “State” includes the District of Columbia.

(B) The term “minimum drinking age” means the minimum age or ages established for persons who may purchase, possess, or consume alcoholic beverages.

(Added Pub. L. 91-511, title VI, §613(1), Oct. 26, 1970, 84 Stat. 1226; amended Pub. L. 92-545, title VIII, §707, Oct. 25, 1972, 86 Stat. 1154; Pub. L. 93-283, §3, May 14, 1974, 88 Stat. 141; Pub. L. 99-145, title XII, §1224(a), (b)(1), (c)(1), Nov. 8, 1985, 99 Stat. 728, 729; Pub. L. 99-661, div. A, title XIII, §1343(a)(18), Nov. 14, 1986, 100 Stat. 3993; Pub. L. 100-526, title I, §106(b)(2), Oct. 24, 1988, 102 Stat. 2625.)

#### AMENDMENTS

1988—Subsec. (c)(2)(B). Pub. L. 100-526, §106(b)(2)(A), substituted “the term ‘lowest applicable age’” for “‘lowest age’”.

Subsec. (c)(4)(A). Pub. L. 100-526, §106(b)(2)(B)(i), substituted “The term ‘State’” for “‘State’”.

Subsec. (c)(4)(B). Pub. L. 100-526, §106(b)(2)(B)(ii), substituted “The term ‘minimum’” for “‘Minimum’”.

1986—Subsec. (b). Pub. L. 99-661 struck out “this” before “subsection (a)”.

1985—Pub. L. 99-145, §1224(c)(1), inserted “; minimum drinking age on military installations” in section catchline.

Subsec. (b). Pub. L. 99-145, §1224(b)(1), substituted “subsection (a)” for “section”.

Subsec. (c). Pub. L. 99-145, §1224(a), added subsec. (c).