

In subsection (d), the words “except as the agreement is later changed” are substituted for the words “by subsequent modifications of the agreement.” The words “units of” and “at no time” are omitted as surplusage. The words “United States” are substituted for the words “Federal Government”.

1958 ACT

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
2236(a)	50:883(d) (1st sentence).	Aug. 9, 1955, ch. 662.
2236(b)	50:883(d) (less 1st sentence).	§1(e), 69 Stat. 593.

In subsection (a), the words “may be used jointly” are substituted for the words “shall be subject to joint utilization”. The words “and conditions” are omitted as surplusage.

AMENDMENTS

2000—Subsec. (b). Pub. L. 106–398 inserted “or readiness center” after “armory” in introductory provisions.

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

1996—Subsec. (a). Pub. L. 104–106, §1502(a)(2), substituted “Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives” for “Committees on Armed Services of the Senate and the House of Representatives”.

Subsec. (b)(1). Pub. L. 104–106, §1501(b)(36), substituted “18233(e)” for “2233(e)”.

1994—Pub. L. 103–337, §1664(b)(2), renumbered section 2236 of this title as this section.

Subsec. (a). Pub. L. 103–337, §1664(b)(8)(A), substituted “18233” for “2233” and “paragraph (3) or (4) of section 18233(a)” for “section 2233(a)(3) or (4)”.

Subsec. (b). Pub. L. 103–337, §1664(b)(8)(B)(i), substituted “paragraph (4) or (5) of section 18233(a)” for “clause (4) or (5) of section 2233(a)” in introductory provisions.

Subsec. (b)(2). Pub. L. 103–337, §1664(b)(8)(B)(ii), which directed amendment of par. (2) by substituting “section 18233(e)” for “section 2233(e)”, could not be executed because the words “section 2233(e)” did not appear in par. (2).

Subsec. (c). Pub. L. 103–337, §1664(b)(8)(C), substituted “18233” for “2233” in introductory provisions.

1986—Subsec. (b). Pub. L. 99–661 struck out “, territory, the Commonwealth of Puerto Rico, or the District of Columbia, as the case may be,” after “contributed by a State” in last sentence.

1985—Subsec. (b). Pub. L. 99–167 amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows: “A contribution made for an armory under section 2233(a)(4) or (5) of this title may not be more than 75 percent of the cost of the construction to which it is applied. For the purpose of computing the cost of construction under this subsection, the amount contributed by the State may not include the cost or market value of any real property that it has contributed.”

1982—Subsec. (a). Pub. L. 97–214, §3(d)(3), struck out “or Territory, Puerto Rico, or the District of Columbia, whichever is concerned,” after “the State”.

Subsec. (b). Pub. L. 97–214, §3(d)(3), (e)(2), inserted “or (5)”, and struck out “or Territory, Puerto Rico, or the District of Columbia, whichever is concerned,” after “the State”.

Subsecs. (c), (d). Pub. L. 97–214, §3(d)(2), struck out “or Territory, Puerto Rico, or the District of Columbia” after “a State”.

1958—Subsec. (a). Pub. L. 85–861 permitted joint use of facilities provided by contributions under section 2233(a)(4) of this title.

Subsec. (b). Pub. L. 85–861 substituted “A contribution made for an armory under section 2233(a)(4) of this title may not be more than 75 percent of the cost of the construction to which it is applied” for “No contribu-

tion made for a facility under section 2233(a)(3) of this title may be more than 75 percent of the cost of the construction to which it is to be applied”.

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by section 1501(b)(36) of Pub. L. 104–106 effective as if included in the Reserve Officer Personnel Management Act, title XVI of Pub. L. 103–337, as enacted on Oct. 5, 1994, see section 1501(f)(3) of Pub. L. 104–106, set out as a note under section 113 of this title.

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103–337 effective Dec. 1, 1994, except as otherwise provided, see section 1691 of Pub. L. 103–337, set out as an Effective Date note under section 1001 of this title.

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.

§ 18237. Supervision of construction: compliance with State law

(a) Any construction, expansion, rehabilitation, or conversion under section 18233(a)(1) of this title may be performed under the supervision of the Chief of Engineers of the Army or the head of such office or agency in the Department of the Navy as the Secretary of the Navy may designate.

(b) The construction, expansion, rehabilitation, or conversion of facilities in a State under paragraph (2), (3), (4), (5), or (6) of section 18233(a) of this title shall be done according to the laws of that jurisdiction and under the supervision of its officials, subject to the inspection and approval of the Secretary of Defense.

(Aug. 10, 1956, ch. 1041, 70A Stat. 123, §2237; Pub. L. 85–861, §1(41), Sept. 2, 1958, 72 Stat. 1457; Pub. L. 89–718, §19, Nov. 2, 1966, 80 Stat. 1118; Pub. L. 97–214, §3(d)(2), July 12, 1982, 96 Stat. 170; renumbered §18237 and amended Pub. L. 103–337, div. A, title XVI, §1664(b)(2), (9), div. B, title XXVIII, §2852, Oct. 5, 1994, 108 Stat. 3010, 3011, 3072; Pub. L. 104–106, div. A, title XV, §1501(b)(37), Feb. 10, 1996, 110 Stat. 498.)

HISTORICAL AND REVISION NOTES

1956 ACT

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
2237	50:885.	Sept. 11, 1950, ch. 945, §6, 64 Stat. 831.

The words “of facilities” are omitted as surplusage. The words “Chief of Engineers” are substituted for the words “Chief, Corps of Engineers” to conform to section 3036(a)(1) of this title. The words “of the Army” and “of the Navy” are inserted for clarity.

1958 ACT

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
2237(a)	50:885(a).	Aug. 9, 1955, ch. 662, §1(f), 69 Stat. 594.
2237(b)	50:885 (less (a)).	

In subsection (b), the words “Territory, Puerto Rico, or the District of Columbia” are inserted to reflect 50:886(c).

AMENDMENTS

1996—Subsec. (a). Pub. L. 104-106, §1501(37)(A), substituted “18233(a)(1)” for “2233(a)(1)”.

Subsec. (b). Pub. L. 104-106, §1501(37)(B), substituted “18233(a)” for “2233(a)”.

1994—Pub. L. 103-337, §1664(b)(2), renumbered section 2237 of this title as this section.

Subsec. (a). Pub. L. 103-337, §1664(b)(9)(A), which directed amendment of subsec. (a) by substituting “paragraph (2), (3), or (4) of section 18233(a)” for “section 2233(a)(2), (3) and (4)”, could not be executed because the words “section 2233(a)(2), (3) and (4)” did not appear subsequent to intervening amendment by Pub. L. 103-337, §2852(a). See below.

Pub. L. 103-337, §2852(a), substituted “under section 2233(a)(1)” for “under any provision of this chapter except section 2233(a)(2), (3), and (4)”.

Subsec. (b). Pub. L. 103-337, §1664(b)(9)(B), which directed amendment of subsec. (b) by substituting “paragraph (2), (3), or (4) of section 18233(a)” for “section 2233(a)(2), (3) or (4)”, could not be executed because the words “section 2233(a)(2), (3) or (4)” did not appear subsequent to intervening amendment by Pub. L. 103-337, §2852(b). See below.

Pub. L. 103-337, §2852(b), substituted “paragraph (2), (3), (4), (5), or (6) of section 2233(a)” for “section 2233(a)(2), (3), or (4)”.

1982—Subsec. (b). Pub. L. 97-214 struck out “or Territory, Puerto Rico, or the District of Columbia” after “facilities in a State”.

1966—Subsec. (a). Pub. L. 89-718 substituted “the head of such office or agency in the Department of the Navy as the Secretary of the Navy may designate” for “the Chief of the Bureau of Yards and Docks of the Navy”.

1958—Pub. L. 85-861 inserted “: compliance with State law” in section catchline.

Subsec. (a). Pub. L. 85-861 designated existing provisions as subsec. (a) and substituted “under any provision of this chapter except section 2233(a)(2), (3), and (4) of this title” for “under this chapter”.

Subsec. (b). Pub. L. 85-861 added subsec. (b).

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104-106 effective as if included in the Reserve Officer Personnel Management Act, title XVI of Pub. L. 103-337, as enacted on Oct. 5, 1994, see section 1501(f)(3) of Pub. L. 104-106, set out as a note under section 113 of this title.

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by section 1664(b)(2), (9) of Pub. L. 103-337 effective Dec. 1, 1994, except as otherwise provided, see section 1691 of Pub. L. 103-337, set out as an Effective Date note under section 10001 of this title.

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.

§ 18238. Army National Guard of United States; Air National Guard of United States: limitation on relocation of units

A unit of the Army National Guard of the United States or the Air National Guard of the United States may not be relocated or withdrawn under this chapter without the consent of the governor of the State or, in the case of the District of Columbia, the commanding general of the National Guard of the District of Columbia.

(Aug. 10, 1956, ch. 1041, 70A Stat. 123, §2238; Pub. L. 85-861, §1(43), Sept. 2, 1958, 72 Stat. 1457; Pub.

L. 97-214, §3(d)(4), July 12, 1982, 96 Stat. 170; renumbered §18238, Pub. L. 103-337, div. A, title XVI, §1664(b)(2), Oct. 5, 1994, 108 Stat. 3010.)

HISTORICAL AND REVISION NOTES

1956 ACT

Revised section	Source (U.S. Code)	Source (Statutes at Large)
2238	50:883(b).	Sept. 11, 1950, ch. 945, §4(b), 64 Stat. 830.

The words “from any community or area” are omitted as surplusage. The word “relocated” is substituted for the words “location * * * be changed”. The words “Territory, or Puerto Rico, or the commanding general of the National Guard of the District of Columbia” are inserted to reflect 50:886(b), since the source statute applied to the District of Columbia and there is no “governor” of the District of Columbia. The words “as the case may be” are substituted for the words “within which such unit is situated”. The words “with regard to such withdrawal or change of location” are omitted as surplusage.

1958 ACT

Revised section	Source (U.S. Code)	Source (Statutes at Large)
2238	50:883(b).	Aug. 9, 1955, ch. 662, §1(c), 69 Stat. 593.

The words “shall have been consulted” and “such withdrawal or change of location” are omitted as surplusage.

AMENDMENTS

1994—Pub. L. 103-337 renumbered section 2238 of this title as this section.

1982—Pub. L. 97-214 substituted “or, in the case of the District of Columbia, the commanding general of the National Guard of the District of Columbia” for “or Territory, or Puerto Rico, or the commanding general of the District of Columbia, as the case may be”.

1958—Pub. L. 85-861 required the consent of the governor, or the commanding general of the National Guard of the District of Columbia, prior to relocation or withdrawal.

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.

§ 18239. Waiver of certain restrictions

(a) The Secretary of Defense and the Secretary of each military department may make expenditures and contributions under section 18233 of this title without regard to section 3324(a) and (b) of title 31.

(b) Authority provided by law to place permanent or temporary improvements on land under section 18233 of this title may be exercised on land not owned by the United States—

(1) before title to the land on which the improvement is located (or is to be located) is approved under section 3111 of title 40; and

(2) even though the land will be held in other than a fee simple interest in a case in which the Secretary of the military department concerned determines that the interest to be acquired in the land is sufficient for the purposes of the project.

(Added Pub. L. 97-214, §3(b)(1), July 12, 1982, 96 Stat. 169, §2239; amended Pub. L. 97-295, §1(23),