

for goods and services, the Secretary concerned” for “The Secretary concerned” and “, on a sole source basis, with a State or local” for “a State or local”.

Subsec. (a)(2). Pub. L. 113–291, § 351(b)(1)(B), substituted “An” for “Notwithstanding any other provision of law, an” in introductory provisions, redesignated subpars. (B) and (C) as (A) and (B), respectively, and struck out former subpar. (A) which read as follows: “may be entered into on a sole-source basis;”.

Subsec. (a)(4). Pub. L. 113–291, § 351(b)(1)(C), as amended by Pub. L. 114–92, § 1081(b)(1), added par. (4).

Subsec. (e)(4). Pub. L. 113–291, § 351(b)(2), added par. (4).

EFFECTIVE DATE OF 2015 AMENDMENT

Pub. L. 114–92, div. A, title X, § 1081(b), Nov. 25, 2015, 129 Stat. 1001, provided in part that the amendment made by section 1081(b)(1) is effective as of Dec. 19, 2014, and as if included in Pub. L. 113–291 as enacted.

§ 2680. Repealed. Pub. L. 111–383, div. B, title XXVIII, § 2814(a), Jan. 7, 2011, 124 Stat. 4464]

Section, added Pub. L. 102–190, div. B, title XXVIII, § 2863(a)(1), Dec. 5, 1991, 105 Stat. 1560; amended Pub. L. 103–160, div. B, title XXVIII, § 2807(a), Nov. 30, 1993, 107 Stat. 1887; Pub. L. 104–106, div. B, title XXVIII, § 2820(a), (b), Feb. 10, 1996, 110 Stat. 556; Pub. L. 106–65, div. A, title X, § 1067(1), div. B, title XXVIII, § 2811, Oct. 5, 1999, 113 Stat. 774, 851; Pub. L. 107–314, div. A, title X, § 1062(a)(13), Dec. 2, 2002, 116 Stat. 2650; Pub. L. 108–136, div. A, title X, § 1031(a)(31), Nov. 24, 2003, 117 Stat. 1600, related to leases of land for special operations activities.

PRIOR PROVISIONS

A prior section 2680, added Pub. L. 87–651, title I, § 112(c), Sept. 7, 1962, 76 Stat. 511; amended Pub. L. 89–718, § 20, Nov. 2, 1966, 80 Stat. 1118, authorized reimbursement of moving expenses to owners of property acquired for public works projects, prior to repeal by Pub. L. 91–646, title II, § 220(a)(3), Jan. 2, 1971, 84 Stat. 1903. See section 4601 et seq. of Title 42, The Public Health and Welfare.

EFFECT OF REPEAL

Pub. L. 111–383, div. B, title XXVIII, § 2814(b), Jan. 7, 2011, 124 Stat. 4464, provided that: “The amendment made by subsection (a) [repealing this section] shall not affect the validity of any contract entered into under section 2680 of title 10, United States Code, on or before September 30, 2005.”

§ 2681. Use of test and evaluation installations by commercial entities

(a) CONTRACT AUTHORITY.—The Secretary of Defense may enter into contracts with commercial entities that desire to conduct commercial test and evaluation activities at a Major Range and Test Facility Installation.

(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.—(1) 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.

(2) Not later than 48 hours after using the waiver authority under paragraph (1) for any facility for intelligence collection conducted under the authorities of the Department of Defense or special operations activity, the Secretary of Defense shall submit, in an electronic medium pursuant to section 480 of this title, to the appropriate congressional committees a notice of the use of the authority, including the justification for the waiver and the estimated cost of the project for which the waiver applies.

(3) In this subsection, the term “appropriate congressional committees” means the following:

(A) With respect to a waiver regarding special operations activities, the congressional defense committees.

(B) With respect to a waiver regarding intelligence collection conducted under the authorities of the Department of Defense—

(i) the congressional defense committees; and

(ii) the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives.

(4) The waiver authority provided by paragraph (1) expires December 31, 2020.

(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; Pub. L. 114–92, div. A, title XVI, § 1632, Nov. 25, 2015, 129 Stat. 1111; Pub. L. 115–91, div. B, title XXVIII, § 2811(f), Dec. 12, 2017, 131 Stat. 1848.)

AMENDMENTS

2017—Subsec. (c)(2). Pub. L. 115–91 substituted “, in an electronic medium pursuant to section 480 of this title, to the appropriate congressional committees a notice” for “to the appropriate congressional committees written notification”.

2015—Subsecs. (a), (b). Pub. L. 114–92, § 1632(b)(2), repealed Pub. L. 112–81, § 926(b). See 2011 Amendment notes below.

Subsec. (c). Pub. L. 114–92, § 1632(b)(2), repealed Pub. L. 112–81, § 926(b). See 2011 Amendment note below.

Pub. L. 114–92, § 1632(a), designated existing provisions as par. (1) and added pars. (2) and (3).

Subsec. (c)(4). Pub. L. 114–92, § 1632(b)(1), added par. (4).

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), which directed the substitution of “The maintenance and repair” for “Subject to subsection (c), the maintenance and repair”, subject to effective date set out in Effective Date of 2011 Amendment note below, was repealed by Pub. L. 114–92, § 1632(b)(2).

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), which directed the substitution of “A real property” for “Subject to subsection (c), a real property”, subject to effective date set out in Effective Date of 2011 Amendment note below, was repealed by Pub. L. 114–92, § 1632(b)(2).

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), which directed the striking out of subsec. (c), subject to effective date set out in Effective Date of 2011 Amendment note below, was repealed by Pub. L. 114–92, § 1632(b)(2).

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, which provided in part that the amendments made to this section by section 926(b) were to be effective on the later of Sept. 30, 2017, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2018, was repealed by Pub. L. 114–92, div. A, title XVI, § 1632(b)(2), Nov. 25, 2015, 129 Stat. 1112.

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