

## HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
2234 .....	50:883(a).	Sept. 11, 1950, ch. 945, §4(a), 64 Stat. 830.

The word “community” is omitted as covered by the word “area”. The word “program” is omitted as covered by the word “plan”. The words “use \* \* \* jointly by units of two or more of those components” are substituted for the words “joint utilization” to reflect 50:886(d). The words “is not and will not be larger than” are substituted for the words “does not exceed”. The word “considering” is substituted for the words “taking into account”.

## AMENDMENTS

1994—Pub. L. 103-337 renumbered section 2234 of this title as this section and substituted “18233” for “2233” in introductory provisions.

## 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 10001 of this title.

**§ 18235. Administration; other use permitted by Secretary**

(a) The Secretary of Defense, after consulting the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives on matters of policy, may—

(1) administer, operate, maintain, and equip facilities constructed, expanded, rehabilitated, or converted under section 18233 of this title or otherwise acquired and used for the purposes of this chapter;

(2) permit persons or organizations other than members and units of the armed forces to use those facilities under such leases or other agreements as he considers appropriate; and

(3) cover the payments received under those leases or agreements into the Treasury to the credit of the appropriation from which the cost of maintaining the facility, including its utilities and services, is paid.

(b) The Secretary may not permit any use or disposition to be made of a facility covered by subsection (a) that would interfere with its use—

(1) for administering and training the reserve components of the armed forces; or

(2) in time of war or national emergency, by other units of the armed forces or by the United States for any other purpose.

(Aug. 10, 1956, ch. 1041, 70A Stat. 122, §2235; renumbered §18235 and amended Pub. L. 103-337, div. A, title XVI, §1664(b)(2), (7), Oct. 5, 1994, 108 Stat. 3010; Pub. L. 104-106, div. A, title XV, §1502(a)(2), Feb. 10, 1996, 110 Stat. 502; Pub. L. 106-65, div. A, title X, §1067(1), Oct. 5, 1999, 113 Stat. 774.)

## HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
2235(a) .....	50:883(c) (less 1st sentence, and less last 70 words of last sentence).	Sept. 11, 1950, ch. 945, §4(c) (less 1st sentence), 64 Stat. 830.
2235(b) .....	50:883(c) (last 70 words of last sentence).	

In subsection (a), the words “from time to time” and “or appropriations” are omitted as surplusage.

In subsection (b), the words “United States” are substituted for the words “Federal Government”. The words “units of” are omitted as surplusage. The words “may not” are substituted for the words “shall at no time”.

## AMENDMENTS

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

1996—Subsec. (a). Pub. L. 104-106 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”.

1994—Pub. L. 103-337, §1664(b)(2), renumbered section 2235 of this title as this section.

Subsec. (a)(1). Pub. L. 103-337, §1664(b)(7), substituted “18233” for “2233(a)(1)”.

## 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 10001 of this title.

**§ 18236. Contributions to States; other use permitted by States**

(a) Contributions under section 18233 of this title are subject to such terms as the Secretary of Defense, after consulting the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives, considers necessary for the purposes of this chapter. Except as otherwise agreed when the contribution is made, a facility provided by a contribution under paragraph (3) or (4) of section 18233(a) of this title may be used jointly by units of two or more reserve components of the armed forces only to the extent that the State considers practicable.

(b) A contribution made for an armory or readiness center under paragraph (4) or (5) of section 18233(a) of this title may not exceed the sum of—

(1) 100 percent of the cost of architectural, engineering and design services (including advance architectural, engineering and design services under section 18233(e) of this title); and

(2) a percentage of the cost of construction (exclusive of the cost of architectural, engineering and design services) calculated so that upon completion of construction the total contribution (including the contribution for architectural, engineering and design services) equals 75 percent of the total cost of construction (including the cost of architectural, engineering and design services).

For the purpose of computing the cost of construction under this subsection, the amount contributed by a State may not include the cost or market value of any real property that it has contributed.

(c) If a State acquires, constructs, expands, rehabilitates, or converts a facility with amounts contributed under section 18233 of this title, it may—

(1) permit persons or organizations other than members and units of the armed forces to use the facility under such leases or other agreements as it considers appropriate; and

(2) apply amounts received under those leases or agreements to the cost of maintaining the facility.

(d) Except as otherwise agreed when the contribution is made, and except as the agreement is later changed, a State may not permit any use or disposition of the facility that would interfere with its use—

(1) for administering and training the reserve components of the armed forces; or

(2) in time of war or national emergency, by other units of the armed forces or by the United States for any other purpose.

(Aug. 10, 1956, ch. 1041, 70A Stat. 122, §2236; Pub. L. 85-861, §1(40), Sept. 2, 1958, 72 Stat. 1456; Pub. L. 97-214, §3(d)(2), (3), (e)(2), July 12, 1982, 96 Stat. 170; Pub. L. 99-167, title VII, §702(b), Dec. 3, 1985, 99 Stat. 985; Pub. L. 99-661, div. A, title XIII, §1343(a)(11), Nov. 14, 1986, 100 Stat. 3993; renumbered §18236 and amended Pub. L. 103-337, div. A, title XVI, §1664(b)(2), (8), Oct. 5, 1994, 108 Stat. 3010; Pub. L. 104-106, div. A, title XV, §§1501(b)(36), 1502(a)(2), Feb. 10, 1996, 110 Stat. 498, 502; Pub. L. 106-65, div. A, title X, §1067(1), Oct. 5, 1999, 113 Stat. 774; Pub. L. 106-398, §1 [div. B, title XXVIII, §2807(b)(2)], Oct. 30, 2000, 114 Stat. 1654, 1654A-415.)

HISTORICAL AND REVISION NOTES  
1956 ACT

Revised section	Source (U.S. Code)	Source (Statutes at Large)
2236(a) .....	50:883(d) (1st sentence).	Sept. 11, 1950, ch. 945, §4(d), (e), 64 Stat. 830.
2236(b) .....	50:883(d) (less 1st sentence).	
2236(c) .....	50:883(e) (less last 87 words).	
2236(d) .....	50:883(e) (last 87 words).	

Appropriate references to the Territories, Puerto Rico, and the District of Columbia are inserted throughout the revised section to reflect 50:886(b).

In subsection (a), the words “and conditions” are omitted as covered by the word “terms”. The words “considers necessary for” are substituted for the words “shall deem necessary to accomplish”. The words “used jointly by units of two or more reserve components of the armed forces” are substituted for the words “joint utilization”, to reflect 50:886(d).

In subsection (b), the words “the construction to which it is to be applied” are substituted for the words “the additional or improved facilities to be constructed”, since, under section 2233 of this title, contributions may be made for other purposes as well as additions and improvements. The words “may not include” are substituted for the words “shall be exclusive of”.

In subsection (c)(1), the words “from time to time” are omitted as surplusage.

In subsection (c)(2), the words “defray in whole or in part” are omitted as surplusage.

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

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

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), 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 contribution 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 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.

**§ 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

Revised section	Source (U.S. Code)	Source (Statutes at Large)
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

Revised section	Source (U.S. Code)	Source (Statutes at Large)
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