

tion with a military construction project or a military family housing project shall be awarded in accordance with chapter 11 of title 40.

(b)(1) In the case of a contract referred to in subsection (a), if the Secretary concerned estimates that the initial award of the contract will be in an amount less than the threshold amount determined under paragraph (2), the contract shall be awarded in accordance with the set aside provisions of the Small Business Act (15 U.S.C. 631 et seq.).

(2) The threshold amount under paragraph (1) is \$1,000,000.

(3) This subsection does not restrict the award of contracts to small business concerns under section 8(a) of the Small Business Act (15 U.S.C. 637(a)).

(Added Pub. L. 97-214, §2(a), July 12, 1982, 96 Stat. 166; amended Pub. L. 98-407, title VIII, §808(a), Aug. 28, 1984, 98 Stat. 1521; Pub. L. 107-217, §3(b)(22), Aug. 21, 2002, 116 Stat. 1297; Pub. L. 108-136, div. A, title XIV, §1427(a), Nov. 24, 2003, 117 Stat. 1670; Pub. L. 115-232, div. B, title XXVIII, §2804(a), (b), Aug. 13, 2018, 132 Stat. 2261.)

REFERENCES IN TEXT

The Small Business Act, referred to in subsec. (b)(1), is Pub. L. 85-536, §2(1 et seq.), July 18, 1958, 72 Stat. 384, which is classified generally to chapter 14A (§631 et seq.) of Title 15, Commerce and Trade. For complete classification of this Act to the Code, see Short Title note set out under section 631 of Title 15 and Tables.

AMENDMENTS

2018—Subsec. (b)(1). Pub. L. 115-232, §2804(a), substituted “subsection (a),” for “subsection (a)—”, struck out subpar. (B) designation before “if the Secretary”, and struck out subpar. (A) which read as follows: “if the Secretary concerned estimates that the initial award of the contract will be in an amount greater than or equal to the threshold amount determined under paragraph (2), the contract may not be set aside exclusively for award to small business concerns; and”.

Subsec. (b)(2). Pub. L. 115-232, §2804(b), substituted “threshold” for “initial threshold” and “\$1,000,000” for “\$300,000” and struck out last sentence which read as follows: “The Secretary of Defense may revise that amount in order to ensure that small business concerns receive a reasonable share of contracts referred to in subsection (a).”

2003—Subsec. (b)(2). Pub. L. 108-136 substituted “\$300,000” for “\$85,000”.

2002—Subsec. (a). Pub. L. 107-217 substituted “chapter 11 of title 40” for “title IX of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 541 et seq.)”.

1984—Pub. L. 98-407 designated existing provisions as subsec. (a) and added subsec. (b).

EFFECTIVE DATE OF 2018 AMENDMENT

Pub. L. 115-232, div. B, title XXVIII, §2804(c), Aug. 13, 2018, 132 Stat. 2262, provided that: “The amendments made by this section [amending this section] shall apply with respect to fiscal year 2019 and each succeeding fiscal year.”

EFFECTIVE DATE OF 1984 AMENDMENT

Pub. L. 98-407, title VIII, §808(b), Aug. 28, 1984, 98 Stat. 1522, provided that: “Subsection (b) of section 2855 of title 10, United States Code, as added by subsection (a), shall apply with respect to contracts awarded after September 30, 1984, except that the authority of the Secretary of Defense under paragraph (2) of that subsection shall apply only with respect to contracts awarded after September 30, 1985.”

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.

§ 2856. Military unaccompanied housing: local comparability of floor areas

In the construction, acquisition, and improvement of military unaccompanied housing, the Secretary concerned shall ensure that the floor areas of such housing in a particular locality (as designated by the Secretary concerned for purposes of this section) do not exceed the floor areas of similar housing in the private sector in that locality.

(Added Pub. L. 97-214, §2(a), July 12, 1982, 96 Stat. 166; amended Pub. L. 101-510, div. A, title XIII, §1301(19), Nov. 5, 1990, 104 Stat. 1668; Pub. L. 109-364, div. B, title XXVIII, §2807(a)(1), Oct. 17, 2006, 120 Stat. 2468.)

AMENDMENTS

2006—Pub. L. 109-364 amended section catchline and text generally. Prior to amendment, text read as follows: “The Secretary of Defense shall prescribe regulations establishing the maximum allowable net square feet per occupant for new permanent barracks construction. Such regulations shall be uniform for the armed forces under the jurisdiction of the Secretary of a military department.”

1990—Pub. L. 101-510 struck out “(a)” before “The Secretary of Defense” and struck out subsec. (b) which read as follows: “Before taking effect, any regulations under this section, and any modifications to such regulations, shall be submitted to the appropriate committees of Congress. Such regulations (including any modifications to such regulations) may not then take effect until 21 days after being received by such committees.”

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.

[§ 2857. Renumbered § 2915]

§ 2858. Limitation on the use of funds for expediting a construction project

Funds appropriated for military construction (including military family housing) may not be expended for additional costs involved in expediting a construction project unless the Secretary concerned (1) certifies that expenditures for such costs are necessary to protect the national interest, and (2) establishes a reasonable completion date for the project. In establishing such a completion date, the Secretary shall take into consideration the urgency of the requirement for completion of the project, the type and location of the project, the climatic and seasonal conditions affecting the construction involved, and the application of economical construction practices.

(Added Pub. L. 97-214, §2(a), July 12, 1982, 96 Stat. 167.)

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.