

- Sec.
- 18236. Contributions to States; other use permitted by States.
- 18237. Supervision of construction: compliance with State law.
- 18238. Army National Guard of United States; Air National Guard of United States: limitation on relocation of units.
- 18239. Waiver of certain restrictions.
- 18240. Acquisition of facilities by exchange.

AMENDMENTS

2004—Pub. L. 108-375, div. B, title XXVIII, §§ 2808(c), 2809(a)(2), Oct. 28, 2004, 118 Stat. 2125, 2127, substituted “Notice and wait requirements for certain projects” for “Limitation on certain projects; authority to carry out small projects with operation and maintenance funds” in item 18233a and added items 18233b and 18240.

1994—Pub. L. 103-337, div. A, title XVI, § 1664(b)(1), (3), Oct. 5, 1994, 108 Stat. 3010, renumbered chapter 133 as this chapter and renumbered items 2231 to 2239 as items 18231 to 18239, respectively.

1982—Pub. L. 97-214, § 3(b)(2), (c)(2), July 12, 1982, 96 Stat. 169, 170, substituted “Limitation on certain projects; authority to carry out small projects with operation and maintenance funds” for “Limitation” in item 2233a, and added item 2239.

1958—Pub. L. 85-861, § 1(42), Sept. 2, 1958, 72 Stat. 1457, inserted “: compliance with State law” in item 2237.

Pub. L. 85-685, title VI, § 601(4), Aug. 20, 1958, 72 Stat. 665, added item 2233a.

§ 18231. Purpose

The purpose of this chapter is to provide for—

- (1) the acquisition, by purchase, lease, transfer, construction, expansion, rehabilitation, or conversion of facilities necessary for the proper development, training, operation, and maintenance of the reserve components of the armed forces, including troop housing and messing facilities;
- (2) the joint use of those facilities by units of two or more of those reserve components, to the greatest practicable extent for efficiency and economy;
- (3) the use of those facilities, in time of war or national emergency, by those units and other units of the armed forces, to the greatest practicable extent for efficiency and economy; and
- (4) any other use of those facilities by the United States, in time of war or national emergency, to the greatest practicable extent for efficiency and economy.

(Aug. 10, 1956, ch. 1041, 70A Stat. 120, § 2231; Pub. L. 85-215, § 1, Aug. 29, 1957, 71 Stat. 489; renumbered § 18231, Pub. L. 103-337, div. A, title XVI, § 1664(b)(2), Oct. 5, 1994, 108 Stat. 3010.)

HISTORICAL AND REVISION NOTES

| Revised section | Source (U.S. Code) | Source (Statutes at Large)                  |
|-----------------|--------------------|---|
| 2231 .....      | 50:881.            | Sept. 11, 1950, ch. 945, § 2, 64 Stat. 829. |

In clause (1), the words “units of” are omitted as surplusage.

In clause (4), the words “United States” are substituted for the words “Federal Government”.

AMENDMENTS

1994—Pub. L. 103-337 renumbered section 2231 of this title as this section.

1957—Par. (1). Pub. L. 85-215 included troop housing and messing facilities.

§ 18232. Definitions

In this chapter:

(1) The term “State” means any of the States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and each territory and possession of the United States and includes political subdivisions and military units thereof and tax-supported agencies therein.

(2) The term “facility” includes any (A) interest in land, (B) armory, readiness center, or other structure, and (C) storage or other facility normally needed for the administration and training of any unit of the reserve components of the armed forces.

(3) The terms “armory” and “readiness center” mean a structure that houses one or more units of a reserve component and is used for training and administering those units. Such terms include a structure that is appurtenant to such a structure and houses equipment used for that training and administration.

(Aug. 10, 1956, ch. 1041, 70A Stat. 121, § 2232; Pub. L. 85-861, § 1(36), Sept. 2, 1958, 72 Stat. 1456; Pub. L. 97-214, § 3(d)(1), July 12, 1982, 96 Stat. 170; Pub. L. 100-26, § 7(k)(2), Apr. 21, 1987, 101 Stat. 284; renumbered § 18232, Pub. L. 103-337, div. A, title XVI, § 1664(b)(2), Oct. 5, 1994, 108 Stat. 3010; Pub. L. 106-398, § 1 [div. B, title XXVIII, § 2807(a), (b)(1)], Oct. 30, 2000, 114 Stat. 1654, 1654A-415.)

HISTORICAL AND REVISION NOTES  
1956 ACT

| Revised section | Source (U.S. Code) | Source (Statutes at Large)                  |
|-----------------|--------------------|---|
| 2232 .....      | 50:886.            | Sept. 11, 1950, ch. 945, § 7, 64 Stat. 831. |

Clause (1) is substituted for 50:886(b). The words “(2) Puerto Rico; and (3) the District of Columbia” are omitted, since they are specifically included, where applicable, in the revised chapter. The words “together with any improvement thereto” and “of the United States” are omitted as surplusage. 50:886(c) is omitted, since the reserve components of the armed forces are named in section 261 of this title. 50:886(d) is omitted, since its subject matter is covered by other relevant sections of the revised chapter.

1958 ACT

| Revised section | Source (U.S. Code) | Source (Statutes at Large)                        |
|-----------------|--------------------|---|
| 2232 .....      | 50:886.            | Aug. 9, 1955, ch. 662, § 1(g), (h), 69 Stat. 594. |

The last sentence of 50:886(b) is omitted as surplusage.

AMENDMENTS

2000—Par. (2)(B). Pub. L. 106-398, § 1 [div. B, title XXVIII, § 2807(b)(1)], substituted “armory, readiness center, or other structure” for “armory or other structure”.

Par. (3). Pub. L. 106-398, § 1 [div. B, title XXVIII, § 2807(a)], substituted “The terms ‘armory’ and ‘readiness center’ mean” for “The term ‘armory’ means” and “Such terms include” for “It includes”.

1994—Pub. L. 103-337 renumbered section 2232 of this title as this section.

1987—Pub. L. 100-26 inserted “The term” after each par. designation and struck out uppercase letter of first word after first quotation marks in pars. (2) and (3) and substituted lowercase letter.

1982—Cl. (1). Pub. L. 97-214 substituted provision defining “State” as any State of the United States, the District of Columbia, Puerto Rico, and each territory and possession of the United States including political subdivisions and military units thereof and tax-supported agencies therein for provision defining “State” and “Territory” as including political subdivisions and military units thereof and tax-supported agencies therein.

1958—Cl. (3). Pub. L. 85-861 added cl. (3).

#### 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.

### § 18233. Acquisition

(a) Subject to sections 18233a, 18234, 18235, 18236, and 18238 of this title and to subsection (c), the Secretary of Defense may—

(1) acquire by purchase, lease, or transfer, and construct, expand, rehabilitate, or convert and equip, such facilities as are authorized by law to carry out the purposes of this chapter;

(2) contribute to any State such amounts as he determines to be necessary to expand, rehabilitate, or convert facilities owned by it or by the United States for use jointly by units of two or more reserve components of the armed forces or to acquire or construct facilities for such use;

(3) contribute to any State such amounts as he determines to be necessary to expand, rehabilitate, or convert facilities owned by it (or to acquire, construct, expand, rehabilitate, or convert additional facilities) made necessary by the conversion, redesignation, or reorganization of units of the Army National Guard of the United States or the Air National Guard of the United States authorized by the Secretary of the military department concerned;

(4) contribute to any State such amounts for the acquisition, construction, expansion, rehabilitation, or conversion by it of additional facilities as he determines to be required by any increase in the strength of the Army National Guard of the United States or the Air National Guard of the United States;

(5) contribute to any State amounts for the acquisition, construction, expansion, rehabilitation, and conversion by such State of such additional facilities as the Secretary determines to be required because of the failure of existing facilities to meet the purposes of this chapter; and

(6) contribute to any State such amounts for the construction, alteration, or rehabilitation of critical portions of facilities as the Secretary determines to be required to meet a change in Department of Defense construction criteria or standards related to the execution of the Federal military mission assigned to the unit using the facility.

(b) Title to property acquired by the United States under subsection (a)(1) vests in the United States. Such property may be transferred to any State incident to the expansion, rehabilitation, or conversion of such property under subsection (a)(2) so long as the transfer of

such property does not result in the creation of an enclave owned by a State within a Federal installation.

(c) The Secretary of Defense may delegate any of his authority or functions under this chapter to any department, agency, or officer of the Department of Defense.

(d) The expenses of leasing property under subsection (a)(1) may be paid from appropriations available for the payment of rent.

(e) The Secretary of Defense may procure, or contribute to any State such amounts as the Secretary determines to be necessary to procure, architectural and engineering services and construction design in connection with facilities to be established or developed under this chapter which are not otherwise authorized by law.

(f)(1) Authority provided by law to construct, expand, rehabilitate, convert, or equip any facility under this section includes authority to expend funds for surveys, administration, overhead, planning, design, and supervision incident to any such activity.

(2) Authority to acquire real property under this section includes authority to make surveys and to acquire interests in land (including temporary interests) by purchase or gift.

(Aug. 10, 1956, ch. 1041, 70A Stat. 121, §2233; Pub. L. 85-685, title VI, §601(1), (2), Aug. 20, 1958, 72 Stat. 664; Pub. L. 85-861, §1(37)-(39), Sept. 2, 1958, 72 Stat. 1456; Pub. L. 96-125, title VII, §703, Nov. 26, 1979, 93 Stat. 947; Pub. L. 97-99, title VIII, §§803, 804, Dec. 23, 1981, 95 Stat. 1380, 1381; Pub. L. 97-214, §§3(a), (d)(2), (e)(1), 10(a)(2), July 12, 1982, 96 Stat. 169, 170, 175; Pub. L. 98-407, title VII, §703(a), Aug. 28, 1984, 98 Stat. 1517; Pub. L. 98-525, title XIV, §1405(34), Oct. 19, 1984, 98 Stat. 2624; Pub. L. 99-167, title VII, §702(a), Dec. 3, 1985, 99 Stat. 985; Pub. L. 102-190, div. B, title XXVIII, §2801, Dec. 5, 1991, 105 Stat. 1537; renumbered §18233 and amended Pub. L. 103-337, div. A, title XVI, §1664(b)(2), (4), Oct. 5, 1994, 108 Stat. 3010; Pub. L. 106-65, div. B, title XXVIII, §2805, Oct. 5, 1999, 113 Stat. 850; Pub. L. 108-375, div. B, title XXVIII, §2809(b), Oct. 28, 2004, 118 Stat. 2127; Pub. L. 109-364, div. A, title X, §1071(a)(42), Oct. 17, 2006, 120 Stat. 2400; Pub. L. 111-84, div. B, title XXVIII, §2805, Oct. 28, 2009, 123 Stat. 2662.)

#### HISTORICAL AND REVISION NOTES 1956 ACT

| <i>Revised section</i> | <i>Source (U.S. Code)</i> | <i>Source (Statutes at Large)</i>  |
|------------------------|---------------------------|--|
| 2233(a) .....          | 50:882.                   | Sept. 11, 1950, ch. 945, §§3, 4(c) (1st sentence), 5, 64 Stat. 830, 831. |
| 2233(b) .....          | 50:883(c) (1st sentence). |  |
| 2233(c) .....          | 50:884.                   |  |

In subsection (a), the 16th through the 31st words are omitted as executed on July 1, 1955, the end of the 5-year period.

In subsection (a)(2), the words “to the extent required” are omitted as covered by the word “necessary”. The words “use jointly by units of two or more of the reserve components of the armed forces” are substituted for the words “joint utilization of such facilities” to reflect 50:886(d).

In subsections (a)(2) and (3), the words “Territory, Puerto Rico, or the District of Columbia” are inserted to reflect 50:886(b).

In subsection (a)(3), the words “to be required” are substituted for the words “to have been made essential”.

In subsection (b), the words “real or personal” are omitted as surplusage.