

gated for the purposes of this section before July 1, 1958, but with such limitation not applicable to the expenses for the leasing of property under subsec. (a)(1) of this section.

§ 18233a. Notice and wait requirements for certain projects

(a) CONGRESSIONAL NOTIFICATION.—Except as provided in subsection (b), an expenditure or contribution in excess of the amount specified in section 2805(b)(1) of this title may not be made under section 18233 of this title for any facility until—

(1) the Secretary of Defense has notified the congressional defense committees of the location, nature, and estimated cost of the facility; and

(2) a period of 21 days has elapsed after the notification has been received by those committees or, if over sooner, a period of 14 days has elapsed after the date on which a copy of the notification is provided in an electronic medium pursuant to section 480 of this title.

(b) CERTAIN EXPENDITURES OR CONTRIBUTIONS EXEMPTED.—Subsection (a) does not apply to expenditures or contributions for the following:

(1) Facilities acquired by lease.

(2) A project for a facility that has been authorized by Congress, if the location and purpose of the facility are the same as when authorized and if, based upon bids received—

(A) the scope of work of the project, as approved by Congress, is not proposed to be reduced by more than 25 percent; and

(B) the current working estimate of the cost of the project does not exceed the amount approved for the project by more than the lesser of the following:

(i) 25 percent.

(ii) 200 percent of the amount specified by section 2805(a) of this title as the maximum amount for a minor military construction project.

(3) A repair project (as that term is defined in subsection (e) of section 2811 of this title) that costs less than the amount specified in subsection (d) of such section.

(Added Pub. L. 85-685, title VI, § 601(3), Aug. 20, 1958, 72 Stat. 665, § 2233a; amended Pub. L. 87-554, title VII, § 701, July 27, 1962, 76 Stat. 243; Pub. L. 93-552, title VII, § 703, Dec. 27, 1974, 88 Stat. 1770; Pub. L. 94-107, title VII, § 703, Oct. 7, 1975, 89 Stat. 569; Pub. L. 96-125, title VII, § 704, Nov. 26, 1979, 93 Stat. 947; Pub. L. 97-214, § 3(c)(1), July 12, 1982, 96 Stat. 169; Pub. L. 98-115, title VII, § 702, Oct. 11, 1983, 97 Stat. 782; Pub. L. 98-407, title VII, § 702, Aug. 28, 1984, 98 Stat. 1517; Pub. L. 100-26, § 7(f)(1), Apr. 21, 1987, 101 Stat. 281; Pub. L. 100-180, div. B, subdiv. 3, title I, § 2304(a), Dec. 4, 1987, 101 Stat. 1215; Pub. L. 102-190, div. B, title XXVIII, § 2804, Dec. 5, 1991, 105 Stat. 1537; renumbered § 18233a and amended Pub. L. 103-337, div. A, title XVI, § 1664(b)(2), (5), Oct. 5, 1994, 108 Stat. 3010; Pub. L. 104-106, div. A, title XV, § 1502(a)(10), Feb. 10, 1996, 110 Stat. 503; Pub. L. 104-201, div. B, title XXVIII, § 2801(b), (c), Sept. 23, 1996, 110 Stat. 2787; Pub. L. 106-65, div. A, title X, § 1067(1), div. B, title XXVIII, § 2806, Oct. 5, 1999, 113 Stat. 774, 850; Pub. L. 106-398, § 1 [[div. A], title X, § 1087(a)(22)], Oct. 30, 2000, 114 Stat.

1654, 1654A-291; Pub. L. 108-375, div. B, title XXVIII, § 2808(a), Oct. 28, 2004, 118 Stat. 2124; Pub. L. 112-81, div. B, title XXVIII, § 2802(c)(3), Dec. 31, 2011, 125 Stat. 1685; Pub. L. 114-92, div. B, title XXVIII, § 2801, Nov. 25, 2015, 129 Stat. 1168.)

Editorial Notes

AMENDMENTS

2015—Subsec. (a). Pub. L. 114-92, § 2801(1), substituted “in excess of the amount specified in section 2805(b)(1) of this title” for “in an amount in excess of \$750,000” in introductory provisions.

Subsec. (b)(3). Pub. L. 114-92, § 2801(2), substituted “subsection (e) of section 2811 of this title) that costs less than the amount specified in subsection (d) of such section” for “section 2811(e) of this title) that costs less than \$7,500,000”.

2011—Subsec. (b)(2)(B)(ii). Pub. L. 112-81 substituted “section 2805(a)” for “section 2805(a)(2)”.

2004—Pub. L. 108-375 amended section generally, substituting provisions relating to notice and wait requirements for certain projects for provisions relating to limitation on certain projects and authority to carry out small projects with operation and maintenance funds.

2000—Subsec. (b)(1). Pub. L. 106-398, § 1 [[div. A], title X, § 1087(a)(22)(A)], substituted “section 2805(c)(1)(A)” for “section 2805(c)(1)”.

Subsec. (b)(2). Pub. L. 106-398, § 1 [[div. A], title X, § 1087(a)(22)(B)], substituted “section 2805(c)(1)(B)” for “section 2805(c)(2)”.

1999—Subsec. (a)(1). Pub. L. 106-65, § 1067(1), substituted “and the Committee on Armed Services” for “and the Committee on National Security”.

Subsec. (a)(2)(C). Pub. L. 106-65, § 2806(a), added subpar. (C).

Subsec. (b). Pub. L. 106-65, § 2806(b), amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows: “Under such regulations as the Secretary of Defense may prescribe, a project authorized under section 18233(a) of this title that costs \$500,000 or less may be carried out with funds available for operations and maintenance.”

1996—Subsec. (a)(1). Pub. L. 104-201, § 2801(c), substituted “\$1,500,000” for “\$400,000”.

Pub. L. 104-106 substituted “the Committee on Armed Services and the Committee on Appropriations of the Senate and the Committee on National Security and the Committee on Appropriations of the” for “the Committees on Armed Services and on Appropriations of the Senate and”.

Subsec. (b). Pub. L. 104-201, § 2801(b), substituted “\$500,000” for “\$300,000”.

1994—Pub. L. 103-337, § 1664(b)(2), renumbered section 2233a of this title as this section.

Subsec. (a)(1). Pub. L. 103-337, § 1664(b)(5)(A), substituted “18233” for “2233”.

Subsec. (b). Pub. L. 103-337, § 1664(b)(5)(B), substituted “18233(a)” for “2233(a)”.

1991—Subsec. (b). Pub. L. 102-190 substituted “\$300,000” for “\$200,000”.

1987—Subsec. (a)(2)(B)(ii)(II). Pub. L. 100-26 substituted “specified by section 2805(a)(2) of this title” for “specified by law”.

Subsec. (b). Pub. L. 100-180 substituted “\$200,000” for “\$100,000”.

1984—Subsec. (b). Pub. L. 98-407 substituted “\$100,000” for “\$50,000”.

1983—Subsec. (a)(1). Pub. L. 98-115 substituted “\$400,000” for “\$200,000”.

1982—Pub. L. 97-214 substituted “Limitation on certain projects; authority to carry out small projects with operation and maintenance funds” for “Limitation” as section catchline and completely revised text. Before such revision section had provided that no expenditure or contribution of more than \$175,000 could be made under section 2233 of this title for any facility until after the expiration of thirty days from the date

upon which the Secretary of Defense or his designee notified the Senate and the House of Representatives of the location, nature, and estimated cost of such facility, but that such requirement did not apply to facilities acquired by lease, facilities acquired, constructed, expanded, rehabilitated, converted, or equipped to restore or replace facilities damaged or destroyed, where the Senate and the House of Representatives had been notified of that action, and that, under such regulations as the Secretary of Defense might prescribe, any project authorized pursuant to section 2233(a) which did not cost more than \$50,000 could be accomplished from appropriations available for maintenance and operations.

1979—Par. (1). Pub. L. 96-125 substituted “\$175,000” for “\$100,000”.

1975—Par. (2). Pub. L. 94-107 substituted “\$50,000” for “\$25,000”.

1974—Par. (1). Pub. L. 93-552 substituted “\$100,000” for “\$850,000”.

1962—Pub. L. 87-554 designated existing provisions as par. (1), substituted “until after the expiration of thirty days from the date upon which the Secretary of Defense or his designee notifies the Senate and the House of Representatives of the location, nature, and estimated cost of such facility” for “that has not been authorized by a law authorizing appropriations for specific facilities for reserve forces”, and added par. (2).

Statutory Notes and Related Subsidiaries

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 1987 AMENDMENT

Pub. L. 100-180, div. B, subd. 3, title I, § 2304(b), Dec. 4, 1987, 101 Stat. 1215, provided that: “The amendment made by subsection (a) [amending this section] shall apply to projects authorized under section 2233(a) [now 18233(a)] of title 10, United States Code, for which contracts are entered into on or after the date of the enactment of this Act [Dec. 4, 1987].”

EFFECTIVE DATE OF 1984 AMENDMENT

Pub. L. 98-407, title VII, § 702, Aug. 28, 1984, 98 Stat. 1517, provided that the amendment made by that section is effective Oct. 1, 1984.

EFFECTIVE DATE OF 1983 AMENDMENT

Pub. L. 98-115, title VII, § 702, Oct. 11, 1983, 97 Stat. 782, provided that the amendment made by that section is effective Oct. 1, 1983.

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.

§ 18233b. Authority to carry out small projects with operation and maintenance funds

Under such regulations as the Secretary of Defense may prescribe, the Secretary may expend, from appropriations available for operation and maintenance, amounts necessary to carry out any project authorized under section 18233(a) of this title that costs not more than the amount specified in section 2805(c) of this title.

(Added Pub. L. 108-375, div. B, title XXVIII, § 2808(b), Oct. 28, 2004, 118 Stat. 2125; amended Pub. L. 112-81, div. B, title XXVIII, § 2802(c)(4), Dec. 31, 2011, 125 Stat. 1685.)

Editorial Notes

AMENDMENTS

2011—Pub. L. 112-81 substituted “not more than the amount specified in section 2805(c) of this title.” for “not more than—

“(1) the amount specified in section 2805(c)(1)(A) of this title, in the case of a project intended solely to correct a deficiency that is life-threatening, health-threatening, or safety-threatening; or

“(2) the amount specified in section 2805(c)(1)(B) of this title, in the case of any other project.”

§ 18234. Location and use

No expenditures or contribution may be made for a facility under section 18233 of this title, unless the Secretary of Defense determines that—

(1) the number of units of the reserve components of the armed forces located or to be located in the area within which the facility is to be provided is not and will not be larger than the number that can reasonably be expected to be maintained at authorized strength, considering the number of persons living in the area who are qualified for membership in those reserve units; and

(2) the plan under which the facility is to be provided makes provision for the greatest practicable use of the facility jointly by units of two or more of those components.

(Aug. 10, 1956, ch. 1041, 70A Stat. 121, § 2234; renumbered § 18234 and amended Pub. L. 103-337, div. A, title XVI, § 1664(b)(2), (6), Oct. 5, 1994, 108 Stat. 3010.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
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”.

Editorial Notes

AMENDMENTS

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

Statutory Notes and Related Subsidiaries

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—