

(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

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”.

**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—

(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”.

**Editorial Notes**

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)”.

**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.

**§ 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.

**Editorial Notes**

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