TITLE 10 - ARMED FORCES
Subtitle E - Reserve Components
PART V - SERVICE, SUPPLY, AND PROCUREMENT
CHAPTER 1803 - FACILITIES FOR RESERVE COMPONENTS

§ 18233a. Notice and wait requirements for certain projects

(a) Congressional Notification.— Except as provided in subsection (b), an expenditure or contribution in an amount in excess of $750,000 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 section 2811 (e) of this title) that costs less than $7,500,000.


Amendments


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.
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. (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. 104–201, § 2801(d), renumbered section 2233a of this title as this section.  
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”.  
1986—Subsec. (b). Pub. L. 100–26 substituted “specifieby section 2805 (a)(2) of this title” for “specified by law”.  
Subsec. (b). Pub. L. 100–26 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).  

**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**

Section 2304(b) of Pub. L. 100–180 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
Section 702 of Pub. L. 98–407 provided that the amendment made by that section is effective Oct. 1, 1984.

Effective Date of 1983 Amendment
Section 702 of Pub. L. 98–115 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.