

## **10 USC 2808: Construction authority in the event of a declaration of war or national emergency**

Text contains those laws in effect on February 20, 2019

### **From Title 10-ARMED FORCES**

Subtitle A-General Military Law

PART IV-SERVICE, SUPPLY, AND PROCUREMENT

CHAPTER 169-MILITARY CONSTRUCTION AND MILITARY FAMILY HOUSING

SUBCHAPTER I-MILITARY CONSTRUCTION

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## **§2808. Construction authority in the event of a declaration of war or national emergency**

(a) In the event of a declaration of war or the declaration by the President of a national emergency in accordance with the National Emergencies Act (50 U.S.C. 1601 et seq.) that requires use of the armed forces, the Secretary of Defense, without regard to any other provision of law, may undertake military construction projects, and may authorize the Secretaries of the military departments to undertake military construction projects, not otherwise authorized by law that are necessary to support such use of the armed forces. Such projects may be undertaken only within the total amount of funds that have been appropriated for military construction, including funds appropriated for family housing, that have not been obligated.

(b) When a decision is made to undertake military construction projects authorized by this section, the Secretary of Defense shall notify, in an electronic medium pursuant to section 480 of this title, the appropriate committees of Congress of the decision and of the estimated cost of the construction projects, including the cost of any real estate action pertaining to those construction projects.

(c) The authority described in subsection (a) shall terminate with respect to any war or national emergency at the end of the war or national emergency.

(Added Pub. L. 97-214, §2(a), July 12, 1982, 96 Stat. 157 ; amended Pub. L. 115-91, div. B, title XXVIII, §2801(a) (6), Dec. 12, 2017, 131 Stat. 1841 .)

### **REFERENCES IN TEXT**

The National Emergencies Act (50 U.S.C. 1601 et seq.), referred to in subsec. (a), is Pub. L. 94-412, [Sept. 14, 1976](#), 90 Stat. 1255 , as amended, which is classified principally to chapter 34 (§1601 et seq.) of Title 50, War and National Defense. For complete classification of this Act to the Code, see Short Title note set out under section 1601 of Title 50 and Tables.

### **PRIOR PROVISIONS**

Provisions similar to those in this section were contained in Pub. L. 97-99, [title IX, §903, Dec. 23, 1981](#), 95 Stat. 1382 , which was set out as a note under section 140 [now 127] of this title, prior to repeal by Pub. L. 97-214, §7(18).

### **AMENDMENTS**

**2017-**Subsec. (b). Pub. L. 115-91 inserted ", in an electronic medium pursuant to section 480 of this title," after "shall notify".

### **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.

### **EXECUTIVE ORDER NO. 12734**

Ex. Ord. No. 12734, Nov. 14, 1990, 55 F.R. 48099, which related to national emergency construction authority, was revoked by Ex. Ord. No. 13350, July 29, 2004, 69 F.R. 46055, listed in a table under section 1701 of Title 50, War and National Defense.

## **Ex. Ord. No. 13235. NATIONAL EMERGENCY CONSTRUCTION AUTHORITY**

Ex. Ord. No. 13235, Nov. 16, 2001, 66 F.R. 58343, provided:

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the National Emergencies Act (50 U.S.C. 1601 *et seq.*), and section 301 of title 3, United States Code, I declared a national emergency that requires the use of the Armed Forces of the United States, by Proclamation 7463 of September 14, 2001 [50 U.S.C. 1621 note], because of the terrorist attacks on the World Trade Center and the Pentagon, and because of the continuing and immediate threat to the national security of the United States of further terrorist attacks. To provide additional authority to the Department of Defense to respond to that threat, and in accordance with section 301 of the National Emergencies Act (50 U.S.C. 1631), I hereby order that the emergency construction authority at 10 U.S.C. 2808 is invoked and made available in accordance with its terms to the Secretary of Defense and, at the discretion of the Secretary of Defense, to the Secretaries of the military departments.

GEORGE W. BUSH.