

2001—Subsec. (d)(4). Pub. L. 107-107 substituted “McKinney-Vento Homeless Assistance Act” for “Stewart B. McKinney Homeless Assistance Act”.

1999—Subsec. (a). Pub. L. 106-65 substituted “eligible entities” for “private persons”.

1997—Subsec. (d)(4). Pub. L. 105-85 substituted “11411” for “11401”.

**[§ 2879. Repealed. Pub. L. 107-314, div. B, title XXVIII, § 2802(c)(1), Dec. 2, 2002, 116 Stat. 2703]**

Section, added Pub. L. 104-106, div. B, title XXVIII, § 2801(a)(1), Feb. 10, 1996, 110 Stat. 547, related to interim leases of completed units pending completion of a project to acquire or construct military family housing units or military unaccompanied housing units.

**§ 2880. Unit size and type**

(a) CONFORMITY WITH SIMILAR HOUSING UNITS IN LOCALE.—The Secretary concerned shall ensure that the room patterns and floor areas of military family housing units and military unaccompanied housing units acquired or constructed under this subchapter are generally comparable to the room patterns and floor areas of similar housing units in the locality concerned.

(b) INAPPLICABILITY OF LIMITATIONS ON SPACE BY PAY GRADE.—Sections 2826 and 2856 of this title shall not apply to military family housing or military unaccompanied housing units acquired or constructed under this subchapter.

(Added Pub. L. 104-106, div. B, title XXVIII, § 2801(a)(1), Feb. 10, 1996, 110 Stat. 548; amended Pub. L. 108-136, div. B, title XXVIII, § 2806, Nov. 24, 2003, 117 Stat. 1722; Pub. L. 109-364, div. B, title XXVIII, § 2807(b), Oct. 17, 2006, 120 Stat. 2469.)

AMENDMENTS

2006—Subsec. (b). Pub. L. 109-364 substituted “Sections 2826 and 2856” for “(1) Section 2826”, inserted “or military unaccompanied housing” after “military family housing”, and struck out par. (2) which read as follows: “The regulations prescribed under section 2856 of this title shall not apply to any military unaccompanied housing unit acquired or constructed under this subchapter.”

2003—Subsec. (b)(2). Pub. L. 108-136 struck out “unless the unit is located on a military installation” before period at end.

**§ 2881. Ancillary supporting facilities**

(a) AUTHORITY TO ACQUIRE OR CONSTRUCT.—Any project for the acquisition or construction of military family housing units or military unaccompanied housing units under this subchapter may include the acquisition or construction of ancillary supporting facilities for the housing units concerned.

(b) RESTRICTION.—A project referred to in subsection (a) may not include the acquisition or construction of an ancillary supporting facility (other than a child development center) if, as determined by the Secretary concerned, the facility is to be used for providing merchandise or services in direct competition with—

- (1) the Army and Air Force Exchange Service;
- (2) the Navy Exchange Service Command;
- (3) a Marine Corps exchange;
- (4) the Defense Commissary Agency; or

(5) any nonappropriated fund activity of the Department of Defense for the morale, welfare, and recreation of members of the armed forces.

(Added Pub. L. 104-106, div. B, title XXVIII, § 2801(a)(1), Feb. 10, 1996, 110 Stat. 548; amended Pub. L. 106-65, div. B, title XXVIII, § 2804, Oct. 5, 1999, 113 Stat. 849; Pub. L. 109-163, div. B, title XXVIII, § 2805(a), Jan. 6, 2006, 119 Stat. 3507.)

AMENDMENTS

2006—Subsec. (b). Pub. L. 109-163 inserted “(other than a child development center)” after “ancillary supporting facility” in introductory provisions.

1999—Pub. L. 106-65 designated existing provisions as subsec. (a), inserted heading, and added subsec. (b).

CONSTRUCTION OF 2006 AMENDMENT

Pub. L. 109-163, div. B, title XXVIII, § 2805(c), Jan. 6, 2006, 119 Stat. 3507, provided that: “Nothing in the amendment made by subsection (a) [amending this section] may be construed to alter any law and regulation applicable to the operation of a child development center, as defined in section 2871(2) of title 10, United States Code.”

**§ 2881a. Pilot projects for acquisition or construction of military unaccompanied housing**

(a) PILOT PROJECTS AUTHORIZED.—The Secretary of the Navy may carry out not more than three pilot projects under the authority of this section or another provision of this subchapter to use the private sector for the acquisition or construction of military unaccompanied housing in the United States, including any territory or possession of the United States.

(b) TREATMENT OF HOUSING; ASSIGNMENT OF MEMBERS.—The Secretary of the Navy may assign members of the armed forces without dependents to housing units acquired or constructed under the pilot projects, and such housing units shall be considered as quarters of the United States or a housing facility under the jurisdiction of the Secretary for purposes of section 403 of title 37.

(c) BASIC ALLOWANCE FOR HOUSING.—(1) The Secretary of Defense may prescribe and, under section 403(n) of title 37, pay for members of the armed forces without dependents in privatized housing acquired or constructed under the pilot projects higher rates of partial basic allowance for housing than the rates authorized under paragraph (2) of such section.

(2) The partial basic allowance for housing paid for a member at a higher rate under this subsection may be paid directly to the private sector source of the housing to whom the member is obligated to pay rent or other charge for residing in such housing if the private sector source credits the amount so paid against the amount owed by the member for the rent or other charge.

(d) FUNDING.—(1) The Secretary of the Navy shall use the Department of Defense Military Unaccompanied Housing Improvement Fund to carry out activities under the pilot projects.

(2) Subject to 30 days prior notification to the appropriate committees of Congress, such additional amounts as the Secretary of Defense considers necessary may be transferred to the Department of Defense Military Unaccompanied Housing Improvement Fund from amounts ap-