

SUBCHAPTER II—MILITARY FAMILY
HOUSING

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AMENDMENTS

2013—Pub. L. 113-66, div. B, title XXVIII, §2802(a)(2), Dec. 26, 2013, 127 Stat. 1006, struck out item 2837 “Limited partnerships with private developers of housing”.

2008—Pub. L. 110-417, div. B, title XXVIII, §§2803(b), 2804(b), Oct. 14, 2008, 122 Stat. 4720, 4721, added items 2835a and 2838.

2006—Pub. L. 109-364, div. B, title XXVIII, §2803(b), Oct. 17, 2006, 120 Stat. 2467, struck out item 2823 “Determination of availability of suitable alternative housing for acquisition in lieu of construction of new family housing”.

2000—Pub. L. 106-398, §1 [div. B, title XXVIII, §2803(a)(2)], Oct. 30, 2000, 114 Stat. 1654, 1654A-413, substituted “Military family housing: local comparability of room patterns and floor areas” for “Limitations on space by pay grade” in item 2826.

1994—Pub. L. 103-337, div. B, title XXVIII, §2803(b), Oct. 5, 1994, 108 Stat. 3053, added item 2837.

1991—Pub. L. 102-190, div. B, title XXVIII, §§2806(a)(2), 2809(a)(2), Dec. 5, 1991, 105 Stat. 1540, 1543, added items 2835 and 2836.

1985—Pub. L. 99-167, title VIII, §§804(b)(2), 808(b), Dec. 3, 1985, 99 Stat. 987, 989, added items 2833 and 2834.

§ 2821. Requirement for authorization of appropriations for construction and acquisition of military family housing

(a) Except as provided in subsection (b), funds may not be appropriated for the construction, acquisition, leasing, addition, extension, expansion, alteration, relocation, or operation and maintenance of family housing under the jurisdiction of the Department of Defense unless the appropriation of such funds has been authorized by law.

(b) In addition to the funds authorized to be appropriated by law in any fiscal year for the purposes described in subsection (a), there are authorized to be appropriated such additional

sums as may be necessary for increases in salary, pay, retirement, and other employee benefits authorized by law for civilian employees of the Department of Defense whose compensation is provided for by funds appropriated for the purposes described in such subsection.

(c) Amounts authorized by law for construction of military family housing units include amounts for (1) site preparation (including demolition), (2) installation of utilities, (3) ancillary supporting facilities, (4) shades, screens, ranges, refrigerators, and all other equipment and fixtures installed in such units, and (5) construction supervision, inspection, and overhead.

(d) Amounts authorized by law for construction and acquisition of military family housing and facilities include amounts for—

- (1) minor construction;
- (2) improvements to existing military family housing units and facilities;
- (3) relocation of military family housing units under section 2827 of this title; and
- (4) architectural and engineering services and construction design.

(Added Pub. L. 97-214, §2(a), July 12, 1982, 96 Stat. 157; amended Pub. L. 99-145, title XIII, §1303(a)(18), Nov. 8, 1985, 99 Stat. 739; Pub. L. 99-167, title VIII, §804(a), Dec. 3, 1985, 99 Stat. 987.)

AMENDMENTS

1985—Subsec. (b). Pub. L. 99-145 substituted “such subsection” for “such paragraph”.

Subsec. (d). Pub. L. 99-167 added subsec. (d).

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.

REPAIR AND MAINTENANCE OF FAMILY HOUSING UNITS

Pub. L. 114-113, div. J, title I, §119, Dec. 18, 2015, 129 Stat. 2681, provided that: “Notwithstanding any other provision of law, funds made available in this title [see Tables for classification] for operation and maintenance of family housing shall be the exclusive source of funds for repair and maintenance of all family housing units, including general or flag officer quarters: *Provided*, That not more than \$35,000 per unit may be spent annually for the maintenance and repair of any general or flag officer quarters without 30 days prior notification, or 14 days for a notification provided in an electronic medium pursuant to sections 480 and 2883 of title 10, United States Code, to the Committees on Appropriations of both Houses of Congress, except that an after-the-fact notification shall be submitted if the limitation is exceeded solely due to costs associated with environmental remediation that could not be reasonably anticipated at the time of the budget submission: *Provided further*, That the Under Secretary of Defense (Comptroller) is to report annually to the Committees on Appropriations of both Houses of Congress all operation and maintenance expenditures for each individual general or flag officer quarters for the prior fiscal year.”

Similar provisions were contained in the following prior appropriation acts:

Pub. L. 113-235, div. I, title I, §121, Dec. 16, 2014, 128 Stat. 2550.

Pub. L. 113-76, div. J, title I, §121, Jan. 17, 2014, 128 Stat. 445.

Pub. L. 113-6, div. E, title I, §121, Mar. 26, 2013, 127 Stat. 391.

Pub. L. 112-74, div. H, title I, §121, Dec. 23, 2011, 125 Stat. 1144.