

patterns and floor areas of similar housing in the private sector in that locality.

(b) REQUESTS FOR AUTHORITY FOR MILITARY FAMILY HOUSING.—(1) In submitting to Congress a request for authority to carry out the construction, acquisition, or improvement of military family housing, the Secretary concerned shall include in the request information on the net floor area of each unit of military family housing to be constructed, acquired, or improved under the authority.

(2) In this subsection, the term “net floor area”, in the case of a military family housing unit, means the total number of square feet of the floor space inside the exterior walls of the unit, excluding the floor area of an unfinished basement, an unfinished attic, a utility space, a garage, a carport, an open or insect-screened porch, a stairwell, and any space used for a solar-energy system.

(Added Pub. L. 97-214, §2(a), July 12, 1982, 96 Stat. 159; amended Pub. L. 100-26, §7(k)(3), Apr. 21, 1987, 101 Stat. 284; Pub. L. 102-190, div. B, title XXVIII, §2808, Dec. 5, 1991, 105 Stat. 1540; Pub. L. 104-106, div. B, title XXVIII, §§2814, 2815, Feb. 10, 1996, 110 Stat. 553; Pub. L. 104-201, div. A, title X, §1074(a)(17), Sept. 23, 1996, 110 Stat. 2659; Pub. L. 106-398, §1 [div. B, title XXVIII, §2803(a)(1)], Oct. 30, 2000, 114 Stat. 1654, 1654A-413.)

#### AMENDMENTS

2000—Pub. L. 106-398 amended section catchline and text generally. Prior to amendment, section consisted of subssecs. (a) to (i) which limited the net floor area allowed in the construction, acquisition, and improvement of military family housing units.

1996—Subsec. (e). Pub. L. 104-106, §2814, struck out at end “The authority provided by this subsection shall expire on September 30, 1994.”

Subsec. (i). Pub. L. 104-106, §2815, added subsec. (i).

Subsec. (i)(1). Pub. L. 104-201 substituted “February 10, 1996” for “the date of the enactment of the National Defense Authorization Act for Fiscal Year 1996”.

1991—Subsecs. (d) to (h). Pub. L. 102-190 added subssecs. (d) and (e) and redesignated former subssecs. (d) to (f) as (f) to (h), respectively.

1987—Subsec. (f). Pub. L. 100-26 inserted “the term” after “In this section.”

#### EFFECTIVE DATE OF 2000 AMENDMENT

Pub. L. 106-398, §1 [div. B, title XXVIII, §2803(b)], Oct. 30, 2000, 114 Stat. 1654, 1654A-413, provided that:

“(1) The amendments made by subsection (a) [amending this section] shall take effect on October 1, 2001, but the Secretary of Defense shall anticipate the requirements of section 2826 of title 10, United States Code, as added by such subsection, when preparing the budget request for new construction, acquisition, or improvement of military family housing for fiscal year 2002.

“(2) Section 2826 of title 10, United States Code, as in effect on September 30, 2001, shall continue to apply with respect to the construction, acquisition, or improvement of military family housing commenced on or before that date.”

#### 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.

### § 2827. Relocation of military family housing units

(a) Subject to subsection (b), the Secretary concerned may relocate existing military family

housing units from any location where the number of such units exceeds requirements for military family housing to any military installation where there is a housing shortage.

(b) A contract to carry out a relocation of military family housing units under subsection (a) may not be awarded until (1) the Secretary concerned has notified the appropriate committees of Congress of the proposed new locations of the housing units to be relocated and the estimated cost of and source of funds for the relocation, 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.

(Added Pub. L. 97-214, §2(a), July 12, 1982, 96 Stat. 160; amended Pub. L. 108-136, div. A, title X, §1031(a)(42), Nov. 24, 2003, 117 Stat. 1602.)

#### AMENDMENTS

2003—Subsec. (b)(2). Pub. L. 108-136 inserted before period at end “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”.

#### 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.

### CONVEYANCE TO INDIAN TRIBES OF RELOCATABLE MILITARY HOUSING UNITS AT MILITARY INSTALLATIONS IN THE UNITED STATES

Pub. L. 114-92, div. B, title XXVIII, §2805, Nov. 25, 2015, 129 Stat. 1171, provided that:

“(a) DEFINITIONS.—In this section:

“(1) EXECUTIVE DIRECTOR.—The term ‘Executive Director’ means the Executive Director of Walking Shield, Inc.

“(2) INDIAN TRIBE.—The term ‘Indian tribe’ means any Indian tribe included on the list published by the Secretary of the Interior under section 104 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a-1) [now 25 U.S.C. 5131].

“(b) REQUESTS FOR CONVEYANCE.—

“(1) IN GENERAL.—The Executive Director may submit to the Secretary of the military department concerned, on behalf of any Indian tribe, a request for conveyance of any relocatable military housing unit located at a military installation in the United States.

“(2) CONFLICTS.—The Executive Director shall resolve any conflict among requests of Indian tribes for housing units described in paragraph (1) before submitting a request to the Secretary of the military department concerned under this subsection.

“(c) CONVEYANCE BY A SECRETARY.—Notwithstanding any other provision of law, on receipt of a request under subsection (b)(1), the Secretary of the military department concerned may convey to the Indian tribe that is the subject of the request, at no cost to such military department and without consideration, any relocatable military housing unit described in subsection (b)(1) that, as determined by such Secretary, is in excess of the needs of the military.”

### § 2828. Leasing of military family housing

(a)(1) Subject to paragraph (2), the Secretary of the military department concerned may lease housing facilities at or near a military installation in the United States, Puerto Rico, or Guam for assignment, without rental charge, as family

housing to members of the armed forces and for assignment, with fair market rental charge, as family housing to civilian employees of the Department of Defense stationed at such installation.

(2) A lease may only be made under paragraph (1) if the Secretary concerned finds that there is a shortage of adequate housing at or near such military installation and that—

(A) the requirement for such housing is temporary;

(B) leasing would be more cost effective than construction or acquisition of new housing;

(C) family housing is required for personnel attending service school academic courses on permanent change of station orders;

(D) construction of family housing at such installation has been authorized by law but is not yet completed; or

(E) a military construction authorization bill pending in Congress includes a request for authorization of construction of family housing at such installation.

(b)(1) Not more than 10,000 family housing units may be leased at any one time under subsection (a).

(2) Except as provided in paragraphs (3), (4), and (7), expenditures for the rental of housing units under subsection (a) (including the cost of utilities, maintenance, and operation) may not exceed \$12,000 per unit per year, as adjusted from time to time under paragraph (5).

(3) Not more than 500 housing units may be leased under subsection (a) for which the expenditure for the rental of such units (including the cost of utilities, maintenance, and operation) exceeds the maximum amount per unit per year in effect under paragraph (2) but does not exceed \$14,000 per unit per year, as adjusted from time to time under paragraph (5).

(4)(A) The Secretary of the Army may lease not more than eight housing units in the vicinity of Miami, Florida, for key and essential personnel, as designated by the Secretary, for the United States Southern Command for which the expenditure for the rental of such units (including the cost of utilities, maintenance, and operation, including security enhancements) exceeds the expenditure limitations in paragraphs (2) and (3).

(B) The amount of all leases under this paragraph may not exceed \$280,000 per year, as adjusted from time to time under paragraph (6).

(C) The term of any lease under this paragraph may not exceed 5 years.

(D) Until September 30, 2008, the Secretary of the Army may authorize family members of a member of the armed forces on active duty who is assigned to a family-member-restricted area and who, before such assignment, was occupying a housing unit leased under this paragraph, to remain in the leased housing unit until the member completes the assignment. Costs incurred for the leased housing unit during the assignment shall be included in the costs subject to the limitation under subparagraph (B).

(5) At the beginning of each fiscal year, the Secretary concerned shall adjust the maximum lease amount provided for leases under paragraphs (2), (3), and (7) for the previous fiscal year by the percentage (if any) by which the national

average monthly cost of housing (as calculated for purposes of determining rates of basic allowance for housing under section 403 of title 37) for the preceding fiscal year exceeds the national average monthly cost of housing (as so calculated) for the fiscal year before such preceding fiscal year.

(6) At the beginning of each fiscal year, the Secretary of the Army shall adjust the maximum aggregate amount for leases under paragraph (4) for the previous fiscal year by the percentage (if any) by which the annual average cost of housing for the Miami Military Housing Area (as calculated for purposes of determining rates of basic allowance for housing under section 403 of title 37) for the preceding fiscal year exceeds the annual average cost of housing for the Miami Military Housing Area (as so calculated) for the fiscal year before such preceding fiscal year.

(7)(A) Not more than 600 housing units may be leased by the Secretary of the Army under subsection (a) for which the expenditure for the rental of such units (including the cost of utilities, maintenance, and operation) exceeds the maximum amount per unit per year in effect under paragraph (2) but does not exceed \$35,000 per unit per year, as adjusted from time to time under paragraph (5).

(B) The maximum lease amount provided in subparagraph (A) shall apply only to Army family housing in areas designated by the Secretary of the Army.

(C) The term of a lease under subparagraph (A) may not exceed 2 years.

(c) The Secretary concerned may lease housing facilities in foreign countries for assignment, without rental charge, as family housing to members of the armed forces and for assignment, with or without rental charge, as family housing to civilian employees of the Department of Defense—

(1) under circumstances specified in clause (A), (B), (D), or (E) of subsection (a)(2);

(2) for incumbents of special command positions (as determined by the Secretary of Defense);

(3) in countries where excessive costs of housing or other lease terms would cause undue hardship on Department of Defense personnel; and

(4) in countries that prohibit leases by individual military or civilian personnel of the United States.

(d)(1) Leases of housing units in foreign countries under subsection (c) for assignment as family housing may be for any period not in excess of 10 years, or 15 years in the case of leases in Korea, and the costs of such leases for any year may be paid out of annual appropriations for that year.

(2) The Secretary may enter into an agreement under this paragraph in connection with a lease entered into under subsection (c). Such an agreement—

(A) shall be for the purpose of compensating a developer for any costs resulting from the termination of the lease during the construction of the housing units that are to be occupied pursuant to the lease;

(B) may be for a period not in excess of three years; and

(C) shall include a provision that the obligation of the United States to make payments under the agreement in any fiscal year is subject to the availability of appropriations.

(e)(1) Expenditures for the rental of family housing in foreign countries (including the costs of utilities, maintenance, and operation) may not exceed \$20,000 per unit per year, except that 450 units may be leased in foreign countries for not more than \$25,000 per unit per year. These maximum lease amounts may be waived by the Secretary concerned with respect to not more than a total of 350 such units that are leased for incumbents of special positions or for personnel assigned to Defense Attache Offices or that are leased in countries where excessive costs of housing would cause undue hardship on Department of Defense personnel.

(2) In addition to the 450 units of family housing referred to in paragraph (1) for which the maximum lease amount is \$25,000 per unit per year, the Secretaries of the military departments may lease not more than 3,300 units of family housing in Italy, subject to that maximum lease amount.

(3) In addition to the 450 units of family housing referred to in paragraph (1) for which the maximum lease amount is \$25,000 per unit per year, the Secretary of the Army may lease not more than 1,175 units of family housing in Korea subject to that maximum lease amount.

(4) In addition to the units of family housing referred to in paragraph (1) for which the maximum lease amount is \$25,000 per unit per year, the Secretary of the Army may lease not more than 2,800 units of family housing in Korea subject to a maximum lease amount of \$35,000 per unit per year.

(5) The Secretary concerned shall adjust the maximum lease amounts provided for under paragraphs (1), (2), (3), and (4) for the previous fiscal year—

(A) for foreign currency fluctuations from October 1, 1987; and

(B) at the beginning of each fiscal year, by the percentage (if any) by which the Consumer Price Index for All Urban Consumers, published by the Bureau of Labor Statistics, during the preceding fiscal year exceeds such Consumer Price Index for the fiscal year before such preceding fiscal year.

(6) The maximum number of family housing units that may be leased in foreign countries under this section at any one time is 55,775.

(f) A lease for family housing facilities, or for real property related to family housing facilities, in a foreign country for which the average estimated annual rental during the term of the lease exceeds \$1,000,000 may not be made under this section until (1) the Secretary concerned provides to the appropriate committees of Congress written notification of the facts concerning the proposed lease, and (2) a period of 21 days elapses after the notification is received by those committees or, if earlier, a period of 14 days has elapsed from the date on which a copy of the notification is provided in an electronic medium pursuant to section 480 of this title.

(g) Appropriations available to the Department of Defense for maintenance or construc-

tion may be used for the acquisition of interests in land under this section.

(Added Pub. L. 97-214, §2(a), July 12, 1982, 96 Stat. 161; amended Pub. L. 97-321, title VIII, §805(b)(2), Oct. 15, 1982, 96 Stat. 1573; Pub. L. 98-115, title VIII, §801, Oct. 11, 1983, 97 Stat. 782; Pub. L. 98-407, title VIII, §806(a), Aug. 28, 1984, 98 Stat. 1521; Pub. L. 99-167, title VIII, §§801(b), 803, 805, Dec. 3, 1985, 99 Stat. 985, 987, 988; Pub. L. 99-661, div. B, title VII, §§2702(d)-(g), 2713(b), 2714, Nov. 14, 1986, 100 Stat. 4040-4042; Pub. L. 100-26, §7(j)(8), Apr. 21, 1987, 101 Stat. 283; Pub. L. 100-180, div. B, subdiv. 3, title I, §§2306(a), 2309, 2311, Dec. 4, 1987, 101 Stat. 1216, 1217; Pub. L. 100-370, §1(i)(2), July 19, 1988, 102 Stat. 849; Pub. L. 100-456, div. B, title XXVIII, §2802, Sept. 29, 1988, 102 Stat. 2115; Pub. L. 101-189, div. B, title XXVIII, §§2802, 2805, Nov. 29, 1989, 103 Stat. 1646, 1647; Pub. L. 102-190, div. B, title XXVIII, §2806(b), Dec. 5, 1991, 105 Stat. 1540; Pub. L. 103-35, title II, §201(d)(7), May 31, 1993, 107 Stat. 99; Pub. L. 103-160, div. B, title XXVIII, §2801, Nov. 30, 1993, 107 Stat. 1883; Pub. L. 104-106, div. B, title XXVIII, §2816, Feb. 10, 1996, 110 Stat. 553; Pub. L. 105-85, div. B, title XXVIII, §2803, Nov. 18, 1997, 111 Stat. 1990; Pub. L. 105-261, div. B, title XXVIII, §2802, Oct. 17, 1998, 112 Stat. 2202; Pub. L. 106-398, §1 [div. B, title XXVIII, §2804], Oct. 30, 2000, 114 Stat. 1654, 1654A-414; Pub. L. 107-314, div. A, title X, §1062(a)(15), div. B, title XXVIII, §2801, Dec. 2, 2002, 116 Stat. 2650, 2702; Pub. L. 108-136, div. B, title XXVIII, §§2803, 2804(a), Nov. 24, 2003, 117 Stat. 1719; Pub. L. 109-163, div. B, title XXVIII, §2802, Jan. 6, 2006, 119 Stat. 3505; Pub. L. 109-364, div. B, title XXVIII, §2804, Oct. 17, 2006, 120 Stat. 2467; Pub. L. 110-181, div. B, title XXVIII, §2806(a)-(c), Jan. 28, 2008, 122 Stat. 540, 541; Pub. L. 110-417, div. B, title XXVIII, §2802, Oct. 14, 2008, 122 Stat. 4719; Pub. L. 111-383, div. B, title XXVIII, §2803(d), Jan. 7, 2011, 124 Stat. 4459.)

#### HISTORICAL AND REVISION NOTES

##### 1988 ACT

Subsection (h) of this section and section 2673 of this title are based on Pub. L. 98-212, title VII, §707, Dec. 8, 1983, 97 Stat. 1438.

##### AMENDMENTS

2011—Subsec. (f)(2). Pub. L. 111-383 inserted before period at end “or, if earlier, a period of 14 days has elapsed from the date on which a copy of the notification is provided in an electronic medium pursuant to section 480 of this title”.

2008—Subsec. (b)(2). Pub. L. 110-181, §2806(a)(1), substituted “paragraphs (3), (4), and (7)” for “paragraphs (3) and (4)”.

Subsec. (b)(5). Pub. L. 110-181, §2806(a)(2), substituted “paragraphs (2), (3), and (7)” for “paragraphs (2) and (3)”.

Subsec. (b)(7). Pub. L. 110-181, §2806(a)(3), added par. (7).

Subsec. (b)(7)(A). Pub. L. 110-417 substituted “\$35,000 per unit” for “\$18,620 per unit”.

Subsec. (e)(2). Pub. L. 110-181, §2806(b), substituted “the Secretaries of the military departments may lease not more than 3,300 units of family housing in Italy” for “the Secretary of the Navy may lease not more than 2,800 units of family housing in Italy, and the Secretary of the Army may lease not more than 500 units of family housing in Italy”.

Subsec. (f). Pub. L. 110-181, §2806(c), substituted “\$1,000,000” for “\$500,000”.

2006—Subsec. (b)(4)(D). Pub. L. 109-364 added subpar. (D).

Subsec. (e)(4). Pub. L. 109-163 substituted “2,800” for “2,400”.

2003—Subsec. (d)(1). Pub. L. 108-136, §2804(a), substituted “10 years, or 15 years in the case of leases in Korea,” for “ten years.”

Subsec. (e)(2). Pub. L. 108-136, §2803, substituted “2,800” for “2,000”.

2002—Subsec. (b)(2). Pub. L. 107-314, §1062(a)(15), inserted “time” after “from time to”.

Subsec. (e)(3). Pub. L. 107-314, §2801(a), substituted “1,175 units” for “800 units”.

Subsec. (e)(4). Pub. L. 107-314, §2801(b)(2), added par. (4). Former par. (4) redesignated (5).

Subsec. (e)(5). Pub. L. 107-314, §2801(b)(1), (3), redesignated par. (4) as (5) and substituted “(3), and (4)” for “and (3)” in introductory provisions. Former par. (5) redesignated (6).

Subsec. (e)(6). Pub. L. 107-314, §2801(b)(1), (4), redesignated par. (5) as (6) and substituted “55,775” for “53,000”.

2000—Subsec. (b)(2). Pub. L. 106-398, §1 [div. B, title XXVIII, §2804(c)(1)], inserted “, as adjusted from time to under paragraph (5)” after “per year”.

Subsec. (b)(3). Pub. L. 106-398, §1 [div. B, title XXVIII, §2804(c)(2)], substituted “the maximum amount per unit per year in effect under paragraph (2) but does not exceed \$14,000 per unit per year, as adjusted from time to time under paragraph (5)” for “\$12,000 per unit per year but does not exceed \$14,000 per unit per year”.

Subsec. (b)(4). Pub. L. 106-398, §1 [div. B, title XXVIII, §2804(a)], designated existing provisions as subpar. (A), struck out last sentence which read as follows: “The total amount for all leases under this paragraph may not exceed \$280,000 per year, and no lease on any individual housing unit may exceed \$60,000 per year.”, and added subpars. (B) and (C).

Subsec. (b)(5), (6). Pub. L. 106-398, §1 [div. B, title XXVIII, §2804(b)], added pars. (5) and (6) and struck out former par. (5) which read as follows: “At the beginning of each fiscal year, the Secretary concerned shall adjust the maximum lease amount provided for under paragraphs (2), (3), and (4) for the previous fiscal year by the percentage (if any) by which the Consumer Price Index for All Urban Consumers, published by the Bureau of Labor Statistics, during the preceding fiscal year exceeds such Consumer Price Index for the fiscal year before such preceding fiscal year.”

1998—Subsec. (e)(2). Pub. L. 105-261, §2802(a)(1), inserted “, and the Secretary of the Army may lease not more than 500 units of family housing in Italy,” after “family housing in Italy”.

Subsec. (e)(3). Pub. L. 105-261, §2802(a)(3), added par. (3). Former par. (3) redesignated (4).

Subsec. (e)(4). Pub. L. 105-261, §2802(b), substituted “, (2), and (3)” for “and (2)”.

Pub. L. 105-261, §2802(a)(2), redesignated par. (3) as (4). Former par. (4) redesignated (5).

Subsec. (e)(5). Pub. L. 105-261, §2802(a)(2), redesignated par. (4) as (5).

1997—Subsec. (b)(2). Pub. L. 105-85, §2803(a)(1), substituted “paragraphs (3) and (4)” for “paragraph (3)”.

Subsec. (b)(4). Pub. L. 105-85, §2803(a)(3), added par. (4). Former par. (4) redesignated (5).

Subsec. (b)(5). Pub. L. 105-85, §2803(b), substituted “paragraphs (2), (3), and (4)” for “paragraphs (2) and (3)”.

Pub. L. 105-85, §2803(a)(2), redesignated par. (4) as (5).

1996—Subsec. (e)(1). Pub. L. 104-106, §2816(1), substituted “450 units” for “300 units” in first sentence and “350 such units” for “220 such units” in second sentence.

Subsec. (e)(2). Pub. L. 104-106, §2816(2), substituted “450 units” for “300 units”.

1993—Subsec. (b)(2), (3). Pub. L. 103-35 substituted “per year” for “per annum” in par. (2) and in two places in par. (3).

Subsec. (b)(4). Pub. L. 103-160, §2801(a), added par. (4).

Subsec. (e)(1). Pub. L. 103-160, §2801(b)(1), (2), substituted “, except that 300 units may be leased in for-

eight countries for not more than \$25,000 per unit per year” for “as adjusted for foreign currency fluctuation from October 1, 1987” in first sentence and “These maximum lease amounts” for “That maximum lease amount” in second sentence.

Pub. L. 103-35 substituted “per year” for “per annum”.

Subsec. (e)(2) to (4). Pub. L. 103-160, §2801(b)(3), (4), added pars. (2) and (3) and redesignated former par. (2) as (4).

1991—Subsecs. (g), (h). Pub. L. 102-190 redesignated subsec. (h) as (g) and struck out former subsec. (g) which authorized contracts for lease of family housing units on or near military installations at which there is a validated deficit in family housing. See section 2835 of this title.

1989—Subsec. (b)(2). Pub. L. 101-189, §2802(1), substituted “\$12,000” for “\$10,000”.

Subsec. (b)(3). Pub. L. 101-189, §2802(2), substituted “Not” for “(A) Except as provided in subparagraph (B), not”, “\$12,000” for “\$10,000”, and “\$14,000” for “\$12,000” and struck out subpar. (B) which read as follows: “During fiscal years 1986 and 1987, the number of housing units that may be leased pursuant to the provisions of subparagraph (A) may be increased by 500 units for each such fiscal year. The Secretary concerned shall provide written notification to the Committees on Armed Services of the Senate and House of Representatives concerning the location, purpose, and cost of the additional units permitted by this subparagraph. Such notification shall be made periodically as the leases are entered into.”

Subsec. (e)(1). Pub. L. 101-189, §2802(3), inserted “as adjusted for foreign currency fluctuation from October 1, 1987” after “\$20,000 per unit per annum”.

Subsec. (e)(2). Pub. L. 101-189, §2802(4), substituted “53,000” for “38,000”.

Subsec. (g)(7). Pub. L. 101-189, §2805(1), added par. (7) and struck out former par. (7) which provided that this subsection could only be implemented by a pilot program, and that in carrying out such program, the Secretary of each military department or the Secretary of Transportation with respect to the Coast Guard, could not enter into more than two contracts under this subsection, and any such contract could not be for more than 300 family housing units.

Subsec. (g)(8). Pub. L. 101-189, §2805, redesignated par. (9) as (8), substituted “1991” for “1989”, and struck out former par. (8) which authorized the Secretaries of the military departments and the Secretary of Transportation to enter into contracts for family housing units in addition to those authorized in par. (7).

Subsec. (g)(9), (10). Pub. L. 101-189, §2805(2), redesignated par. (10) as (9). Former par. (9) redesignated (8).

1988—Subsec. (e)(2). Pub. L. 100-456 substituted “38,000” for “36,000”.

Subsec. (h). Pub. L. 100-370 added subsec. (h).

1987—Subsec. (a)(1). Pub. L. 100-26 substituted “armed forces” for “Armed Forces”.

Subsec. (b)(2). Pub. L. 100-180, §2309(b)(1), inserted “per unit per annum” after “\$10,000”.

Subsec. (b)(3)(A). Pub. L. 100-180, §2309(b)(2), substituted “\$10,000 per unit per annum but does not exceed \$12,000 per unit per annum” for “\$10,000 but does not exceed \$12,000”.

Subsec. (c). Pub. L. 100-26 substituted “armed forces” for “Armed Forces”.

Subsec. (e)(1). Pub. L. 100-180, §2309(a)(1), substituted “\$20,000 per unit per annum” for “\$16,800”.

Subsec. (e)(2). Pub. L. 100-180, §2309(a)(2), substituted “36,000” for “32,000”.

Subsec. (f). Pub. L. 100-180, §2311, substituted “\$500,000” for “\$250,000”.

Subsec. (g)(1). Pub. L. 100-180, §2306(a)(1), inserted “, or the Secretary of Transportation with respect to the Coast Guard,” after “military department” and “or rehabilitated to residential use” after “constructed”.

Subsec. (g)(7)(A). Pub. L. 100-180, §2306(a)(2), inserted “, or the Secretary of Transportation with respect to the Coast Guard,” after “military department”.

Subsec. (g)(8)(C). Pub. L. 100-180, §2306(a)(3), added subpar. (C).

Subsec. (g)(9). Pub. L. 100-180, §2306(a)(4), substituted "1989" for "1988".

1986—Subsec. (b)(2). Pub. L. 99-661, §2702(d)(1), substituted "\$10,000" for "the amount specified by law as the maximum annual domestic family housing unit lease amount".

Subsec. (b)(3)(A). Pub. L. 99-661, §2702(d)(2), substituted "\$10,000 but does not exceed \$12,000" for "the maximum annual domestic family housing unit lease amount but does not exceed 120 percent of that amount".

Subsec. (e)(1). Pub. L. 99-661, §2714, substituted "200" for "200".

Pub. L. 99-661, §2702(e), substituted "\$16,800" for "the amount specified by law as the maximum annual foreign family housing unit lease amount".

Subsec. (e)(2). Pub. L. 99-661, §2702(f), substituted "is 32,000" for "shall be specified by law".

Subsec. (f). Pub. L. 99-661, §2702(g), substituted "\$250,000" for "the amount specified by law for such purpose".

Subsec. (g)(8)(B). Pub. L. 99-661, §2713(b)(1), substituted "1,600" for "600".

Subsec. (g)(9). Pub. L. 99-661, §2713(b)(2), substituted "September 30, 1988" for "September 30, 1986".

Subsec. (g)(10). Pub. L. 99-661, §2713(b)(3), added par. (10).

1985—Subsec. (b)(3). Pub. L. 99-167, §805, designated existing provisions as subpar. (A), substituted "Except as provided in subparagraph (B), not" for "Not", and added subpar. (B).

Subsec. (d). Pub. L. 99-167, §803, designated existing provisions as par. (1) and added par. (2).

Subsec. (g)(8). Pub. L. 99-167, §801(b)(2), designated existing provisions as subpar. (A) and added subpar. (B).

Subsec. (g)(9). Pub. L. 99-167, §801(b)(1), substituted "September 30, 1986" for "October 1, 1985".

1984—Subsec. (g)(8), (9). Pub. L. 98-407 added par. (8) and redesignated former par. (8) as (9).

1983—Subsec. (g). Pub. L. 98-115 added subsec. (g).

1982—Subsec. (e)(1). Pub. L. 97-321 inserted "the" after "may be waived by" in second sentence.

#### EFFECTIVE DATE OF 1991 AMENDMENT

Pub. L. 102-190, div. B, title XXVIII, §2806(c), Dec. 5, 1991, 105 Stat. 1540, provided that: "Section 2835 of title 10, United States Code, as added by subsection (a), shall apply with respect to contracts entered into under that section on or after the date of the enactment of this Act [Dec. 5, 1991]. The amendment made by subsection (b)(1) [amending this section] shall not affect the validity of any contract entered into before that date under section 2828(g) of such title, as in effect on the day before that date."

#### EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by Pub. L. 100-456 effective Oct. 1, 1988, see section 2702 of Pub. L. 100-456, set out as a note under section 2391 of this title.

#### EFFECTIVE DATE OF 1984 AMENDMENT

Pub. L. 98-407, title VIII, §806(c), Aug. 28, 1984, 98 Stat. 1521, provided that: "The amendments made by this section [amending this section and provisions set out as a note under section 2821 of this title] shall take effect on October 1, 1984."

#### 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.

### § 2829. Multi-year contracts for supplies and services

The Secretary concerned may make contracts for periods of up to four years for supplies and

services for the management, maintenance, and operation of military family housing and may pay the costs of such contracts for each year out of annual appropriations for that year.

(Added Pub. L. 97-214, §2(a), July 12, 1982, 96 Stat. 162.)

#### 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.

### § 2830. Occupancy of substandard family housing units

(a)(1) A member of the uniformed services with dependents may, without loss of the member's basic allowance for housing under section 403 of title 37, occupy a substandard family housing unit under the jurisdiction of the Secretary concerned.

(2) Occupancy of a family housing unit under paragraph (1) shall be subject to a charge against the member's basic allowance for housing in the amount of the fair rental value of the housing unit. However, such a charge may not be made in an amount in excess of 75 percent of the amount of such allowance.

(b)(1) The Secretary concerned may lease substandard family housing units to members of any of the uniformed services for occupancy by such members.

(2) The authority to enter into leases under paragraph (1) shall be exercised—

(A) in the case of a lease by the Secretary of a military department, subject to regulations prescribed by the Secretary of Defense; and

(B) in the case of a lease by the Secretary of Homeland Security with respect to the Coast Guard when it is not operating as a service in the Navy, subject to regulations prescribed by that Secretary.

(Added Pub. L. 97-214, §2(a), July 12, 1982, 96 Stat. 162; amended Pub. L. 99-348, title III, §304(a)(4), July 1, 1986, 100 Stat. 703; Pub. L. 100-180, div. A, title VI, §632(a), Dec. 4, 1987, 101 Stat. 1105; Pub. L. 105-85, div. A, title VI, §603(d)(2)(B), Nov. 18, 1997, 111 Stat. 1782; Pub. L. 107-296, title XVII, §1704(b)(1), Nov. 25, 2002, 116 Stat. 2314.)

#### AMENDMENTS

2002—Subsec. (b)(2)(B). Pub. L. 107-296 substituted "of Homeland Security" for "of Transportation".

1997—Subsec. (a)(1). Pub. L. 105-85, §603(d)(2)(B)(i), substituted "basic allowance for housing under section 403 of title 37" for "basic allowance for quarters".

Subsec. (a)(2). Pub. L. 105-85, §603(d)(2)(B)(ii), substituted "basic allowance for housing" for "basic allowance for quarters".

1987—Subsec. (a)(1). Pub. L. 100-180, §632(a)(1), substituted "Secretary concerned" for "Secretary of a military department".

Subsec. (b). Pub. L. 100-180, §632(a)(2), (3), designated existing provisions as par. (1), substituted "The Secretary concerned" for "Subject to regulations prescribed by the Secretary of Defense, the Secretary of a military department", and added par. (2).

1986—Subsec. (c). Pub. L. 99-348 struck out subsec. (c) which defined "uniformed services" in this section to mean the armed forces and the commissioned corps of the Public Health Service and of the National Oceanic and Atmospheric Administration. See section 101 of this title.