

parcel of real property, including any improvements thereon under their control, or to carry out a land acquisition” for “to any person who agrees, in exchange for the real property, to carry out a land acquisition”.

Subsecs. (f) to (h). Pub. L. 112-81, §2815(b), redesignated subsecs. (g) and (h) as (f) and (g), respectively, and struck out former subsec. (f), which provided that authority to enter into an agreement under this section would expire on September 30, 2013.

2009—Pub. L. 111-84, §2804(d)(1), amended section catchline generally. Prior to amendment, catchline read as follows: “Conveyance of property at military installations to support military construction or limit encroachment”.

Subsec. (a)(1). Pub. L. 111-84, §2804(a)(1)(A), struck out subpar. (A) designation before “to carry out”, substituted “real property,” for “real property—”, “to carry out a land acquisition” for “to carry out a military construction project or land acquisition”, and a period for “; or”, and struck out subpar. (B) which read as follows: “to transfer to the Secretary concerned housing that is constructed or provided by the person and located at or near a military installation at which there is a shortage of suitable military family housing, military unaccompanied housing, or both.”

Subsec. (a)(3). Pub. L. 111-84, §2804(a)(1)(B), struck out par. (3) which read as follows: “Subparagraph (B) of paragraph (2) shall apply only during the period beginning on the date of the enactment of the John Warner National Defense Authorization Act for Fiscal Year 2007 and ending on September 30, 2008. Any conveyance of real property described in such subparagraph for which the Secretary concerned has provided the advance public notice required by subsection (d)(1) before the expiration date may be completed after that date.”

Subsec. (b). Pub. L. 111-84, §2804(a)(2), substituted “fair market value of the land” for “fair market value of the military construction, military family housing, or military unaccompanied housing” in two places.

Subsec. (c). Pub. L. 111-84, §2804(a)(3), added subsec. (c) and struck out former subsec. (c) which related to pilot program for use of conveyance authority.

Subsec. (d)(2)(A)(ii), (iii). Pub. L. 111-84, §2804(a)(4), substituted “land acquisition” for “military construction project, land acquisition, military family housing, or military unaccompanied housing”.

Subsec. (e). Pub. L. 111-84, §2804(b), designated par. (3) as entire subsec., substituted “The Secretary concerned shall deposit funds received under subsection (b) in the appropriation ‘Foreign Currency Fluctuations, Construction, Defense’. The funds deposited shall be available” for “The funds deposited under paragraph (2) shall be available”, and struck out pars. (1) and (2), which read as follows:

“(1) Except as provided in paragraph (2), the Secretary concerned may deposit funds received under subsection (b) in the Department of Defense housing funds established under section 2883(a) of this title.

“(2) During the period specified in paragraph (3) of subsection (a), the Secretary concerned shall deposit funds received under subsection (b) in the appropriation ‘Foreign Currency Fluctuations, Construction, Defense’.”

Subsec. (f). Pub. L. 111-84, §2804(c), amended subsec. (f) generally. Prior to amendment, subsec. (f) related to annual reports on conveyances and effect of failure to submit report.

2006—Pub. L. 109-364, §2811(f)(1), substituted “to support military construction or limit encroachment” for “closed or realigned to support military construction” in section catchline.

Subsec. (a). Pub. L. 109-364, §2811(a), (b), designated existing provisions as par. (1), in introductory provisions substituted “described in paragraph (2)” for “located on a military installation that is closed or realigned under a base closure law”, redesignated former pars. (1) and (2) as subpars. (A) and (B), respectively, in subpar. (A) substituted “land acquisition, including the acquisition of all right, title, and interest or a lesser interest in real property under an agreement entered

into under section 2684a of this title to limit encroachments and other constraints on military training, testing, and operations” for “land acquisition”, and added pars. (2) and (3).

Subsec. (d)(1). Pub. L. 109-364, §2811(c)(1), substituted “is proposed for conveyance” for “closed or realigned under the base closure laws is to be conveyed”.

Subsec. (d)(2), (3). Pub. L. 109-364, §2811(c)(2), added pars. (2) and (3) and struck out former par. (2) which read as follows: “The Secretary concerned may not enter into an agreement under subsection (a) for the conveyance of real property until—

“(A) the Secretary submits to Congress notice of the conveyance, including the military construction activities, military family housing, or military unaccompanied housing to be obtained in exchange for the conveyance; and

“(B) a period of 14 days expires beginning on the date on which the notice is submitted.”

Subsec. (e). Pub. L. 109-364, §2811(d), amended heading and text of subsec. (e) generally. Prior to amendment, text read as follows: “The Secretary concerned may deposit funds received under subsection (b) in the Department of Defense housing funds established under section 2883(a) of this title.”

Subsec. (f). Pub. L. 109-364, §2811(e), in heading substituted “Annual Reports; Effect of Failure to Submit” for “Annual Report”, designated existing provisions as par. (1), in introductory provisions substituted “Not later than March 15 of each year, the Secretary of Defense shall submit to Congress a report detailing the following:” for “In the budget materials submitted to Congress in connection with the submission of the budget for a fiscal year pursuant to section 1105 of title 31, the Secretary of Defense shall include a report detailing the following:”, redesignated former pars. (1) to (3) as subpars. (A) to (C), respectively, in subpar. (C) inserted “and of excess real property at military installations” before period at end, and added par. (2).

**SUBCHAPTER IV—ALTERNATIVE AUTHORITY FOR ACQUISITION AND IMPROVEMENT OF MILITARY HOUSING**

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**AMENDMENTS**

2017—Pub. L. 115-91, div. B, title XXVIII, §2817(a)(2), Dec. 12, 2017, 131 Stat. 1852, which directed amendment of the analysis at the beginning of this chapter by adding item 2879, was executed in the analysis for this subchapter to reflect the probable intent of Congress.

Pub. L. 115-91, div. A, title VI, § 602(b), Dec. 12, 2017, 131 Stat. 1418, added item 2886.

2008—Pub. L. 110-417, div. B, title XXVIII, § 2805(a)(2), (e)(2), Oct. 14, 2008, 122 Stat. 4722, 4724, added items 2882 and 2885 and struck out former item 2882 “Assignment of members of the armed forces to housing units”.

2004—Pub. L. 108-375, div. B, title XXVIII, § 2805(b)(2), Oct. 28, 2004, 118 Stat. 2122, struck out item 2885 “Expiration of authority”.

2002—Pub. L. 107-314, div. B, title XXVIII, §§ 2802(b)(3), (c)(2), 2803(a)(2), Dec. 2, 2002, 116 Stat. 2703, 2705, struck out “to be constructed” after “Leasing of housing” in item 2874, struck out item 2879 “Interim leases”, and added item 2881a.

2001—Pub. L. 107-107, div. B, title XXVIII, § 2804(b), Dec. 28, 2001, 115 Stat. 1306, added item 2883a.

2000—Pub. L. 106-398, § 1 [div. B, title XXVIII, § 2805(b)], Oct. 30, 2000, 114 Stat. 1654, 1654A-415, added item 2872a.

1999—Pub. L. 106-65, div. B, title XXVIII, § 2803(h)(2), Oct. 5, 1999, 113 Stat. 849, added item 2875 and struck out former item 2875 “Investments in nongovernmental entities”.

### § 2871. Definitions

In this subchapter:

(1) The term “ancillary supporting facilities” means facilities related to military housing units, including facilities to provide or support elementary or secondary education, child care centers, day care centers, child development centers, tot lots, community centers, housing offices, dining facilities, unit offices, and other similar facilities for the support of military housing.

(2) The term “child development center” includes a facility, and the utilities to support such facility, the function of which is to support the daily care of children aged six weeks old through five years old for full-day, part-day, and hourly service.

(3) The term “construction” means the construction of military housing units and ancillary supporting facilities or the improvement or rehabilitation of existing units or ancillary supporting facilities.

(4) The term “contract” includes any contract, lease, or other agreement entered into under the authority of this subchapter.

(5) The term “eligible entity” means any private person, corporation, firm, partnership, company, State or local government, or housing authority of a State or local government that is prepared to enter into a contract as a partner with the Secretary concerned for the construction of military housing units and ancillary supporting facilities.

(6) The term “Fund” means the Department of Defense Family Housing Improvement Fund or the Department of Defense Military Unaccompanied Housing Improvement Fund established under section 2883(a) of this title.

(7) The term “military unaccompanied housing” means military housing intended to be occupied by members of the armed forces serving a tour of duty unaccompanied by dependents and transient housing intended to be occupied by members of the armed forces on temporary duty.

(8) The term “United States” includes the Commonwealth of Puerto Rico.

(Added Pub. L. 104-106, div. B, title XXVIII, § 2801(a)(1), Feb. 10, 1996, 110 Stat. 544; amended

Pub. L. 105-261, div. B, title XXVIII, § 2803, Oct. 17, 1998, 112 Stat. 2202; Pub. L. 106-65, div. B, title XXVIII, § 2803(a), Oct. 5, 1999, 113 Stat. 848; Pub. L. 107-314, div. B, title XXVIII, § 2803(b), Dec. 2, 2002, 116 Stat. 2705; Pub. L. 108-136, div. A, title X, § 1043(c)(6), Nov. 24, 2003, 117 Stat. 1612; Pub. L. 109-163, div. B, title XXVIII, § 2805(b), Jan. 6, 2006, 119 Stat. 3507; Pub. L. 110-417, div. B, title XXVIII, § 2805(c), Oct. 14, 2008, 122 Stat. 4723.)

#### AMENDMENTS

2008—Par. (5). Pub. L. 110-417 inserted before period at end “that is prepared to enter into a contract as a partner with the Secretary concerned for the construction of military housing units and ancillary supporting facilities”.

2006—Par. (1). Pub. L. 109-163, § 2805(b)(1), inserted “child development centers,” after “day care centers,”.

Par. (2). Pub. L. 109-163, § 2805(b)(2), added par. (2).

2003—Par. (2). Pub. L. 108-136 struck out par. (2) which read as follows: “The term ‘base closure law’ means the following:

“(A) Section 2687 of this title.

“(B) Title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note).

“(C) The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note).”

2002—Par. (7). Pub. L. 107-314 inserted “and transient housing intended to be occupied by members of the armed forces on temporary duty” before period at end.

1999—Pars. (5) to (8). Pub. L. 106-65 added par. (5) and redesignated former pars. (5) to (7) as (6) to (8), respectively.

1998—Par. (1). Pub. L. 105-261 inserted “facilities to provide or support elementary or secondary education,” after “including”.

### § 2872. General authority

In addition to any other authority provided under this chapter for the acquisition or construction of military family housing or military unaccompanied housing, the Secretary concerned may exercise any authority or any combination of authorities provided under this subchapter in order to provide for the acquisition or construction by eligible entities of the following:

(1) Family housing units on or near military installations within the United States and its territories and possessions.

(2) Military unaccompanied housing units on or near such military installations.

(Added Pub. L. 104-106, div. B, title XXVIII, § 2801(a)(1), Feb. 10, 1996, 110 Stat. 545; amended Pub. L. 106-65, div. B, title XXVIII, § 2803(b), Oct. 5, 1999, 113 Stat. 849.)

#### AMENDMENTS

1999—Pub. L. 106-65 substituted “eligible entities” for “private persons” in introductory provisions.

### § 2872a. Utilities and services

(a) **AUTHORITY TO FURNISH.**—The Secretary concerned may furnish utilities and services referred to in subsection (b) in connection with any military housing acquired or constructed pursuant to the exercise of any authority or combination of authorities under this subchapter if the military housing is located on a military installation.

(b) **COVERED UTILITIES AND SERVICES.**—The utilities and services that may be furnished under subsection (a) are the following: