

the contract is entered into on or after September 1, 2018.

(b) **RETROFITTING OR REPLACING EXISTING WINDOWS.**—

(1) **PROGRAM TO RETROFIT EXISTING WINDOWS.**—The Secretary concerned shall carry out a program under which, in military family housing units acquired or constructed under this chapter which are not subject to the requirements of subsection (a), windows which are described in subsection (c), including windows designed for emergency escape or rescue, are retrofitted to be equipped with fall prevention devices described in paragraph (1) of subsection (a) or are replaced with windows which are equipped with fall prevention devices described in such paragraph.

(2) **GRANTS.**—The Secretary concerned may carry out the program under this subsection by making grants to private entities to retrofit or replace existing windows, in accordance with such criteria as the Secretary may establish by regulation.

(3) **USE OF OPERATIONS FUNDING.**—The Secretary may carry out the program under this subsection during a fiscal year with amounts made available to the Secretary for family housing operations for such fiscal year.

(c) **WINDOWS DESCRIBED.**—A window is described in this subsection if the bottom sill of the window is within 24 inches of the floor, as measured in the interior of the unit, and is more than 72 inches above the ground, as measured on the exterior grade of the building.

(d) **RECORD OF INCIDENTS; ANNUAL REPORT.**—The Secretary concerned shall keep a record of each incident (as defined in Department of Defense Instruction 6055.7 series) in which a minor child is injured or killed as the result of an unintentional window fall in a military family housing unit. Not later than 90 days after the end of each calendar year (beginning with 2017), the Secretary of Defense shall submit a report to the Committees on Armed Services of the House of Representatives and Senate on all such window falls occurring in the previous year.

(Added Pub. L. 115-91, div. B, title XXVIII, §2817(a)(1), Dec. 12, 2017, 131 Stat. 1851; amended Pub. L. 115-232, div. A, title X, §1081(a)(28), div. B, title XXVIII, §2823(a), Aug. 13, 2018, 132 Stat. 1985, 2269.)

PRIOR PROVISIONS

A prior section 2879, 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, prior to repeal by Pub. L. 107-314, div. B, title XXVIII, §2802(c)(1), Dec. 2, 2002, 116 Stat. 2703.

AMENDMENTS

2018—Subsec. (a)(1). Pub. L. 115-232, §2823(a)(1), substituted “subsection (c)” for “subsection (b)”.

Subsec. (a)(2)(A). Pub. L. 115-232, §1081(a)(28), substituted “after December 11, 2017,” for “on or after the date of the enactment of this section”.

Subsecs. (b) to (d). Pub. L. 115-232, §2823(a)(2), (3), added subsec. (b) and redesignated former subsecs. (b) and (c) as (c) and (d), respectively.

EFFECTIVE DATE OF 2018 AMENDMENT

Pub. L. 115-232, div. B, title XXVIII, §2823(b), Aug. 13, 2018, 132 Stat. 2269, provided that: “The amendments made by this section [amending this section] shall apply with respect to fiscal year 2019 and each succeeding fiscal year.”

§ 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 in an electronic medium pursuant to section 480 of this title, 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 appropriated for construction of military unaccompanied housing in military construction accounts. The amounts so transferred shall be merged with and be available for the same purposes and for the same period of time as amounts appropriated directly to the Fund.

[(e) Repealed. Pub. L. 115-91, div. A, title X, §1051(a)(25), Dec. 12, 2017, 131 Stat. 1562.]

(f) EXPIRATION.—The authority of the Secretary of the Navy to enter into a contract under the pilot programs shall expire September 30, 2009.

(Added Pub. L. 107-314, div. B, title XXVIII, §2803(a)(1), Dec. 2, 2002, 116 Stat. 2703; amended Pub. L. 109-163, div. A, title X, §1056(c)(10), Jan. 6, 2006, 119 Stat. 3440; Pub. L. 109-364, div. B, title XXVIII, §2812, Oct. 17, 2006, 120 Stat. 2473; Pub. L. 111-383, div. B, title XXVIII, §2803(f), Jan. 7, 2011, 124 Stat. 4459; Pub. L. 115-91, div. A, title X, §1051(a)(25), div. B, title XXVIII, §2801(d)(1), Dec. 12, 2017, 131 Stat. 1562, 1844.)

AMENDMENTS

2017—Subsec. (d)(2). Pub. L. 115-91, §2801(d)(1), inserted “in an electronic medium pursuant to section 480 of this title” after “Congress”.

Subsec. (e). Pub. L. 115-91, §1051(a)(25), struck out subsec. (e) which required reports describing certain proposed contracts, conveyances, or leases.

2011—Subsec. (e)(2). Pub. L. 111-383 inserted before period at end “or, if earlier, a period of 20 days has elapsed from the date on which a copy of the report is provided in an electronic medium pursuant to section 480 of this title”.

2006—Subsecs. (d)(2), (e)(2). Pub. L. 109-364, §2812(a), substituted “30 days” for “90 days”.

Subsec. (f). Pub. L. 109-364, §2812(b), substituted “2009” for “2007”.

Pub. L. 109-163 substituted “The” for “Notwithstanding section 2885 of this title, the”.

§ 2882. Effect of assignment of members to housing units acquired or constructed under alternative authority

(a) TREATMENT AS QUARTERS OF THE UNITED STATES.—Except as provided in subsection (b), housing units acquired or constructed under this subchapter shall be considered as quarters of the United States or a housing facility under the jurisdiction of a uniformed service for purposes of section 403 of title 37.

(b) AVAILABILITY OF BASIC ALLOWANCE FOR HOUSING.—A member of the armed forces who is assigned to a housing unit acquired or constructed under this subchapter that is not owned or leased by the United States shall be entitled to a basic allowance for housing under section 403 of title 37.

(c) LEASE PAYMENTS THROUGH PAY ALLOTMENTS.—The Secretary concerned may require members of the armed forces who lease housing in housing units acquired or constructed under this subchapter to make lease payments for such housing pursuant to allotments of the pay of such members under section 701 of title 37.

(Added Pub. L. 104-106, div. B, title XXVIII, §2801(a)(1), Feb. 10, 1996, 110 Stat. 548; amended Pub. L. 105-85, div. A, title VI, §603(d)(2)(C), Nov. 18, 1997, 111 Stat. 1783; Pub. L. 110-417, div. B, title XXVIII, §2805(e)(1), Oct. 14, 2008, 122 Stat. 4723.)

AMENDMENTS

2008—Pub. L. 110-417 amended section generally. Prior to amendment, section related to assignment of members of the armed forces to housing units by the Secretary concerned, treatment of such housing as quarters of the United States, entitlement to a basic allowance for housing, and making of lease payments through pay allotments.