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2838.	Leasing of military family housing to Secretary of Defense.

## 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.

(e) The Secretary concerned shall provide for the installation and maintenance of an appropriate number of carbon monoxide detectors in each unit of military family housing under the jurisdiction of the Secretary.

(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; Pub. L. 116-92, div. B, title XXX, §3031, Dec. 20, 2019, 133 Stat. 1936.)

## AMENDMENTS

2019—Subsec. (e). Pub. L. 116-92 added subsec. (e).

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.

**TOOL FOR ASSESSMENT OF HAZARDS IN DEPARTMENT OF DEFENSE HOUSING**

Pub. L. 116-92, div. B, title XXX, §3052, Dec. 20, 2019, 133 Stat. 1942, provided that:

“(a) HAZARD ASSESSMENT TOOL.—

“(1) DEVELOPMENT REQUIRED.—Not later than 180 days after the date of the enactment of this Act [Dec. 20, 2019], the Secretary of Defense shall develop an assessment tool, such as a rating system or similar mechanism, to identify and measure health and safety hazards in housing under the jurisdiction of the Department of Defense (including privatized military housing).

“(2) COMPONENTS.—The assessment tool shall provide for the identification and measurement of the following hazards:

“(A) Physiological hazards, including dampness and mold growth, lead-based paint, asbestos and manmade fibers, radiation, biocides, carbon monoxide, and volatile organic compounds.

“(B) Psychological hazards, including ease of access by unlawful intruders, and lighting issues.

“(C) Infection hazards.

“(D) Safety hazards.

“(3) PUBLIC FORUMS.—In developing the assessment tool, the Secretary of Defense shall provide for multiple public forums at which the Secretary may receive input with respect to such assessment tool from occupants of housing under the jurisdiction of the Department of Defense (including privatized military housing).

“(4) REPORT.—Not later than 210 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the assessment tool.

“(b) HAZARD ASSESSMENTS.—

“(1) ASSESSMENTS REQUIRED.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense, using the assessment tool developed under subsection (a)(1), shall complete a hazard assessment for each housing facility under the jurisdiction of the Department of Defense (including privatized military housing).

“(2) TENANT INFORMATION.—As soon as practicable after the completion of the hazard assessment con-

ducted for a housing facility under paragraph (1), the Secretary of Defense shall provide to each individual who leases or is assigned to a housing unit in the facility a summary of the results of the assessment.”

[For definitions of terms used in section 3052 of Pub. L. 116-92, set out above, see section 3001(a) of Pub. L. 116-92, set out as a note below.]

PROCESS TO IDENTIFY AND ADDRESS ENVIRONMENTAL HEALTH HAZARDS IN DEPARTMENT OF DEFENSE HOUSING

Pub. L. 116-92, div. B, title XXX, §3053, Dec. 20, 2019, 133 Stat. 1943, provided that:

“(a) PROCESS REQUIRED.—Not later than 180 days after the date of the enactment of this Act [Dec. 20, 2019], the Secretary of Defense, in coordination with the Secretaries of the military departments, shall develop a process to identify, record, and resolve environmental health hazards in housing under the jurisdiction of the Department of Defense (including privatized housing) in a timely manner.

“(b) ELEMENTS OF PROCESS.—The process developed under subsection (a) shall provide for the following with respect to each identified environmental health hazard:

“(1) Categorization of the hazard.

“(2) Identification of health risks posed by the hazard.

“(3) Identification of the number of housing occupants potentially affected by the hazard.

“(4) Recording and maintenance of information regarding the hazard.

“(5) Resolution of the hazard, which shall include—

“(A) the performance by the Secretary of Defense (or in the case of privatized housing, the landlord) of hazard remediation activities at the affected facility; and

“(B) follow-up by the Secretary of Defense to collect information on medical care related to the hazard sought or received by individuals affected by the hazard.

“(c) COORDINATION.—The Secretary of Defense shall ensure coordination between military treatment facilities, appropriate public health officials, and housing managers at military installations with respect to the development and implementation of the process required by subsection (a).

“(d) REPORT.—Not later than 210 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the process required by subsection (a).”

[For definitions of terms used in section 3053 of Pub. L. 116-92, set out above, see section 3001(a) of Pub. L. 116-92, set out as a note below.]

SATISFACTION SURVEY FOR TENANTS OF MILITARY HOUSING

Pub. L. 116-92, div. B, title XXX, §3058, Dec. 20, 2019, 133 Stat. 1945, provided that:

“(a) SURVEY REQUIRED.—Not later than March 1, 2020, the Secretary of Defense shall require that each installation of the Department of Defense use the same satisfaction survey for tenants of military housing, including privatized military housing.

“(b) FORM OF SURVEY.—The satisfaction survey required by subsection (a) shall be an electronic survey with embedded privacy and security mechanisms.

“(c) PRIVACY AND SECURITY MECHANISMS.—The privacy and security mechanisms used in the satisfaction survey required by subsection (a)—

“(1) may include a code unique to the tenant to be surveyed that is sent to the cell phone number of the tenant and required to be entered to access the survey; and

“(2) in the case of privatized military housing, shall ensure the survey is not shared with the landlord providing the privatized military housing until the survey is reviewed and the results are tallied by Department of Defense personnel.”

[For definitions of terms used in section 3058 of Pub. L. 116-92, set out above, see section 3001(a) of Pub. L. 116-92, set out as a note below.]

DEPARTMENT OF THE ARMY PILOT PROGRAM TO BUILD AND MONITOR USE OF SINGLE FAMILY HOMES

Pub. L. 116-92, div. B, title XXX, §3064, Dec. 20, 2019, 133 Stat. 1947, provided that:

“(a) IN GENERAL.—The Secretary of the Army shall carry out a pilot program to build and monitor the use of not fewer than five single family homes for members of the Army and their families.

“(b) LOCATION.—The Secretary of the Army shall carry out the pilot program at no less than two installations of the Army located in different climate regions of the United States as determined by the Secretary.

“(c) DESIGN.—In building homes under the pilot program, the Secretary of the Army shall use the All-American Abode design from the suburban single-family division design by the United States Military Academy.”

MITIGATION OF RISKS POSED BY CERTAIN ITEMS IN MILITARY FAMILY HOUSING UNITS

Pub. L. 116-92, div. B, title XXX, §3062, Dec. 20, 2019, 133 Stat. 1946, provided that:

“(a) ANCHORING OF ITEMS BY RESIDENTS.—The Secretary of Defense shall allow a resident of a military family housing unit to anchor any furniture, television, or large appliance to the wall of the unit for purposes of preventing such item from tipping over without incurring a penalty or obligation to repair the wall upon vacating the unit.

“(b) ANCHORING OF ITEMS FOR ALL UNITS.—

“(1) EXISTING UNITS.—Not later than one year after the date of the enactment of this Act [Dec. 20, 2019], the Secretary of Defense shall ensure that all freestanding chests, door chests, armoires, dressers, entertainment centers, bookcases taller than 27 inches, televisions, and large appliances provided by the Department of Defense are securely anchored in each furnished military family housing unit under the jurisdiction of the Department as of the date of the enactment of this Act.

“(2) NEW UNITS.—The Secretary of Defense shall ensure that all freestanding chests, door chests, armoires, dressers, entertainment centers, bookcases taller than 27 inches, televisions, and large appliances provided by the Department of Defense are securely anchored in each furnished military family housing unit made available after the date of the enactment of this Act.”

Pub. L. 114-328, div. A, title III, §345, Dec. 23, 2016, 130 Stat. 2085, provided that:

“(a) REMOVAL OF CERTAIN WINDOW COVERINGS.—Not later than three years after the date of enactment of this Act [Dec. 23, 2016], the Secretary of Defense shall remove and replace disqualified window coverings from—

“(1) military housing units owned by the Department of Defense in which children under the age of 9 may reside; and

“(2) military housing units leased by the Department of Defense in which children under the age of 9 may reside if the lease for such units requires the Department to provide window coverings.

“(b) PROHIBITION ON DISQUALIFIED WINDOW COVERINGS IN MILITARY HOUSING UNITS ACQUIRED OR CONSTRUCTED BY CONTRACT.—All contracts entered into by the Secretary of Defense after September 30, 2017, for the acquisition or construction of military family housing, including military family housing acquired or constructed pursuant to subchapter IV of chapter 169 of title 10, United States Code, shall prohibit the use of disqualified window coverings in such housing.

“(c) DISQUALIFIED WINDOW COVERING DEFINED.—In this section, the term ‘disqualified window covering’ means—

“(1) a window covering with an accessible cord that exceeds 8 inches in length; or

“(2) a window covering with an accessible continuous loop cord that does not have a cord tension device that prevents operation when the cord is not anchored to the wall.”

#### REPAIR AND MAINTENANCE OF FAMILY HOUSING UNITS

Pub. L. 116-94, div. F, title I, § 119, Dec. 20, 2019, 133 Stat. 2785, 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. 115-244, div. C, title I, § 119, Sept. 21, 2018, 132 Stat. 2952.

Pub. L. 115-141, div. J, title I, § 119, Mar. 23, 2018, 132 Stat. 802.

Pub. L. 114-223, div. A, title I, § 119, Sept. 29, 2016, 130 Stat. 864.

Pub. L. 114-113, div. J, title I, § 119, Dec. 18, 2015, 129 Stat. 2681.

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.

Pub. L. 111-117, div. E, title I, § 123, Dec. 16, 2009, 123 Stat. 3295.

Pub. L. 110-329, div. E, title I, § 123, Sept. 30, 2008, 122 Stat. 3700.

Pub. L. 110-161, div. I, title I, § 123, Dec. 26, 2007, 121 Stat. 2261.

Pub. L. 109-114, title I, § 124, Nov. 30, 2005, 119 Stat. 2380, as amended by Pub. L. 109-148, div. B, title V, § 5013, Dec. 30, 2005, 119 Stat. 2815.

Pub. L. 108-324, div. A, § 124, Oct. 13, 2004, 118 Stat. 1228.

Pub. L. 108-132, § 125, Nov. 22, 2003, 117 Stat. 1382.

Pub. L. 107-249, § 127, Oct. 23, 2002, 116 Stat. 1586.

Pub. L. 107-64, § 127, Nov. 5, 2001, 115 Stat. 482.

Pub. L. 106-246, div. A, § 127, July 13, 2000, 114 Stat. 518.

Pub. L. 106-52, § 128, Aug. 17, 1999, 113 Stat. 267.

#### PILOT PROGRAM FOR MILITARY FAMILY HOUSING

Pub. L. 100-180, div. B, subdiv. 3, title II, § 2321, Dec. 4, 1987, 101 Stat. 1218, required Secretary of Defense, using \$1,000,000 of funds appropriated pursuant to authorization in subsection (a)(10)(B) of section 2145 of Pub. L. 100-180, to establish and carry out, during fiscal years 1988, 1989, and 1990, a pilot program for purpose of assisting units of general local government to increase amount of affordable family housing available to military personnel; required Secretary, establishing and carrying out such programs, to select at least five units of general local government severely impacted by presence of military bases and personnel; set forth criteria

for selection of units of general local government, authority to make grants, cooperative agreements, etc., and uses of available funds; and required Secretary to report to Committees on Armed Services of Senate and House no later than Mar. 15 of 1988, 1989, 1990, and 1991 with respect to activities carried out under this section.

#### MILITARY HOUSING RENTAL GUARANTEE PROGRAM

Pub. L. 98-115, title VIII, § 802, Oct. 11, 1983, 97 Stat. 783, as amended by Pub. L. 98-407, title VIII, § 806(b), Aug. 28, 1984, 98 Stat. 1521; Pub. L. 99-167, title VIII, § 801(a), Dec. 3, 1985, 99 Stat. 985; Pub. L. 99-661, div. B, title VII, § 2713(a), Nov. 14, 1986, 100 Stat. 4042; Pub. L. 100-180, div. B, subdiv. 3, title I, § 2307, Dec. 4, 1987, 101 Stat. 1216; Pub. L. 101-189, div. B, title XXVIII, § 2801, Nov. 29, 1989, 103 Stat. 1646; Pub. L. 101-510, div. B, title XXVIII, § 2811, Nov. 5, 1990, 104 Stat. 1788, provided for agreements and contracts relating to military housing rental guarantee program, prior to repeal by Pub. L. 102-190, div. B, title XXVIII, § 2809(b), (c), Dec. 5, 1991, 105 Stat. 1543, such repeal not to affect the validity of any contract entered into before Dec. 5, 1991, under section 802 of Pub. L. 98-115 as in effect on Dec. 4, 1991. See section 2836 of this title.

#### FAMILY HOUSING CONSTRUCTED OVERSEAS

Pub. L. 98-115, title VIII, § 803, Oct. 11, 1983, 97 Stat. 784, as amended by Pub. L. 98-407, title VIII, § 812, Aug. 28, 1984, 98 Stat. 1524; Pub. L. 101-510, div. A, title XIII, § 1302(f), Nov. 5, 1990, 104 Stat. 1669, provided that any contract entered into for the construction of military family housing for the Department of Defense in a foreign country was to require the use of housing fabricated in the United States by a United States contractor or, in the case of concrete housing, the use of housing produced in a plant that was fabricated in the United States by a United States company, and for which the materials, fixtures, and equipment used in the construction (other than cement, sand, and aggregates) were manufactured in the United States, prior to repeal by Pub. L. 107-314, div. B, title XXVIII, § 2804, Dec. 2, 2002, 116 Stat. 2705.

#### DEFINITIONS

Pub. L. 116-92, div. B, title XXX, § 3001(a), Dec. 20, 2019, 133 Stat. 1916, provided that: “In this title [see Tables for classification]:

“(1) The term ‘landlord’ means an eligible entity that enters into, or has entered into, a contract as a partner with the Secretary concerned for the acquisition or construction of a housing unit under subchapter IV of chapter 169 of title 10, United States Code. The term includes any agent of the eligible entity or any subsequent lessor who owns, manages, or is otherwise responsible for a housing unit. The term does not include an entity of the Federal Government.

“(2) The term ‘privatized military housing’ means military housing provided under subchapter IV of chapter 169 of title 10, United States Code.

“(3) The term ‘tenant’ means a member of the armed forces, including a reserve component thereof in an active status, or a dependent of a member of the armed forces who resides at a housing unit, is a party to a lease for a housing unit, or is authorized to act on behalf of the member under subchapters IV and V of chapter 169 of title 10, United States Code, in the event of the assignment or deployment of a member.”

#### § 2822. Requirement for authorization of number of family housing units

(a) Except as otherwise provided in subsection (b) or as otherwise authorized by law, the Secretary concerned may not construct or acquire military family housing units unless the number of units to be constructed or acquired has been specifically authorized by law.