

“(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.

(b) Subsection (a) does not apply to the following:

- (1) Housing units acquired under section 404 of the Housing Amendments of 1955 (42 U.S.C. 1594a).
- (2) Housing units leased under section 2828 of this title.
- (3) Housing units acquired under the Homeowners Assistance Program referred to in section 2832 of this title.
- (4) Housing units acquired without consideration.
- (5) Replacement housing units constructed under section 2825(c) of this title.
- (6) Housing units constructed or provided under section 2869 of this title.

(Added Pub. L. 97-214, §2(a), July 12, 1982, 96 Stat. 158; amended Pub. L. 98-525, title XIV, §1405(44), Oct. 19, 1984, 98 Stat. 2625; Pub. L. 100-180, div. B, subdiv. 3, title I, §2308, Dec. 4, 1987, 101 Stat. 1216; Pub. L. 101-510, div. A, title XIII, §1301(17), Nov. 5, 1990, 104 Stat. 1668; Pub. L. 102-25, title VII, §701(j)(9), Apr. 6, 1991, 105 Stat. 116; Pub. L. 102-484, div. B, title XXVIII, §2802(b), Oct. 23, 1992, 106 Stat. 2606; Pub. L. 108-136, div. B, title XXVIII, §2805(b), Nov. 24, 2003, 117 Stat. 1721.)

AMENDMENTS

- 2003—Subsec. (b)(6). Pub. L. 108-136 added par. (6).
 1992—Subsec. (b)(5). Pub. L. 102-484 added par. (5).
 1991—Subsec. (b)(4). Pub. L. 102-25 realigned margin of par. (4).
 1990—Subsec. (b)(4). Pub. L. 101-510 amended par. (4) generally. Prior to amendment, par. (4) read as follows: “Housing units acquired without consideration, if—
 “(A) the Secretary concerned provides to the appropriate committees of Congress written notification of the facts concerning the proposed acquisition; and
 “(B) a period of 21 days elapses after the notification is received by those committees.”
 1987—Subsec. (b)(4). Pub. L. 100-180 added par. (4).
 1984—Subsec. (b)(3). Pub. L. 98-525 substituted “section 2832” for “section 2833”.

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.

[§ 2823. Repealed. Pub. L. 109-364, div. B, title XXVIII, § 2803(a), Oct. 17, 2006, 120 Stat. 2467]

Section, added Pub. L. 97-214, §2(a), July 12, 1982, 96 Stat. 158; amended Pub. L. 105-85, div. A, title X, §1041(b), Nov. 18, 1997, 111 Stat. 1885, related to determination of availability of suitable alternative housing for acquisition in lieu of construction of new family housing.

§ 2824. Authorization for acquisition of existing family housing in lieu of construction

(a) In lieu of constructing any family housing units authorized by law to be constructed, the Secretary concerned may acquire sole interest in existing family housing units that are privately owned or that are held by the Department of Housing and Urban Development, except that in foreign countries the Secretary concerned may acquire less than sole interest in existing family housing units.

(b) When authority provided by law to construct military family housing units is used to

acquire existing family housing units under subsection (a), the authority includes authority to acquire interests in land.

(c) The net floor area of a family housing unit acquired under the authority of this section may not exceed the applicable limitation specified in section 2826 of this title. The Secretary concerned may waive the limitation set forth in the preceding sentence to family housing units acquired under this section during the five-year period beginning on February 10, 1996.

(d) Family housing units may not be acquired under this section through the exercise of eminent domain authority.

(Added Pub. L. 97-214, §2(a), July 12, 1982, 96 Stat. 159; amended Pub. L. 104-106, div. B, title XXVIII, §2813, Feb. 10, 1996, 110 Stat. 553; Pub. L. 104-201, div. A, title X, §1074(a)(17), Sept. 23, 1996, 110 Stat. 2659.)

AMENDMENTS

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

Pub. L. 104-106 inserted at end “The Secretary concerned may waive the limitation set forth in the preceding sentence to family housing units acquired under this section during the five-year period beginning on the date of the enactment of the National Defense Authorization Act for Fiscal Year 1996.”

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.

§ 2825. Improvements to family housing units

(a)(1) Authority provided by law to improve existing military family housing units and ancillary family housing support facilities is authority to make alterations, additions, expansions, and extensions.

(2) In this section, the term “improvement” includes rehabilitation of a housing unit and major maintenance or repair work to be accomplished concurrently with an improvement project. Such term does not include day-to-day maintenance and repair work.

(b)(1) Funds may not be expended for the improvement of any single family housing unit, or for the improvement of two or more housing units that are to be converted into or are to be used as a single family housing unit, if the cost per unit of such improvement will exceed (A) \$50,000 multiplied by the area construction cost index as developed by the Department of Defense for the location concerned at the time of contract award, or (B) in the case of improvements necessary to make the unit suitable for habitation by a handicapped person, \$60,000 multiplied by such index.

(2) The Secretary concerned may waive the limitations contained in paragraph (1) if such Secretary determines that, considering the useful life of the structure to be improved and the useful life of a newly constructed unit and the cost of construction and of operation and maintenance of each kind of unit over its useful life, the improvement will be cost-effective. If the Secretary concerned makes a determination under the preceding sentence with respect to an