

on size” and 7575 “Quarters: exemptions from cost limitations”.

1958—Pub. L. 85-861, §1(155), Sept. 2, 1958, 72 Stat. 1513, struck out item 7578 “Tableware and kitchen utensils: limitations on furnishing”.

§ 8771. Quarters or other accommodations: to whom furnished

(a) Under such regulations as the Secretary of the Navy prescribes, public quarters including heat, light, water, and refrigeration may be furnished for personnel in the following categories who are on active duty:

- (1) Members of the naval service.
- (2) Members of the Coast Guard when it is operating as a service in the Navy.
- (3) Members of the National Oceanic and Atmospheric Administration serving with the Navy.

If public quarters are not available for any such member, the Secretary may provide lodging accommodations for him. Lodging accommodations so provided may not be occupied by the member’s dependents.

(b) The Secretary may determine in any case whether public quarters are available within the meaning of any provision of law relating to the assignment of or commutation for public quarters.

(c) The Secretary, to the extent he considers proper, may delegate the authority conferred by subsection (a), except the authority to prescribe regulations, to any person in the Department of the Navy, with or without authority to make successive redelegations.

(Aug. 10, 1956, ch. 1041, 70A Stat. 467, § 7571; Pub. L. 89-718, §8(a), Nov. 2, 1966, 80 Stat. 1117; Pub. L. 96-513, title V, §513(41), Dec. 12, 1980, 94 Stat. 2935; renumbered § 8771, Pub. L. 115-232, div. A, title VIII, § 807(d)(9), Aug. 13, 2018, 132 Stat. 1837.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
7571(a)	34 U.S.C. 911a (less applicability to members on sea duty). 5 U.S.C. 421g(b).	Aug. 2, 1946, ch. 756, §15 (less applicability to members on sea duty), 60 Stat. 854. Aug. 2, 1946, ch. 756, §40(b), 60 Stat. 858.
7571(b)	34 U.S.C. 911.	July 1, 1918, ch. 114, 40 Stat. 718 (4th par.).
7571(c)	5 U.S.C. 412a.	Aug. 2, 1946, ch. 756, §39, 60 Stat. 858.

In subsection (a) the words “including members of the Nurse Corps” are omitted as surplusage, and the definition of “naval personnel” in 5 U.S.C. 421g, which is applicable to this subsection, is executed.

In subsection (b) the words “in any case whether public quarters are available” are substituted for the words “where and when there are no public quarters”. The words “for persons in the Navy and Marine Corps, or serving therewith” are omitted, since these classes of personnel for whom the Secretary makes the determination of availability are the same as those who may be furnished quarters under subsection (a).

AMENDMENTS

2018—Pub. L. 115-232 renumbered section 7571 of this title as this section.

1980—Subsec. (a)(3). Pub. L. 96-513 substituted “National Oceanic and Atmospheric Administration” for “Environmental Science Services Administration”.

1966—Subsec. (a)(3). Pub. L. 89-718 substituted “Environmental Science Services Administration” for “Coast and Geodetic Survey”.

EFFECTIVE DATE OF 2018 AMENDMENT

Amendment by Pub. L. 115-232 effective Feb. 1, 2019, with provision for the coordination of amendments and special rule for certain redesignations, see section 800 of Pub. L. 115-232, set out as a note preceding section 3001 of this title.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-513 effective Dec. 12, 1980, see section 701(b)(3) of Pub. L. 96-513, set out as a note under section 101 of this title.

REPEALS

The directory language of, but not the amendment made by, Pub. L. 89-718, §8(a), Nov. 2, 1966, 80 Stat. 1117, cited as a credit to this section, was repealed by Pub. L. 97-295, §6(b), Oct. 12, 1982, 96 Stat. 1314.

TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

CHARGES FOR EXCESS ENERGY CONSUMPTION; DEPOSIT OF PROCEEDS; APPLICABILITY; IMPLEMENTATION

Assessment of members for excess energy consumption in military family housing facilities, see section 507 of Pub. L. 95-82, title V, Aug. 1, 1977, 91 Stat. 372, set out as a note under section 4593 of this title.

§ 8772. Quarters: accommodations in place for members on sea duty or assigned to duty in connection with commissioning or fitting out of a ship

(a) If public quarters are not available, the Secretary of the Navy may provide lodging accommodations for any—

- (1) member of the naval service;
- (2) member of the Coast Guard when it is operating as a service in the Navy; or
- (3) member of the National Oceanic and Atmospheric Administration serving with the Navy;

on sea duty or assigned to duty in connection with commissioning or fitting out of a ship who is deprived of his quarters on board ship because of repairs, because the ship is under construction and is not yet habitable, or because of other conditions that make his quarters uninhabitable. Lodging accommodations so provided may not be occupied by the member’s dependents.

[(b) Repealed. Pub. L. 105-261, div. A, title X, § 1069(a)(7), Oct. 17, 1998, 112 Stat. 2136.]

(c) The Secretary, to the extent he considers proper, may delegate the authority conferred by subsection (a) to any person in the Department of the Navy, with or without the authority to make successive redelegations.

(d)(1) A member of the naval service on sea duty who is deprived of quarters on board ship because of repairs or because of other conditions that make the member’s quarters uninhabitable may be reimbursed for expenses incurred in obtaining housing if it is impracticable to furnish the member with accommodations under subsection (a).

(2) The total amount that a member may be reimbursed under this subsection may not ex-

ceed an amount equal to the basic allowance for housing of a member of that member's grade.

(3) This subsection shall not apply to a member who is entitled to basic allowance for housing.

(4) The Secretary may prescribe regulations to carry out this subsection.

(e)(1) The Secretary may reimburse a member of the naval service assigned to duty in connection with commissioning or fitting out of a ship in Pascagoula, Mississippi, or Bath, Maine, who is deprived of quarters on board a ship because the ship is under construction and is not yet habitable, or because of other conditions that make the member's quarters uninhabitable, for expenses incurred in obtaining housing, but only when the Navy is unable to furnish the member with lodging accommodations under subsection (a).

(2) The total amount that a member may be reimbursed under this subsection may not exceed an amount equal to the basic allowance for housing of a member without dependents of that member's grade.

(3) A member without dependents, or a member who resides with dependents while assigned to duty in connection with commissioning or fitting out of a ship at one of the locations specified in paragraph (1), may not be reimbursed under this subsection.

(4) The Secretary may prescribe regulations to carry out this subsection.

(Aug. 10, 1956, ch. 1041, 70A Stat. 468, §7572; Pub. L. 89-718, §8(a), Nov. 2, 1966, 80 Stat. 1117; Pub. L. 96-357, §3, Sept. 24, 1980, 94 Stat. 1182; Pub. L. 96-513, title V, §513(41), Dec. 12, 1980, 94 Stat. 2935; Pub. L. 97-60, title II, §207(b), Oct. 14, 1981, 95 Stat. 1007; Pub. L. 98-94, title IX, §912(a), Sept. 24, 1983, 97 Stat. 640; Pub. L. 98-525, title VI, §§602(d)(3), 603(a), title XIV, §1405(54), Oct. 19, 1984, 98 Stat. 2536, 2537, 2625; Pub. L. 99-145, title VI, §606(a), Nov. 8, 1985, 99 Stat. 638; Pub. L. 99-661, div. A, title VI, §603(a), Nov. 14, 1986, 100 Stat. 3874; Pub. L. 102-190, div. A, title VI, §607(a), (b), Dec. 5, 1991, 105 Stat. 1375; Pub. L. 105-85, div. A, title VI, §603(d)(2)(D), Nov. 18, 1997, 111 Stat. 1783; Pub. L. 105-261, div. A, title X, §1069(a)(7), Oct. 17, 1998, 112 Stat. 2136; Pub. L. 112-81, div. A, title VI, §602(a)-(d)(1), Dec. 31, 2011, 125 Stat. 1447, 1448; Pub. L. 112-239, div. A, title X, §1076(a)(5), Jan. 2, 2013, 126 Stat. 1948; renumbered §8772, Pub. L. 115-232, div. A, title VIII, §807(d)(9), Aug. 13, 2018, 132 Stat. 1837.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
7572(a)	34 U.S.C. 911a (as applicable to members on sea duty). 5 U.S.C. 421g(b).	Aug. 2, 1946, ch. 756, §15 (as applicable to members on sea duty), 60 Stat. 854. Aug. 2, 1946, ch. 756, §40(b), 60 Stat. 858.
7572(b)	34 U.S.C. 915.	June 19, 1942, ch. 419, §1, 56 Stat. 371.
7572(c)	5 U.S.C. 412a.	Aug. 2, 1946, ch. 756, §39, 60 Stat. 858.

In subsection (a) the word "public" is substituted for the words "possessed by the United States" and the subsection is phrased in terms of availability, as it is so interpreted. The itemization of personnel categories for whom quarters may be furnished is inserted to execute the definition of "naval personnel", made applica-

ble to this section by 5 U.S.C. 421g. The requirement in that definition that personnel be on active duty is omitted since this subsection applies only to personnel on sea duty.

In subsection (b) the words "and who is not entitled to basic allowance for quarters" are inserted to make it clear that the entitlement under this subsection, as interpreted, is not in addition to basic allowance for quarters. The words "in obtaining quarters" are inserted for clarity. The words "basic allowance for quarters of an officer of his grade" are substituted for the words "his quarters allowance" because, under the Career Compensation Act of 1949, members without dependents are not entitled to a quarters allowance when on sea duty, and the limitation must be based upon the allowance of an officer of the same grade who is entitled thereto.

In subsection (c) the words "except the authority to prescribe regulations" are omitted, since subsection (a) does not contain such authority.

AMENDMENTS

2018—Pub. L. 115-232 renumbered section 7572 of this title as this section.

2013—Subsec. (a). Pub. L. 112-239 made technical amendment to directory language of Pub. L. 112-81, §602(a)(2). See 2011 Amendment note below.

2011—Pub. L. 112-81, §602(d)(1), amended section catchline generally. Prior to amendment, catchline read as follows: "Quarters: accommodations in place of for members on sea duty".

Subsec. (a). Pub. L. 112-81, §602(a)(2), as amended by Pub. L. 112-239, §1076(a)(5), inserted ", because the ship is under construction and is not yet habitable," after "because of repairs" in concluding provisions.

Pub. L. 112-81, §602(a)(1), inserted "or assigned to duty in connection with commissioning or fitting out of a ship" after "sea duty" in concluding provisions.

Subsec. (d)(1). Pub. L. 112-81, §602(b)(1), substituted "A member" for "After the expiration of the authority provided in subsection (b), an officer", "member's quarters" for "officer's quarters", "obtaining housing" for "obtaining quarters", and "the member" for "the officer".

Subsec. (d)(2). Pub. L. 112-81, §602(b)(2), substituted "a member" for "an officer" in two places, "housing" for "quarters", and "member's grade" for "officer's grade".

Subsec. (d)(3). Pub. L. 112-81, §602(b)(3), substituted "a member" for "an officer" and "housing" for "quarters".

Subsec. (e). Pub. L. 112-81, §602(c), added subsec. (e).
1998—Subsec. (b). Pub. L. 105-261 struck out subsec. (b) which authorized reimbursements to members of a uniformed service on sea duty who are deprived of quarters on board because of repairs or because of other conditions, and provided that such authority expire on Sept. 30, 1992.

1997—Subsec. (b)(1). Pub. L. 105-85, §603(d)(2)(D)(i), substituted "the basic allowance for housing payable under section 403 of title 37 to a member of the same pay grade without dependents for the period during which the member is deprived of quarters on board ship." for "the total of—

"(A) the basic allowance for quarters payable to a member of the same pay grade without dependents for the period during which the member is deprived of quarters on board ship; and

"(B) the variable housing allowance that could be paid to a member of the same pay grade under section 403a of title 37 at the location where the member is deprived of quarters on board ship for the period during which the member is deprived of quarters on board ship."

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

1991—Subsec. (b). Pub. L. 102-190, §607(a), amended subsec. to read as in effect on Sept. 30, 1991, in par. (3) struck out "\$1,421,000 for fiscal year 1986 and" after

“may not exceed” and substituted “1992” for “1991”, and added par. (4).

Subsec. (d). Pub. L. 102-190, § 607(b), added subsec. (d). 1986—Subsec. (b)(3). Pub. L. 99-661 substituted “\$1,421,000 for fiscal year 1986 and \$1,657,000 for each of the fiscal years 1987 through 1991” for “\$9,000,000 for fiscal year 1981, \$6,300,000 for fiscal year 1982, \$1,700,000 for fiscal year 1983, \$1,300,000 for fiscal year 1984, \$1,421,000 for fiscal year 1985, and \$1,421,000 for fiscal year 1986”.

1985—Subsec. (b)(3). Pub. L. 99-145 added limit of \$1,421,000 for fiscal year 1986.

1984—Subsec. (b)(1)(B). Pub. L. 98-525, § 1405(54), substituted “on board” for “onboard”.

Pub. L. 98-525, § 602(d)(3), substituted “section 403a” for “section 403”.

Subsec. (b)(3). Pub. L. 98-525, § 603(a), added limit of \$1,421,000 for fiscal year 1985.

1983—Subsec. (b)(3). Pub. L. 98-94 added limits of \$1,700,000, and \$1,300,000 for fiscal years 1983 and 1984, respectively.

1981—Subsec. (b). Pub. L. 97-60 amended subsec. (b) generally, dividing existing provisions into numbered paragraphs (1), (2), and (3), inserting in par. (1), provisions relating to the variable housing allowance that could be paid to a member of the same pay grade under section 403 of title 37 at the location where the member is deprived of quarters onboard ship for the period during which the member is deprived of quarters on board ship and, in par. (3), inserting provision setting a limit of \$6,300,000 on the total amount of reimbursement for fiscal year 1982.

1980—Subsec. (a)(3). Pub. L. 96-513 substituted “National Oceanic and Atmospheric Administration” for “Environmental Science Services Administration”.

Subsec. (b). Pub. L. 96-357 substituted reimbursement provision when conditions make uninhabitable quarters aboard ship for member of uniformed services on sea duty limited to basic allowance for quarters of member of same grade without dependents for prior such provision for officer of naval service on sea duty so deprived of quarters and not entitled to basic allowance for quarters and limited to basic allowance for quarters of an officer of his grade, made the member able to reside with dependents ineligible for reimbursement, and limited reimbursements for fiscal year 1981 to \$9,000,000.

1966—Subsec. (a)(3). Pub. L. 89-718 substituted “Environmental Science Services Administration” for “Coast and Geodetic Survey”.

EFFECTIVE DATE OF 2018 AMENDMENT

Amendment by Pub. L. 115-232 effective Feb. 1, 2019, with provision for the coordination of amendments and special rule for certain redesignations, see section 800 of Pub. L. 115-232, set out as a note preceding section 3001 of this title.

EFFECTIVE DATE OF 2013 AMENDMENT

Pub. L. 112-239, div. A, title X, § 1076(a), Jan. 2, 2013, 126 Stat. 1947, provided that the amendment made by section 1076(a)(5) is effective Dec. 31, 2011, and as if included in Pub. L. 112-81 as enacted.

EFFECTIVE DATE OF 1997 AMENDMENT

Amendment by Pub. L. 105-85 effective Jan. 1, 1998, see section 603(e) of Pub. L. 105-85, set out as a note under section 5561 of Title 5, Government Organization and Employees.

EFFECTIVE DATE OF 1991 AMENDMENT

Pub. L. 102-190, div. A, title VI, § 607(c), Dec. 5, 1991, 105 Stat. 1375, provided that: “The amendment made by subsection (a) [amending this section] shall apply with respect to members of the uniformed services who perform sea duty on or after October 1, 1991.”

EFFECTIVE DATE OF 1986 AMENDMENT

Pub. L. 99-661, div. A, title VI, § 603(a), Nov. 14, 1986, 100 Stat. 3874, provided that the amendment made by that section is effective Oct. 1, 1986.

EFFECTIVE DATE OF 1985 AMENDMENT

Pub. L. 99-190, § 101(b) [title VIII, § 8102], Dec. 19, 1985, 99 Stat. 1185, 1220, provided that: “The amendments made to section 7572(b)(3) [now 8772(b)(3)] of title 10, United States Code, and to section 3 of Public Law 96-357 (10 U.S.C. 7572 note [now 10 U.S.C. 8772 note]) by section 606 of the Department of Defense Authorization Act, 1986 [Pub. L. 99-145], shall apply to reimbursement of expenses incurred on or after October 1, 1985, by a member of a uniformed service on sea duty.”

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by section 602(d)(3) of Pub. L. 98-525 effective Jan. 1, 1985, with exceptions, see section 602(f) of Pub. L. 98-525, set out as a note under section 403 of Title 37, Pay and Allowances of the Uniformed Services.

EFFECTIVE DATE OF 1981 AMENDMENT

Pub. L. 97-60, title II, § 207(c), Oct. 14, 1981, 95 Stat. 1008, provided that: “The amendments made by this section [amending this section] shall take effect as of October 1, 1981.”

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-513 effective Dec. 12, 1980, see section 701(b)(3) of Pub. L. 96-513, set out as a note under section 101 of this title.

EFFECTIVE AND TERMINATION DATE OF 1980 AMENDMENT

Pub. L. 96-357, § 3, Sept. 24, 1980, 94 Stat. 1182, as amended by Pub. L. 97-60, title II, § 207(a), Oct. 14, 1981, 95 Stat. 1007; Pub. L. 98-94, title IX, § 912(b), Sept. 24, 1983, 97 Stat. 640; Pub. L. 98-525, title VI, § 603(b), Oct. 19, 1984, 98 Stat. 2537; Pub. L. 99-145, title VI, § 606(b), Nov. 8, 1985, 99 Stat. 639; Pub. L. 99-661, div. A, title VI, § 603(b), Nov. 14, 1986, 100 Stat. 3874, eff. Oct. 1, 1986, provided that the amendment made by that section is effective only for the period beginning Oct. 1, 1980, and ending Sept. 30, 1991. Pub. L. 99-500, § 101(c) [title IX, § 9107], Oct. 18, 1986, 100 Stat. 1783-82, 1783-119, and Pub. L. 99-591, § 101(c) [title IX, § 9107], Oct. 30, 1986, 100 Stat. 3341-82, 3341-119, extended the authority for reimbursement provided pursuant to section 3 of Public Law 96-357 (see above) through Sept. 30, 1987, at an amount not to exceed \$1,657,000.

REPEALS

The directory language of, but not the amendment made by, Pub. L. 89-718, § 8(a), Nov. 2, 1966, 80 Stat. 1117, cited as a credit to this section, was repealed by Pub. L. 97-295, § 6(b), Oct. 12, 1982, 96 Stat. 1314.

TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

§ 8773. Quarters: temporary; transient members

Temporary quarters may be furnished on a rental basis to transient members of the naval service with their dependents, for periods not exceeding 60 days, without loss of entitlement to basic allowance for housing under section 403 of title 37.

(Aug. 10, 1956, ch. 1041, 70A Stat. 468, § 7573; Pub. L. 105-85, div. A, title VI, § 603(d)(2)(E), Nov. 18, 1997, 111 Stat. 1783; renumbered § 8773, Pub. L. 115-232, div. A, title VIII, § 807(d)(9), Aug. 13, 2018, 132 Stat. 1837.)