

beginning on the date on which a copy of the notice and justification is provided in an electronic medium pursuant to section 480 of this title”.

1999—Pub. L. 106-65, § 2803(h)(1), struck out “in nongovernmental entities” after “Investments” in section catchline.

Subsec. (a). Pub. L. 106-65, § 2803(d)(1), substituted “an eligible entity” for “nongovernmental entities”.

Subsec. (c). Pub. L. 106-65, § 2803(d)(2), substituted “an eligible entity” for “a nongovernmental entity” in pars. (1) and (2) and “the eligible entity” for “the entity” wherever appearing in pars. (1) and (2).

Subsec. (d). Pub. L. 106-65, § 2803(d)(3), substituted “eligible” for “nongovernmental”.

Subsec. (e). Pub. L. 106-65, § 2803(d)(4), substituted “an eligible entity” for “a nongovernmental entity”.

1997—Subsec. (e). Pub. L. 105-85 added subsec. (e).

§ 2876. Rental guarantees

The Secretary concerned may enter into agreements with eligible entities that acquire or construct military family housing units or military unaccompanied housing units under this subchapter in order to assure—

- (1) the occupancy of such units at levels specified in the agreements; or
- (2) rental income derived from rental of such units at levels specified in the agreements.

(Added Pub. L. 104-106, div. B, title XXVIII, § 2801(a)(1), Feb. 10, 1996, 110 Stat. 546; amended Pub. L. 106-65, div. B, title XXVIII, § 2803(e), Oct. 5, 1999, 113 Stat. 849.)

AMENDMENTS

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

§ 2877. Differential lease payments

Pursuant to an agreement entered into by the Secretary concerned and a lessor of military family housing or military unaccompanied housing to members of the armed forces, the Secretary may pay the lessor an amount in addition to the rental payments for the housing made by the members as the Secretary determines appropriate to encourage the lessor to make the housing available to members of the armed forces as military family housing or as military unaccompanied housing.

(Added Pub. L. 104-106, div. B, title XXVIII, § 2801(a)(1), Feb. 10, 1996, 110 Stat. 547; amended Pub. L. 106-65, div. B, title XXVIII, § 2803(f), Oct. 5, 1999, 113 Stat. 849.)

AMENDMENTS

1999—Pub. L. 106-65 substituted “a lessor” for “a private lessor”.

§ 2878. Conveyance or lease of existing property and facilities

(a) CONVEYANCE OR LEASE AUTHORIZED.—The Secretary concerned may convey or lease property or facilities (including ancillary supporting facilities) to eligible entities for purposes of using the proceeds of such conveyance or lease to carry out activities under this subchapter.

(b) INAPPLICABILITY TO PROPERTY AT INSTALLATION APPROVED FOR CLOSURE.—The authority of this section does not apply to property or facilities located on or near a military installation approved for closure under a base closure law.

(c) COMPETITIVE PROCESS.—The Secretary concerned shall ensure that the time, method, and terms and conditions of the reconveyance or lease of property or facilities under this section from the eligible entity permit full and free competition consistent with the value and nature of the property or facilities involved.

(d) TERMS AND CONDITIONS.—(1) The conveyance or lease of property or facilities under this section shall be for such consideration and upon such terms and conditions as the Secretary concerned considers appropriate for the purposes of this subchapter and to protect the interests of the United States.

(2) As part or all of the consideration for a conveyance or lease under this section, the purchaser or lessor (as the case may be) shall enter into an agreement with the Secretary to ensure that a suitable preference will be afforded members of the armed forces and their dependents in the lease or sublease of a reasonable number of the housing units covered by the conveyance or lease, as the case may be, or in the lease of other suitable housing units made available by the purchaser or lessee.

(e) INAPPLICABILITY OF CERTAIN PROPERTY MANAGEMENT LAWS.—The conveyance or lease of property or facilities under this section shall not be subject to the following provisions of law:

- (1) Section 2667 of this title.
- (2) Subtitle I of title 40 and division C (except sections 3302, 3501(b), 3509, 3906, 4710, and 4711) of subtitle I of title 41.
- (3) Section 1302 of title 40.
- (4) Section 501 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11411).

(Added Pub. L. 104-106, div. B, title XXVIII, § 2801(a)(1), Feb. 10, 1996, 110 Stat. 547; amended Pub. L. 105-85, div. A, title X, § 1073(a)(60), Nov. 18, 1997, 111 Stat. 1903; Pub. L. 106-65, div. B, title XXVIII, § 2803(g), Oct. 5, 1999, 113 Stat. 849; Pub. L. 107-107, div. A, title X, § 1048(d)(1), Dec. 28, 2001, 115 Stat. 1227; Pub. L. 107-217, § 3(b)(23), Aug. 21, 2002, 116 Stat. 1297; Pub. L. 110-417, div. B, title XXVIII, § 2805(d), Oct. 14, 2008, 122 Stat. 4723; Pub. L. 111-350, § 5(b)(50), Jan. 4, 2011, 124 Stat. 3846.)

AMENDMENTS

2011—Subsec. (e)(2). Pub. L. 111-350, which directed substitution of “division C (except sections 3302, 3501(b), 3509, 3906, 4710, and 4711) of subtitle I of title 41” for “title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.)” in subsec. (d)(2), was executed by making the substitution in subsec. (e)(2) to reflect the probable intent of Congress and the amendment by Pub. L. 110-417. See 2008 Amendment note below.

2008—Subsecs. (c) to (e). Pub. L. 110-417 added subsec. (c) and redesignated former subsecs. (c) and (d) as (d) and (e), respectively.

2002—Subsec. (d)(2). Pub. L. 107-217, § 3(b)(23)(A), substituted “Subtitle I of title 40 and title III of the” for “The” and “(41 U.S.C. 251 et seq.)” for “(40 U.S.C. 471 et seq.)”.

Subsec. (d)(3). Pub. L. 107-217, § 3(b)(23)(B), substituted “Section 1302 of title 40” for “Section 321 of the Act of June 30, 1932 (commonly known as the Economy Act) (40 U.S.C. 303b)”.

2001—Subsec. (d)(4). Pub. L. 107-107 substituted “McKinney-Vento Homeless Assistance Act” for “Stewart B. McKinney Homeless Assistance Act”.

1999—Subsec. (a). Pub. L. 106-65 substituted “eligible entities” for “private persons”.

1997—Subsec. (d)(4). Pub. L. 105-85 substituted “11411” for “11401”.

§ 2879. Window fall prevention devices in military family housing units

(a) **REQUIRING USE OF DEVICES ON CERTAIN WINDOWS.**—

(1) **REQUIREMENT.**—The Secretary concerned shall ensure that if a window in any military family housing unit acquired or constructed under this chapter is described in subsection (c), including a window designed for emergency escape or rescue, the window is equipped with fall prevention devices described in paragraph (3).

(2) **EFFECTIVE DATE.**—Paragraph (1) shall apply with respect to the following military family housing units:

(A) A unit for which the contract for the construction of the unit is first entered into after October 1, 2019.

(B) Any other unit which is subject to a whole-house renovation project for which the contract is entered into on or after October 1, 2019.

(3) **FALL PREVENTION DEVICE DESCRIBED.**—A fall prevention device is a window screen or guard that complies with applicable standards in ASTM standard F2090-13 (or any successor standard).

(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 (3) 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 42 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; Pub. L. 116-92, div. A, title XVII, § 1731(a)(57), div. B, title XXX, § 3034, Dec. 20, 2019, 133 Stat. 1815, 1936.)

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

2019—Subsec. (a)(1). Pub. L. 116-92, § 3034(a)(1), substituted “described in paragraph (3)” for “that protect against unintentional window falls by young children and that are in compliance with applicable International Building Code (IBC) standards”.

Subsec. (a)(2)(A). Pub. L. 116-92, § 3034(a)(2)(A), substituted “October 1, 2019” for “December 11, 2017”.

Pub. L. 116-92, § 1731(a)(57), struck out comma before period at end.

Subsec. (a)(2)(B). Pub. L. 116-92, § 3034(a)(2)(B), substituted “October 1, 2019” for “September 1, 2018”.

Subsec. (a)(3). Pub. L. 116-92, § 3034(a)(3), added par. (3).

Subsec. (b)(1). Pub. L. 116-92, § 3034(c), substituted “paragraph (3)” for “paragraph (1)”.

Subsec. (c). Pub. L. 116-92, § 3034(b), substituted “42 inches” for “24 inches”.

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,