

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,