

shall be available to the same extent, and subject to the same terms and conditions, as such funds.

(Added Pub. L. 106-398, §1 [div. B, title XXVIII, §2805(a)], Oct. 30, 2000, 114 Stat. 1654, 1654A-414; amended Pub. L. 107-314, div. B, title XXVIII, §2802(a), Dec. 2, 2002, 116 Stat. 2703; Pub. L. 113-66, div. B, title XXVIII, §2804, Dec. 26, 2013, 127 Stat. 1007; Pub. L. 116-92, div. B, title XXX, §3032, Dec. 20, 2019, 133 Stat. 1936.)

#### Editorial Notes

##### AMENDMENTS

2019—Subsec. (b)(13), (14). Pub. L. 116-92 added pars. (13) and (14).

2013—Subsec. (c)(2), (3). Pub. L. 113-66 substituted “under paragraph (1) as reimbursement for the cost of furnishing utilities or services shall—” for “under paragraph (1) shall be credited to the appropriation or working capital account from which the cost of furnishing the utilities or services concerned was paid.”, added subpars. (A) and (B), designated second sentence of par. (2) as par. (3), and substituted “Amounts credited under paragraph (2)” for “Amounts so credited”.

2002—Subsec. (b)(11), (12). Pub. L. 107-314 added pars. (11) and (12).

#### § 2872b. Treatment of breach of contract

(a) **RESPONSE TO MATERIAL BREACH.**—In the case of a material breach of contract under this subchapter by a party to the contract, the Secretary concerned shall use the authorities available to the Secretary, including withholding amounts to be paid under the contract, to encourage the party to cure the breach.

(b) **RESCINDING OF CONTRACT.**—If a material breach of the contract is not cured in a timely manner, as determined by the Secretary concerned, the Secretary may—

(1) rescind the contract pursuant to the terms of the contract; and

(2) prohibit the offending party from entering into a new contract or undertaking expansions of other existing contracts, or both, with the Secretary under this subchapter.

(Added Pub. L. 116-92, div. B, title XXX, §3033(a), Dec. 20, 2019, 133 Stat. 1936.)

#### § 2873. Direct loans and loan guarantees

(a) **DIRECT LOANS.**—(1) Subject to subsection (c), the Secretary concerned may make direct loans to an eligible entity in order to provide funds to the eligible entity for the acquisition or construction of housing units that the Secretary determines are suitable for use as military family housing or as military unaccompanied housing.

(2) The Secretary concerned shall establish such terms and conditions with respect to loans made under this subsection as the Secretary considers appropriate to protect the interests of the United States, including the period and frequency for repayment of such loans and the obligations of the obligors on such loans upon default.

(b) **LOAN GUARANTEES.**—(1) Subject to subsection (c), the Secretary concerned may guarantee a loan made to an eligible entity if the proceeds of the loan are to be used by the eligible entity to acquire, or construct housing units

that the Secretary determines are suitable for use as military family housing or as military unaccompanied housing.

(2) The amount of a guarantee on a loan that may be provided under paragraph (1) may not exceed the amount equal to the lesser of—

(A) the amount equal to 80 percent of the value of the project; or

(B) the amount of the outstanding principal of the loan.

(3) The Secretary concerned shall establish such terms and conditions with respect to guarantees of loans under this subsection as the Secretary considers appropriate to protect the interests of the United States, including the rights and obligations of obligors of such loans and the rights and obligations of the United States with respect to such guarantees.

(c) **LIMITATION ON DIRECT LOAN AND GUARANTEE AUTHORITY.**—Direct loans and loan guarantees may be made under this section only to the extent that appropriations of budget authority to cover their cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5))) are made in advance, or authority is otherwise provided in appropriation Acts. If such appropriation or other authority is provided, there may be established a financing account (as defined in section 502(7) of such Act (2 U.S.C. 661a(7))), which shall be available for the disbursement of direct loans or payment of claims for payment on loan guarantees under this section and for all other cash flows to and from the Government as a result of direct loans and guarantees made under this section.

(Added Pub. L. 104-106, div. B, title XXVIII, §2801(a)(1), Feb. 10, 1996, 110 Stat. 545; amended Pub. L. 106-65, div. B, title XXVIII, §2803(c), Oct. 5, 1999, 113 Stat. 849.)

#### Editorial Notes

##### AMENDMENTS

1999—Subsec. (a)(1). Pub. L. 106-65, §2803(c)(1), substituted “an eligible entity” for “persons in the private sector” and “the eligible entity” for “such persons”.

Subsec. (b)(1). Pub. L. 106-65, §2803(c)(2), substituted “an eligible entity” for “any person in the private sector” and “the eligible entity” for “the person”.

#### § 2874. Leasing of housing

(a) **LEASE AUTHORIZED.**—The Secretary concerned may enter into contracts for the lease of housing units that the Secretary determines are suitable for use as military family housing or military unaccompanied housing.

(b) **USE OF LEASED UNITS.**—The Secretary concerned shall utilize housing units leased under this section as military family housing or military unaccompanied housing, as appropriate.

(c) **LEASE TERMS.**—A contract under this section may be for any period that the Secretary concerned determines appropriate and may provide for the owner of the leased property to operate and maintain the property.

(Added Pub. L. 104-106, div. B, title XXVIII, §2801(a)(1), Feb. 10, 1996, 110 Stat. 546; amended Pub. L. 107-314, div. B, title XXVIII, §2802(b)(1), (2), Dec. 2, 2002, 116 Stat. 2703.)