

(2) the Committee on Armed Services and the Subcommittee on Defense and the Subcommittee on Military Construction, Veterans Affairs, and Related Agencies of the Committee on Appropriations of the House of Representatives.

(Added Pub. L. 118–31, div. B, title XXVIII, § 2805, Dec. 22, 2023, 137 Stat. 744.)

**§ 2818. Contracts for design and construction of facilities of Department of Defense**

(a) IN GENERAL.—The head of an element of the Department of Defense (as defined in section 111(b) of this title) may award a contract<sup>1</sup> to any other such element for the design and construction of facilities of the Department of Defense, including facility maintenance and repair projects and unspecified minor military construction projects under section 2805 of this title, on a reimbursable basis.

(b) CONSIDERATION AS AN OBLIGATION.—A contract awarded under subsection (a) by such head shall be considered to be an obligation of such head in the same manner as a similar order or contract placed by such head with a private entity.

(c) LIMITATION.—An awardee of a contract under subsection (a) may include an amount equal to not more than 10 percent of the proposed value of the contract for contingency expenses.

(Added Pub. L. 118–159, div. B, title XXVIII, § 2843, Dec. 23, 2024, 138 Stat. 2263.)

**§ 2819. Strategy and assessment with respect to non-operational, underutilized, and other Department of Defense facilities: assessments of historical significance**

(a) STRATEGY FOR DEMOLITION.—Each Secretary concerned shall develop a strategy to demolish facilities under the respective jurisdiction of each such Secretary that—

- (1) are in poor or failing condition under the uniform index developed under section 2838 of the National Defense Authorization Act for Fiscal Year 2024 (Public Law 118–31);
- (2) are not in operational use; or
- (3) such Secretary determines are underutilized.

(b) ASSESSMENT OF CERTAIN MAINTENANCE COSTS.—Each Secretary concerned shall conduct an assessment to determine the total cost to the United States to maintain facilities that—

- (1) are not in operational use; and
- (2) such Secretary determines are underutilized.

(c) REQUIRED CONSIDERATION.—In determining whether a facility is underutilized pursuant to subsections (a) or (b), each Secretary concerned shall compare the occupancy of such facility to the total square footage of such facility.

(d) ASSESSMENTS OF HISTORIC SIGNIFICANCE.—(1) Not later than December 1, 2025, and on an annual basis thereafter, each Secretary concerned shall conduct an assessment of each facility under the jurisdiction of the Secretary

concerned that was constructed at least 25 years prior to the year covered by the assessment to determine whether the facility—

(A) is historically significant; or

(B) will be historically significant at the end of the 25-year period beginning on the date of the completion of such assessment.

(2) For each facility described in paragraph (1) that a Secretary concerned determines is not, or will not be, historically significant pursuant to an assessment under such paragraph, the Secretary concerned shall—

(A) conduct an assessment of the condition of such facility;

(B) make an initial determination of whether such facility will be modernized or demolished during such 25-year period; and

(C) submit to the digital facilities management system of the military department under the jurisdiction of such Secretary—

- (i) the results of the assessment under subparagraph (A); and
- (ii) the initial determination required by subparagraph (B).

(3) If, during the course of any assessment of a facility described in paragraph (1), the Secretary concerned changes a determination with respect to the historic significance of the facility or plans of such Secretary to modernize or demolish the facility, such Secretary shall revise the information submitted to the applicable digital facilities management system pursuant to subparagraph (C) of paragraph (2).

(e) ANNUAL BRIEFING.—(1) Along with the budget for fiscal year 2027 submitted by the President pursuant to section 1105(a) of title 31, United States Code, and on an annual basis thereafter, each Secretary concerned shall provide to<sup>1</sup> congressional defense committees a briefing on—

- (A) the strategy required by subsection (a); and
- (B) the results of the assessments required by subsections (b) and (d).

(2) Each such briefing shall include—

- (A) a summary of the existing authorities of each Secretary concerned to demolish the facilities covered by such strategy;
- (B) a plan to implement such strategy; and
- (C) recommendations of each such Secretary with respect to reducing—

- (i) the inventory of facilities in poor or failing condition under the uniform index developed under section 2838 of the National Defense Authorization Act for Fiscal Year 2024 (Public Law 118–31); and
- (ii) the total cost to the United States to maintain the facilities covered by the assessment required by subsection (b) of such section.

(Added Pub. L. 118–159, div. B, title XXVIII, § 2822(a), Dec. 23, 2024, 138 Stat. 2254.)

**Editorial Notes**

REFERENCES IN TEXT

Section 2838 of the National Defense Authorization Act for Fiscal Year 2024, referred to in subsecs. (a)(1)

<sup>1</sup> So in original. Probably should be “contract”.

<sup>1</sup> So in original. Probably should be followed by “the”.

and (e)(2)(C)(i), is section 2838 of Pub. L. 118-31, which is set out as a note preceding section 2851 of this title.

## SUBCHAPTER II—MILITARY FAMILY HOUSING

Sec.	
2821.	Requirement for authorization of appropriations for construction and acquisition of military family housing.
2822.	Requirement for authorization of number of family housing units.
[2823.	Repealed.]
2824.	Authorization for acquisition of existing family housing in lieu of construction.
2825.	Improvements to family housing units.
2826.	Military family housing: local comparability of room patterns and floor areas.
2827.	Relocation of military family housing units.
2828.	Leasing of military family housing.
2829.	Multi-year contracts for supplies and services.
[2830.	Repealed.]
2831.	Military family housing management account.
2832.	Homeowners assistance program.
2833.	Family housing support.
2834.	Participation in Department of State housing pools.
2835.	Long-term leasing of military family housing to be constructed.
2835a.	Use of military family housing constructed under build and lease authority to house other members.
2836.	Military housing rental guarantee program.
2837.	Housing Requirements and Market Analysis.
2838.	Leasing of military family housing to Secretary of Defense.
2839.	Application of certain authorities and standards to historic military housing and associated historic properties of the Department of the Army.

### Editorial Notes

#### AMENDMENTS

2024—Pub. L. 118-159, div. B, title XXVIII, § 2823(b), Dec. 23, 2024, 138 Stat. 2256, which directed amendment of the analysis for this chapter by adding item 2839, was executed to the analysis for this subchapter, to reflect the probable intent of Congress.

2022—Pub. L. 117-263, div. B, title XXVIII, § 2821(a), Dec. 23, 2022, 136 Stat. 2999, added item 2837. Amendment was made pursuant to operation of section 102 of this title.

2021—Pub. L. 116-283, div. B, title XXVIII, § 2812(b), Jan. 1, 2021, 134 Stat. 4327, struck out item 2830 “Occupancy of substandard family housing units”.

2013—Pub. L. 113-66, div. B, title XXVIII, § 2802(a)(2), Dec. 26, 2013, 127 Stat. 1006, struck out item 2837 “Limited partnerships with private developers of housing”.

2008—Pub. L. 110-417, div. B, title XXVIII, §§ 2803(b), 2804(b), Oct. 14, 2008, 122 Stat. 4720, 4721, added items 2835a and 2838.

2006—Pub. L. 109-364, div. B, title XXVIII, § 2803(b), Oct. 17, 2006, 120 Stat. 2467, struck out item 2823 “Determination of availability of suitable alternative housing for acquisition in lieu of construction of new family housing”.

2000—Pub. L. 106-398, § 1 [div. B, title XXVIII, § 2803(a)(2)], Oct. 30, 2000, 114 Stat. 1654, 1654A-413, substituted “Military family housing: local comparability of room patterns and floor areas” for “Limitations on space by pay grade” in item 2826.

1994—Pub. L. 103-337, div. B, title XXVIII, § 2803(b), Oct. 5, 1994, 108 Stat. 3053, added item 2837.

1991—Pub. L. 102-190, div. B, title XXVIII, §§ 2806(a)(2), 2809(a)(2), Dec. 5, 1991, 105 Stat. 1540, 1543, added items 2835 and 2836.

1985—Pub. L. 99-167, title VIII, §§ 804(b)(2), 808(b), Dec. 3, 1985, 99 Stat. 987, 989, added items 2833 and 2834.

### § 2821. Requirement for authorization of appropriations for construction and acquisition of military family housing

(a) Except as provided in subsection (b), funds may not be appropriated for the construction, acquisition, leasing, addition, extension, expansion, alteration, relocation, or operation and maintenance of family housing under the jurisdiction of the Department of Defense unless the appropriation of such funds has been authorized by law.

(b) In addition to the funds authorized to be appropriated by law in any fiscal year for the purposes described in subsection (a), there are authorized to be appropriated such additional sums as may be necessary for increases in salary, pay, retirement, and other employee benefits authorized by law for civilian employees of the Department of Defense whose compensation is provided for by funds appropriated for the purposes described in such subsection.

(c) Amounts authorized by law for construction of military family housing units include amounts for (1) site preparation (including demolition), (2) installation of utilities, (3) ancillary supporting facilities, (4) shades, screens, ranges, refrigerators, and all other equipment and fixtures installed in such units, and (5) construction supervision, inspection, and overhead.

(d) Amounts authorized by law for construction and acquisition of military family housing and facilities include amounts for—

- (1) minor construction;
- (2) improvements to existing military family housing units and facilities;
- (3) relocation of military family housing units under section 2827 of this title; and
- (4) architectural and engineering services and construction design.

(e) The Secretary concerned shall provide for the installation and maintenance of an appropriate number of carbon monoxide detectors in each unit of military family housing under the jurisdiction of the Secretary.

(Added Pub. L. 97-214, § 2(a), July 12, 1982, 96 Stat. 157; amended Pub. L. 99-145, title XIII, § 1303(a)(18), Nov. 8, 1985, 99 Stat. 739; Pub. L. 99-167, title VIII, § 804(a), Dec. 3, 1985, 99 Stat. 987; Pub. L. 116-92, div. B, title XXX, § 3031, Dec. 20, 2019, 133 Stat. 1936.)

### Editorial Notes

#### AMENDMENTS

2019—Subsec. (e). Pub. L. 116-92 added subsec. (e).  
1985—Subsec. (b). Pub. L. 99-145 substituted “such subsection” for “such paragraph”.

Subsec. (d). Pub. L. 99-167 added subsec. (d).

### Statutory Notes and Related Subsidiaries

#### 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.

INCLUSION OF QUESTIONS REGARDING MILITARY HOUSING FOR MEMBERS OF THE ARMED FORCES IN STATUS OF FORCES SURVEY

Pub. L. 118-31, div. B, title XXVIII, § 2824, Dec. 22, 2023, 137 Stat. 752, provided that: “The Secretary of De-