

Editorial Notes

REFERENCES IN TEXT

Chapter 137 of this title, referred to in subsec. (c), was repealed by Pub. L. 116-283, div. A, title XVIII, §1881(a), Jan. 1, 2021, 134 Stat. 4293, effective Jan. 1, 2022, in conjunction with the transfer and reorganization of acquisition provisions in this title by Pub. L. 116-283, div. A, title XVIII, Jan. 1, 2022, 134 Stat. 4149. For definition of “chapter 137 legacy provisions”, see section 3016 of this title.

PRIOR PROVISIONS

Provisions similar to those in this section were contained in subsec. (g) of section 2828 of this title, prior to repeal by Pub. L. 102-190, §2806(b)(1).

AMENDMENTS

2017—Subsec. (g). Pub. L. 115-91 added subsec. (g) and struck out former subsec. (g) which set out written notice and wait requirements.

2013—Subsec. (a), (g)(1). Pub. L. 112-239 inserted “when it is not operating as a service in the Navy” after “Coast Guard”.

2011—Subsec. (g)(2). Pub. L. 111-383 struck out “calendar” after “21” and inserted before period at end “or, if earlier, a period of 14 days has elapsed from the date on which a copy of the analysis is provided in an electronic medium pursuant to section 480 of this title”.

2002—Subsecs. (a) to (c), (d)(4)(B), (g)(1). Pub. L. 107-296 substituted “of Homeland Security” for “of Transportation” wherever appearing.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107-296 effective on the date of transfer of the Coast Guard to the Department of Homeland Security, see section 1704(g) of Pub. L. 107-296, set out as a note under section 101 of this title.

EFFECTIVE DATE

Section applicable with respect to contracts entered into under this section on or after Dec. 5, 1991, see section 2806(c) of Pub. L. 102-190, set out as an Effective Date of 1991 Amendment note under section 2828 of this title.

§ 2835a. Use of military family housing constructed under build and lease authority to house other members

(a) **INDIVIDUAL ASSIGNMENT OF MEMBERS WITHOUT DEPENDENTS.**—(1) To the extent that the Secretary concerned determines that military family housing constructed and leased under section 2835 of this title is not needed to house members of the armed forces eligible for assignment to military family housing, the Secretary may assign, without rental charge, members without dependents to the housing.

(2) A member without dependents who is assigned to housing pursuant to paragraph (1) shall be considered to be assigned to quarters pursuant to section 403(e) of title 37.

(b) **CONVERSION TO LONG-TERM LEASING OF MILITARY UNACCOMPANIED HOUSING.**—(1) If the Secretary concerned determines that military family housing constructed and leased under section 2835 of this title is excess to the long-term needs of the family housing program of the Secretary, the Secretary may convert the lease contract entered into under subsection (a) of such section into a long-term lease of military unaccompanied housing.

(2) The term of the lease contract for military unaccompanied housing converted from military

family housing under paragraph (1) may not exceed the remaining term of the lease contract for the family housing so converted.

(c) **NOTICE AND WAIT REQUIREMENTS.**—The Secretary concerned may not convert military family housing to military unaccompanied housing under subsection (b) until after the end of the 14-day period beginning on the date on which the Secretary submits, in an electronic medium pursuant to section 480 of this title, to the appropriate committees of Congress a notice of the intent to undertake the conversion.

(d) **APPLICATION TO HOUSING LEASED UNDER FORMER AUTHORITY.**—This section also shall apply to housing initially acquired or constructed under the former section 2828(g) of this title (commonly known as the “Build to Lease program”), as added by section 801 of the Military Construction Authorization Act, 1984 (Public Law 98-115; 97 Stat 782).

(Added Pub. L. 110-417, div. B, title XXVIII, §2803(a), Oct. 14, 2008, 122 Stat. 4719; amended Pub. L. 115-91, div. B, title XXVIII, §2801(b)(6), Dec. 12, 2017, 131 Stat. 1843; Pub. L. 116-92, div. A, title XVII, §1731(a)(56), Dec. 20, 2019, 133 Stat. 1815.)

Editorial Notes

REFERENCES IN TEXT

Section 2828(g) of this title (commonly known as the “Build to Lease program”), as added by section 801 of the Military Construction Authorization Act, 1984, referred to in subsec. (d), means the subsection (g) added to section 2828 of this title by section 801 of Pub. L. 98-115, which was repealed by Pub. L. 102-190, div. B, title XXVIII, §2806(b), Dec. 5, 1991, 105 Stat. 1540.

AMENDMENTS

2019—Subsec. (c). Pub. L. 116-92 struck out par. (1) designation before “The Secretary”.

2017—Subsec. (c). Pub. L. 115-91 substituted “until after the end of the 14-day period beginning on the date on which the Secretary submits, in an electronic medium pursuant to section 480 of this title, to the appropriate committees of Congress a notice of the intent to undertake the conversion.” for “until—” and struck out subpars. (A) and (B) which required a notice of intent and a wait period and par. (2) which read as follows: “The notice required by paragraph (1) shall include—

“(A) an explanation of the reasons for the conversion of the military family housing to military unaccompanied housing;

“(B) a description of the long-term lease to be converted;

“(C) amounts to be paid under the lease; and

“(D) the expiration date of the lease.”

§ 2836. Military housing rental guarantee program

(a) **AUTHORITY.**—Subject to subsection (b), the Secretary of a military department, or the Secretary of Homeland Security with respect to the Coast Guard when it is not operating as a service in the Navy, may enter into an agreement to assure the occupancy of rental housing to be constructed or rehabilitated to residential use by a private developer or by a State or local housing authority on private land, on land owned by a State or local government, or on land owned by the United States, if the housing is to be located on or near a new military instal-