

an electronic medium pursuant to section 480 of this title”.

2002—Subsec. (d)(1). Pub. L. 107-217 substituted “Sub-title 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.)”.

2001—Subsec. (d)(2). Pub. L. 107-107 substituted “McKinney-Vento Homeless Assistance Act” for “Stewart B. McKinney Homeless Assistance Act”.

§ 2855. Law applicable to contracts for architectural and engineering services and construction design

(a) Contracts for architectural and engineering services and construction design in connection with a military construction project or a military family housing project shall be awarded in accordance with chapter 11 of title 40.

(b)(1) In the case of a contract referred to in subsection (a), if the Secretary concerned estimates that the initial award of the contract will be in an amount less than the threshold amount determined under paragraph (2), the contract shall be awarded in accordance with the set aside provisions of the Small Business Act (15 U.S.C. 631 et seq.).

(2) The threshold amount under paragraph (1) is \$1,000,000.

(3) This subsection does not restrict the award of contracts to small business concerns under section 8(a) of the Small Business Act (15 U.S.C. 637(a)).

(Added Pub. L. 97-214, §2(a), July 12, 1982, 96 Stat. 166; amended Pub. L. 98-407, title VIII, §808(a), Aug. 28, 1984, 98 Stat. 1521; Pub. L. 107-217, §3(b)(22), Aug. 21, 2002, 116 Stat. 1297; Pub. L. 108-136, div. A, title XIV, §1427(a), Nov. 24, 2003, 117 Stat. 1670; Pub. L. 115-232, div. B, title XXVIII, §2804(a), (b), Aug. 13, 2018, 132 Stat. 2261.)

Editorial Notes

REFERENCES IN TEXT

The Small Business Act, referred to in subsec. (b)(1), is Pub. L. 85-536, §2(1 et seq.), July 18, 1958, 72 Stat. 384, which is classified generally to chapter 14A (§631 et seq.) of Title 15, Commerce and Trade. For complete classification of this Act to the Code, see Short Title note set out under section 631 of Title 15 and Tables.

AMENDMENTS

2018—Subsec. (b)(1). Pub. L. 115-232, §2804(a), substituted “subsection (a),” for “subsection (a)—”, struck out subpar. (B) designation before “if the Secretary”, and struck out subpar. (A) which read as follows: “if the Secretary concerned estimates that the initial award of the contract will be in an amount greater than or equal to the threshold amount determined under paragraph (2), the contract may not be set aside exclusively for award to small business concerns; and”.

Subsec. (b)(2). Pub. L. 115-232, §2804(b), substituted “threshold” for “initial threshold” and “\$1,000,000” for “\$300,000” and struck out last sentence which read as follows: “The Secretary of Defense may revise that amount in order to ensure that small business concerns receive a reasonable share of contracts referred to in subsection (a).”

2003—Subsec. (b)(2). Pub. L. 108-136 substituted “\$300,000” for “\$85,000”.

2002—Subsec. (a). Pub. L. 107-217 substituted “chapter 11 of title 40” for “title IX of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 541 et seq.)”.

1984—Pub. L. 98-407 designated existing provisions as subsec. (a) and added subsec. (b).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2018 AMENDMENT

Pub. L. 115-232, div. B, title XXVIII, §2804(c), Aug. 13, 2018, 132 Stat. 2262, provided that: “The amendments made by this section [amending this section] shall apply with respect to fiscal year 2019 and each succeeding fiscal year.”

EFFECTIVE DATE OF 1984 AMENDMENT

Pub. L. 98-407, title VIII, §808(b), Aug. 28, 1984, 98 Stat. 1522, provided that: “Subsection (b) of section 2855 of title 10, United States Code, as added by subsection (a), shall apply with respect to contracts awarded after September 30, 1984, except that the authority of the Secretary of Defense under paragraph (2) of that subsection shall apply only with respect to contracts awarded after September 30, 1985.”

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.

§ 2856. Military unaccompanied housing: standards

(a) **LOCAL COMPARABILITY IN FLOOR AREAS.**—In the construction, acquisition, and improvement of covered military unaccompanied housing, the Secretary concerned shall ensure that the floor areas of such housing in a particular locality (as designated by the Secretary concerned for purposes of this section) do not exceed the floor areas of similar housing in the private sector in that locality, except for purposes of meeting minimum area requirements under subsection (b)(1)(A).

(b) **FLOOR SPACE AND NUMBER OF MEMBERS ALLOWED.**—In the design and configuration of covered military unaccompanied housing, the Secretary of Defense shall establish uniform design standards that—

(1) provide a minimum area of floor space, not including bathrooms or closets, per individual occupying a unit of covered military unaccompanied housing;

(2) ensure that not more than two individuals may occupy such a unit; and

(3) provide definitions and measures that specify—

(A) criteria of design;

(B) quality of construction material to be used; and

(C) levels of maintenance to be required.

(c) **COVERED MILITARY UNACCOMPANIED HOUSING.**—For purposes of this section, section 2856a, and section 2856b, the term “covered military unaccompanied housing” means Government-owned military housing intended to be occupied by members of the armed forces serving a tour of duty unaccompanied by dependents.

(Added Pub. L. 97-214, §2(a), July 12, 1982, 96 Stat. 166; amended Pub. L. 101-510, div. A, title XIII, §1301(19), Nov. 5, 1990, 104 Stat. 1668; Pub. L. 109-364, div. B, title XXVIII, §2807(a)(1), Oct. 17, 2006, 120 Stat. 2468; Pub. L. 118-31, div. B, title XXVIII, §2831(a)(1), Dec. 22, 2023, 137 Stat. 753; Pub. L. 118-159, div. A, title XVII, §1701(a)(31), Dec. 23, 2024, 138 Stat. 2205.)