

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.)

Editorial Notes**AMENDMENTS**

2024—Subsec. (a). Pub. L. 118-159 substituted “subsection (b)(1)(A).” for “subsection (b)(1)(A).”.

2023—Pub. L. 118-31, § 2831(a)(1)(B)–(D), designated existing provisions as subsec. (a) and inserted heading, inserted “covered” before “military unaccompanied housing” and “, except for purposes of meeting minimum area requirements under subsection (b)(1)(A),” before period at end, and added subssecs. (b) and (c).

Pub. L. 118-31, § 2831(a)(1)(A), substituted “standards” for “local comparability of floor areas” in section catchline.

2006—Pub. L. 109-364 amended section catchline and text generally. Prior to amendment, text read as follows: “The Secretary of Defense shall prescribe regulations establishing the maximum allowable net square feet per occupant for new permanent barracks construction. Such regulations shall be uniform for the armed forces under the jurisdiction of the Secretary of a military department.”

1990—Pub. L. 101-510 struck out “(a)” before “The Secretary of Defense” and struck out subsec. (b) which read as follows: “Before taking effect, any regulations under this section, and any modifications to such regulations, shall be submitted to the appropriate committees of Congress. Such regulations (including any modifications to such regulations) may not then take effect until 21 days after being received by such committees.”

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.

UNIFORM DESIGN STANDARDS

Pub. L. 118-31, div. B, title XXVIII, § 2831(b), (c), Dec. 22, 2023, 137 Stat. 753, 754, provided that:

“(b) **COMPLETION AND ISSUANCE OF UNIFORM DESIGN STANDARDS.**—Not later than 180 days after the date of the enactment of this Act [Dec. 22, 2023], the Secretary of Defense shall—

“(1) ensure that the uniform design standards required under section 2856(b)(1) of title 10, United States Code, as added by subsection (a)(1)(D), are completed, issued, and submitted to the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives]; or

“(2) submit to the congressional defense committees a report—

“(A) explaining in detail why such standards are not completed and issued;

“(B) indicating when such standards are expected to be completed and issued; and

“(C) specifying the names of the personnel responsible for the failure to complete and issue such standards.

“(c) **COMPLIANCE WITH UNIFORM DESIGN STANDARDS.**—

“(1) **IN GENERAL.**—Not later than two years after the date of the enactment of this Act, the Secretary of each military department shall ensure that all covered military unaccompanied housing located on a military installation under the jurisdiction of such Secretary complies with the uniform standards established under section 2856(b)(1) of title 10, United States Code, as added by subsection (a)(1)(D).

“(2) **NO WAIVER.**—The requirement under paragraph (1) may not be waived.

“(3) **COVERED MILITARY UNACCOMPANIED HOUSING DEFINED.**—In this subsection, the term ‘covered military unaccompanied housing’ has the meaning given in section 2856 of title 10, United States Code (as amended by subsection (a)).”

§ 2856a. Covered military unaccompanied housing: waivers of covered privacy and configuration standards

(a) **PROCEDURES FOR ISSUANCE OF CERTAIN WAIVERS.**—Effective March 2, 2024, any waiver of covered privacy and configuration standards shall be issued in accordance with the following:

(1) A commander of a military installation desiring a waiver of covered habitability standards shall submit to the Secretary of the military department concerned a request for such waiver.

(2) A Secretary of a military department may approve a request under subparagraph (A) only if such Secretary has exhausted all options available to such Secretary to provide housing that meets covered privacy and configuration standards, including the—

(A) use of available privately-owned military housing;

(B) modification of unit integrity goals to allow the use of each available unit of covered military unaccompanied housing that meets covered privacy and configuration standards; and

(C) issuance of a certificate of nonavailability of covered military unaccompanied housing to allow eligibility for basic allowance for housing under section 403 of title 37.

(3) An official described in paragraph (1) or (2) may not delegate the respective authorities under such paragraphs.

(4) Any waiver of covered privacy and configuration standards issued pursuant to this paragraph shall terminate on the date that is 15 months after the date on which such waiver was issued. A Secretary of a military department may not renew any such waiver.

(b) **ANNUAL REPORT ON WAIVERS.**—Not later than March 1, 2025, and annually thereafter not later than 15 days after the submission of the budget of the President to Congress pursuant to section 1105 of title 31, the Secretary of Defense shall submit to the Committees on Armed Services of the House of Representatives and the Senate and the Comptroller General of the United States a report on waivers issued under this section that includes—

(1) the number of such waivers that were issued during the period covered by the report;

(2) a plan to remedy the deficiencies, if any, of covered military unaccompanied housing that required the issuance of such a waiver;

(3) a strategy to remedy issues, if any, caused by covered military unaccompanied housing that did not comply with such uniform standards;

(4) a strategy to remedy the factors, if any, that require a commander of a military installation to submit to the applicable Secretary of a military department a request for consecutive waivers of such uniform standards, including a timeline for the implementation of such strategy; and

(5) an analysis of strategies to remedy the factors described in paragraph (4), including—

(A) projects to modernize existing covered military unaccompanied housing to comply with such uniform standards;

(B) projects to construct new covered military unaccompanied housing; and