

**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 subsecs. (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

(C) modifications to relevant policies of the Department of Defense, excluding such policies relating to infrastructure.

(c) COVERED PRIVACY AND CONFIGURATION STANDARD DEFINED.—In this section, the term “covered privacy and configuration standard” means the minimum standards for privacy and configuration applicable to covered military unaccompanied housing described in Department of Defense Manual 4165.63 titled “DoD Housing Management” and dated October 28, 2010 (or a successor document).

(Added Pub. L. 118–31, div. B, title XXVIII, § 2833(b), Dec. 22, 2023, 137 Stat. 755; amended Pub. L. 118–159, div. B, title XXVIII, § 2824, Dec. 23, 2024, 138 Stat. 2256.)

#### Editorial Notes

##### CODIFICATION

Pub. L. 118–31, div. B, title XXVIII, § 2833(b), Dec. 22, 2023, 137 Stat. 755, which directed amendment of “Subchapter III of title 10” by adding this section after section 2856 of this title, was executed to subchapter III of chapter 169 of this title, to reflect the probable intent of Congress.

##### AMENDMENTS

2024—Subsec. (a)(4). Pub. L. 118–159 substituted “15 months” for “9 months”.

#### Statutory Notes and Related Subsidiaries

##### REVISIONS TO RULES, GUIDANCE, OR OTHER ISSUANCES

Pub. L. 118–31, div. B, title XXVIII, § 2833(d), Dec. 22, 2023, 137 Stat. 757, provided that: “Not later than 120 days after the date of the enactment of this Act [Dec. 22, 2023], the Secretary of Defense and Secretaries of the military departments shall revise any rule, guidance, or other issuance of the Department of Defense and the military departments under the respective jurisdictions of such Secretaries to include the procedures for the issuance of waivers of covered privacy and configuration standards [see section 2833(f) of Pub. L. 118–31, set out as a note below] pursuant to section 2856a of title 10, United States Code (as added by subsection (a)).”

##### TERMINATION OF EXISTING WAIVERS OF COVERED PRIVACY AND CONFIGURATION STANDARDS

Pub. L. 118–31, div. B, title XXVIII, § 2833(a), Dec. 22, 2023, 137 Stat. 755, provided that: “Any waiver of covered privacy and configuration standards [see section 2833(f) of Pub. L. 118–31, set out as a note below] in effect on or before the date of the enactment of this Act [Dec. 22, 2023] shall terminate on March 1, 2024.”

##### COVERED PRIVACY AND CONFIGURATION STANDARD

Pub. L. 118–31, div. B, title XXVIII, § 2833(f), Dec. 22, 2023, 137 Stat. 757, provided that: “The term ‘covered privacy and configuration standard’ has the meaning given in section 2856a of title 10, United States Code (as added by subsection (a)).”

##### DEFINITIONS

For definition of “covered military unaccompanied housing” as used in this section, see section 2856(c) of this title.

#### § 2856b. Covered military unaccompanied housing: standards for habitability

(a) STANDARDS REQUIRED.—For the purposes of assigning a member of the armed forces to a unit of covered military unaccompanied housing,

the Secretary of Defense shall establish uniform minimum standards for covered military unaccompanied housing, that shall include minimum requirements for—

- (1) condition;
- (2) habitability, health, and environmental comfort;
- (3) safety and security; and
- (4) any other element the Secretary of Defense determines appropriate.

(b) LIMITATION ON ISSUANCE OF WAIVERS.—Any waiver of a uniform standard described in subsection (a) may only be issued by a Secretary of a military department.

(c) CERTIFICATION.—The Secretary of Defense shall include, in conjunction with the submission of the budget of the President to Congress pursuant to section 1105 of title 31, a certification from each Secretary of a military department to the congressional defense committees that the cost for all needed repairs and improvements for each occupied covered military unaccompanied housing facility under the jurisdiction of such Secretary does not exceed 20 percent of the replacement cost of such facility, as mandated by Department of Defense Manual 4165.63 titled “DoD Housing Management” and dated October 28, 2010 (or a successor document).

(Added and amended Pub. L. 118–31, div. B, title XXVIII, §§ 2832(a), 2834, Dec. 22, 2023, 137 Stat. 754, 757.)

#### Editorial Notes

##### CODIFICATION

Pub. L. 118–31, div. B, title XXVIII, § 2832(a), Dec. 22, 2023, 137 Stat. 754, which directed amendment of “Subchapter III of title 10” by adding this section after section 2856a of this title, was executed to subchapter III of chapter 169 of this title, to reflect the probable intent of Congress.

##### AMENDMENTS

2023—Subsec. (c). Pub. L. 118–31, § 2834, added subsec. (c).

#### Statutory Notes and Related Subsidiaries

##### GUIDANCE

Pub. L. 118–31, div. B, title XXVIII, § 2832(b), Dec. 22, 2023, 137 Stat. 754, provided that: “Not later than 30 days after the date on which the Secretary of Defense develops the uniform standards under section 2856b of title 10, United States Code (as added by subsection (a)), the Secretary of Defense shall issue to each Secretary of a military department guidance on such uniform standards.”

##### DEFINITIONS

For definition of “covered military unaccompanied housing” as used in this section, see section 2856(c) of this title.

#### § 2857. Window fall prevention devices in military family housing units

(a) REQUIRING USE OF DEVICES ON CERTAIN WINDOWS.—

- (1) REQUIREMENT.—The Secretary concerned shall ensure that if a window in any military family housing unit is described in subsection (c), including a window designed for emergency escape or rescue, the window is equipped