

(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

with fall prevention devices described in paragraph (3).

(2) **EFFECTIVE DATE.**—Paragraph (1) shall apply with respect to the following military family housing units:

(A) A unit for which the contract for the construction of the unit is first entered into after October 1, 2019.

(B) Any other unit which is subject to a whole-house renovation project for which the contract is entered into on or after October 1, 2019.

(3) **FALL PREVENTION DEVICE DESCRIBED.**—A fall prevention device is a window screen or guard that complies with applicable standards in ASTM standard F2090–13 (or any successor standard).

(b) **RETROFITTING OR REPLACING EXISTING WINDOWS.**—

(1) **PROGRAM TO RETROFIT EXISTING WINDOWS.**—The Secretary concerned shall carry out a program under which, in military family housing units which are not subject to the requirements of subsection (a), windows which are described in subsection (c), including windows designed for emergency escape or rescue, are retrofitted to be equipped with fall prevention devices described in paragraph (3) of subsection (a) or are replaced with windows which are equipped with fall prevention devices described in such paragraph.

(2) **GRANTS.**—The Secretary concerned may carry out the program under this subsection by making grants to private entities to retrofit or replace existing windows, in accordance with such criteria as the Secretary may establish by regulation.

(3) **USE OF OPERATIONS FUNDING.**—The Secretary may carry out the program under this subsection during a fiscal year with amounts made available to the Secretary for family housing operations for such fiscal year.

(c) **WINDOWS DESCRIBED.**—A window is described in this subsection if the bottom sill of the window is within 42 inches of the floor, as measured in the interior of the unit, and is more than 72 inches above the ground, as measured on the exterior grade of the building.

(d) **RECORD OF INCIDENTS; ANNUAL REPORT.**—The Secretary concerned shall keep a record of each incident (as defined in Department of Defense Instruction 6055.7 series) in which a minor child is injured or killed as the result of an unintentional window fall in a military family housing unit. Not later than 90 days after the end of each calendar year (beginning with 2017), the Secretary of Defense shall submit a report to the Committees on Armed Services of the House of Representatives and Senate on all such window falls occurring in the previous year.

(e) **APPLICABILITY TO ALL MILITARY FAMILY HOUSING.**—This section applies to military family housing under the jurisdiction of the Department of Defense and military family housing acquired or constructed under subchapter IV of this chapter.

(Added Pub. L. 115–91, div. B, title XXVIII, § 2817(a)(1), Dec. 12, 2017, 131 Stat. 1851, § 2879; amended Pub. L. 115–232, div. A, title X,

§ 1081(a)(28), div. B, title XXVIII, § 2823(a), Aug. 13, 2018, 132 Stat. 1985, 2269; Pub. L. 116–92, div. A, title XVII, § 1731(a)(57), div. B, title XXX, § 3034, Dec. 20, 2019, 133 Stat. 1815, 1936; renumbered § 2857 and amended Pub. L. 117–81, div. B, title XXVIII, § 2812(a), (b), Dec. 27, 2021, 135 Stat. 2191.)

#### Editorial Notes

##### PRIOR PROVISIONS

A prior section 2857 was renumbered section 2915 of this title.

##### AMENDMENTS

2021—Pub. L. 117–81, § 2812(a), renumbered section 2879 of this title as this section and transferred it to appear after section 2856 of this title.

Subsec. (a)(1). Pub. L. 117–81, § 2812(b)(1), struck out “acquired or constructed under this chapter” after “housing unit”.

Subsec. (b)(1). Pub. L. 117–81, § 2812(b)(2), struck out “acquired or constructed under this chapter” after “housing units”.

Subsec. (e). Pub. L. 117–81, § 2812(b)(3), added subsec. (e).

2019—Subsec. (a)(1). Pub. L. 116–92, § 3034(a)(1), substituted “described in paragraph (3)” for “that protect against unintentional window falls by young children and that are in compliance with applicable International Building Code (IBC) standards”.

Subsec. (a)(2)(A). Pub. L. 116–92, § 3034(a)(2)(A), substituted “October 1, 2019” for “December 11, 2017”.

Pub. L. 116–92, § 1731(a)(57), struck out comma before period at end.

Subsec. (a)(2)(B). Pub. L. 116–92, § 3034(a)(2)(B), substituted “October 1, 2019” for “September 1, 2018”.

Subsec. (a)(3). Pub. L. 116–92, § 3034(a)(3), added par. (3).

Subsec. (b)(1). Pub. L. 116–92, § 3034(c), substituted “paragraph (3)” for “paragraph (1)”.

Subsec. (c). Pub. L. 116–92, § 3034(b), substituted “42 inches” for “24 inches”.

2018—Subsec. (a)(1). Pub. L. 115–232, § 2823(a)(1), substituted “subsection (c)” for “subsection (b)”.

Subsec. (a)(2)(A). Pub. L. 115–232, § 1081(a)(28), substituted “after December 11, 2017,” for “on or after the date of the enactment of this section”.

Subsecs. (b) to (d). Pub. L. 115–232, § 2823(a)(2), (3), added subsec. (b) and redesignated former subsecs. (b) and (c) as (c) and (d), respectively.

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE OF 2018 AMENDMENT

Pub. L. 115–232, div. B, title XXVIII, § 2823(b), Aug. 13, 2018, 132 Stat. 2269, provided that: “The amendments made by this section [amending this section] shall apply with respect to fiscal year 2019 and each succeeding fiscal year.”

#### § 2858. Limitation on the use of funds for expediting a construction project

Funds appropriated for military construction (including military family housing) may not be expended for additional costs involved in expediting a construction project unless the Secretary concerned (1) certifies that expenditures for such costs are necessary to protect the national interest, and (2) establishes a reasonable completion date for the project. In establishing such a completion date, the Secretary shall take into consideration the urgency of the requirement for completion of the project, the type and location of the project, the climatic and seasonal conditions affecting the construction in-