

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-

volved, and the application of economical construction practices.

(Added Pub. L. 97-214, §2(a), July 12, 1982, 96 Stat. 167.)

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.

§ 2859. Construction requirements related to antiterrorism and force protection or urban-training operations

(a) **ANTITERRORISM AND FORCE PROTECTION GUIDANCE AND CRITERIA.**—The Secretary of Defense shall develop common guidance and criteria to be used by each Secretary concerned—

(1) to assess the vulnerability of military installations located inside and outside of the United States to terrorist attack;

(2) to develop construction standards that, taking into consideration other security or force-protection measures available for the facility or military installation concerned, are designed to reduce the vulnerability of structures to terrorist attack and improve the security of the occupants of such structures;

(3) to prepare and carry out military construction projects, such as gate and fenceline construction, to improve the physical security of military installations; and

(4) to assist in prioritizing such projects within the military construction budget of each of the armed forces.

(b) **VULNERABILITY ASSESSMENTS.**—The Secretary of Defense shall require vulnerability assessments of military installations to be conducted, at regular intervals, using the criteria developed under subsection (a).

(c) **CERTIFICATION REQUIRED FOR MILITARY CONSTRUCTION PROJECTS DESIGNED TO PROVIDE TRAINING IN URBAN OPERATIONS.**—(1) Except as provided in paragraph (3), the Secretary concerned may not carry out a military construction project to construct a facility designed to provide training in urban operations for members of the armed forces or personnel of the Department of Defense or other Federal agencies until—

(A) the Secretary of Defense approves a strategy for training and facility construction for operations in urban terrain; and

(B) the Under Secretary of Defense for Personnel and Readiness evaluates the project and certifies to the appropriate committees of Congress that the project—

(i) is consistent with the strategy; and

(ii) incorporates the appropriate capabilities for joint and interagency use in accordance with the strategy.

(2) This subsection shall not apply with respect to a military construction project carried out under the authority of section 2803, 2804, or 2808 of this title or section 2808 of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108-136; 117 Stat. 1723).

(Added Pub. L. 108-375, div. B, title XXVIII, §2804(a)(1), Oct. 28, 2004, 118 Stat. 2121; amended

Pub. L. 109-364, div. B, title XXVIII, §2808(a), (b)(1), Oct. 17, 2006, 120 Stat. 2469; Pub. L. 112-239, div. A, title X, §1081(2), Jan. 2, 2013, 126 Stat. 1960; Pub. L. 113-66, div. B, title XXVIII, §2803(a), Dec. 26, 2013, 127 Stat. 1006; Pub. L. 115-91, div. A, title X, §1051(a)(22), Dec. 12, 2017, 131 Stat. 1562.)

Editorial Notes

REFERENCES IN TEXT

Section 2808 of the Military Construction Authorization Act for Fiscal Year 2004, referred to in subsec. (c)(2), is section 2808 of title XXVIII of div. B of Pub. L. 108-136, Nov. 24, 2003, 117 Stat. 1723, which is not classified to the Code except for section 2808(e), which is set out as a note under section 2805 of this title.

PRIOR PROVISIONS

A prior section 2859, added Pub. L. 97-214, §2(a), July 12, 1982, 96 Stat. 167; amended Pub. L. 97-295, §1(36), Oct. 12, 1982, 96 Stat. 1296, provided for transmission of annual military construction authorization request, prior to repeal by Pub. L. 108-136, div. A, title X, §1044(b)(1), Nov. 24, 2003, 117 Stat. 1612.

AMENDMENTS

2017—Subsecs. (c), (d). Pub. L. 115-91 redesignated subsec. (d) as (c) and struck out former subsec. (c) which required annual reports describing vulnerability assessments and military construction requirements.

2013—Subsec. (a)(2). Pub. L. 113-66 substituted “develop construction standards that, taking into consideration other security or force-protection measures available for the facility or military installation concerned, are designed” for “develop construction standards designed”.

Subsec. (d)(2), (3). Pub. L. 112-239 redesignated par. (3) as (2) and struck out former par. (2) which read as follows: “The Under Secretary of Defense for Personnel and Readiness shall conduct the evaluation required by paragraph (1)(B) in consultation with the Commander of the United States Joint Forces Command.”

2006—Pub. L. 109-364, §2808(b)(1), inserted “or urban-training operations” after “force protection” in section catchline.

Subsec. (d). Pub. L. 109-364, §2808(a), added subsec. (d).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2006 AMENDMENT

Pub. L. 109-364, div. B, title XXVIII, §2808(c), Oct. 17, 2006, 120 Stat. 2470, provided that: “Subsection (d) [now (c)] of section 2859 of title 10, United States Code, as added by subsection (a), shall apply with respect to military construction projects described in such subsection (d) [(c)] for which funds are first provided for fiscal year 2007 or thereafter.”

JOINT STRATEGY FOR AIR BASE DEFENSE AGAINST MISSILE THREATS

Pub. L. 116-283, div. A, title I, §156, Jan. 1, 2021, 134 Stat. 3447, provided that:

“(a) **STRATEGY REQUIRED.**—The Chief of Staff of the Air Force and the Chief of Staff of the Army shall jointly develop and carry out a strategy to address the defense of air bases and prepositioned sites outside the continental United States against current and emerging missile threats, as validated by the Defense Intelligence Agency.

“(b) **CERTIFICATION AND STRATEGY.**—Not later than June 1, 2021, the Chief of Staff of the Air Force and the Chief of Staff of the Army shall jointly submit to the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives] the following:

“(1) A certification that the defense of air bases and prepositioned sites outside the continental United