

“(B) identify methods to mitigate such risks based on their significance.

“(6) Not later than December 1, 2018, finalize Department of Defense guidance that clearly defines—

“(A) the circumstances in which the military departments shall provide notification of housing project changes to the congressional defense committees; and

“(B) which types of such changes require prior notification to or prior approval from the congressional defense committees.

“(d) DEFINITIONS.—In this section:

“(1) The term ‘BAH’ means the basic allowance for housing under section 403 of title 37, United States Code.

“(2) The term ‘covered housing’ means a unit of MHPI housing that is leased to a member of a uniformed service who resides in such unit.

“(3) The term ‘MHPI housing’ means housing procured, acquired, constructed, or for which any phase or portion of a project agreement was first finalized and signed, under the alternative authority of subchapter IV of chapter 169 of title 10, United States Code (known as the Military Housing Privatization Initiative), on or before September 30, 2014.”

[Pub. L. 116-92, div. B, title XXX, §3036(b), Dec. 20, 2019, 133 Stat. 1939, provided that: “The amendment made by this section [amending section 606 of Pub. L. 115-232, set out above] shall take effect on the date of the enactment of this Act [Dec. 20, 2019] and shall apply with respect to months beginning after that date.”]

§ 2872. General authority

In addition to any other authority provided under this chapter for the acquisition or construction of military family housing or military unaccompanied housing, the Secretary concerned may exercise any authority or any combination of authorities provided under this subchapter in order to provide for the acquisition or construction by eligible entities of the following:

(1) Family housing units on or near military installations within the United States and its territories and possessions.

(2) Military unaccompanied housing units on or near such military installations.

(Added Pub. L. 104-106, div. B, title XXVIII, §2801(a)(1), Feb. 10, 1996, 110 Stat. 545; amended Pub. L. 106-65, div. B, title XXVIII, §2803(b), Oct. 5, 1999, 113 Stat. 849.)

Editorial Notes

AMENDMENTS

1999—Pub. L. 106-65 substituted “eligible entities” for “private persons” in introductory provisions.

§ 2872a. Utilities and services

(a) AUTHORITY TO FURNISH.—The Secretary concerned may furnish utilities and services referred to in subsection (b) in connection with any military housing acquired or constructed pursuant to the exercise of any authority or combination of authorities under this subchapter if the military housing is located on a military installation.

(b) COVERED UTILITIES AND SERVICES.—The utilities and services that may be furnished under subsection (a) are the following:

- (1) Electric power.
- (2) Steam.
- (3) Compressed air.
- (4) Water.

(5) Sewage and garbage disposal.

(6) Natural gas.

(7) Pest control.

(8) Snow and ice removal.

(9) Mechanical refrigeration.

(10) Telecommunications service.

(11) Firefighting and fire protection services.

(12) Police protection services.

(13) Street sweeping.

(14) Tree trimming and removal.

(c) REIMBURSEMENT.—(1) The Secretary concerned shall be reimbursed for any utilities or services furnished under subsection (a).

(2) The amount of any cash payment received under paragraph (1) as reimbursement for the cost of furnishing utilities or services shall—

(A) in the case of a cost paid using funds appropriated or otherwise made available before October 1, 2014, be credited to the appropriation or working capital account from which the cost of furnishing utilities or services concerned was paid; or

(B) in the case of a cost paid using funds appropriated or otherwise made available on or after October 1, 2014, be credited to the appropriation or working capital account currently available for the purpose of furnishing utilities or services under subsection (a).

(3) Amounts credited under paragraph (2) to an appropriation or account shall be merged with funds in such appropriation or account, and shall be available to the same extent, and subject to the same terms and conditions, as such funds.

(Added Pub. L. 106-398, §1 [div. B, title XXVIII, §2805(a)], Oct. 30, 2000, 114 Stat. 1654, 1654A-414; amended Pub. L. 107-314, div. B, title XXVIII, §2802(a), Dec. 2, 2002, 116 Stat. 2703; Pub. L. 113-66, div. B, title XXVIII, §2804, Dec. 26, 2013, 127 Stat. 1007; Pub. L. 116-92, div. B, title XXX, §3032, Dec. 20, 2019, 133 Stat. 1936.)

Editorial Notes

AMENDMENTS

2019—Subsec. (b)(13), (14). Pub. L. 116-92 added pars. (13) and (14).

2013—Subsec. (c)(2), (3). Pub. L. 113-66 substituted “under paragraph (1) as reimbursement for the cost of furnishing utilities or services shall—” for “under paragraph (1) shall be credited to the appropriation or working capital account from which the cost of furnishing the utilities or services concerned was paid.”, added subpars. (A) and (B), designated second sentence of par. (2) as par. (3), and substituted “Amounts credited under paragraph (2)” for “Amounts so credited”.

2002—Subsec. (b)(11), (12). Pub. L. 107-314 added pars. (11) and (12).

§ 2872b. Treatment of breach of contract

(a) RESPONSE TO MATERIAL BREACH.—In the case of a material breach of contract under this subchapter by a party to the contract, the Secretary concerned shall use the authorities available to the Secretary, including withholding amounts to be paid under the contract, to encourage the party to cure the breach.

(b) RESCINDING OF CONTRACT.—If a material breach of the contract is not cured in a timely manner, as determined by the Secretary concerned, the Secretary may—