

lows: “A landlord providing a housing unit shall ensure that the needs of enrollees in the Exceptional Family Member Program, or any successor program, are considered in assigning prospective tenants to housing units provided by the landlord.”

Subsec. (e)(1). Pub. L. 117-81, §1081(a)(31), substituted “the basic allowance” for “the any basic allowance”.

Subsec. (e)(2)(B). Pub. L. 116-283, §2811(d)(3), substituted “any” for “the any”.

Subsec. (e)(3). Pub. L. 117-81, §2813(b)(1), added par. (3).

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE OF 2021 AMENDMENT

Pub. L. 117-81, div. B, title XXVIII, §2813(b)(2), Dec. 27, 2021, 135 Stat. 2192, provided that: “Subsection (e)(3) of section 2891a of title 10, United States Code [now 10 U.S.C. 2891e(f)(3)], as added by paragraph (1), shall apply to contracts described in subsection (a) of such section entered into on or after the date of the enactment of this Act [Dec. 27, 2021].”

##### EFFECTIVE DATE OF 2019 AMENDMENT

Pub. L. 116-92, div. B, title XXX, §3014(c), Dec. 20, 2019, 133 Stat. 1926, provided that: “The requirements set forth in section 2891a of title 10, United States Code, as added by subsection (a), shall apply to appropriate legal documents entered into or renewed on or after the date of the enactment of this Act [Dec. 20, 2019] between the Secretary of a military department and a landlord regarding privatized military housing.”

[For definitions of “landlord” and “privatized military housing” as used in section 3014(c) of Pub. L. 116-92, set out above, see section 3001(a) of Pub. L. 116-92, set out as a note under section 2821 of this title.]

##### IMPLEMENTATION OF RECOMMENDATIONS FROM AUDIT OF MEDICAL CONDITIONS OF RESIDENTS IN PRIVATIZED MILITARY HOUSING

Pub. L. 117-263, div. B, title XXVIII, §2825, Dec. 23, 2022, 136 Stat. 3001, provided that: “Not later than March 1, 2023, the Secretary of Defense shall implement the recommendations contained in the report of the Inspector General of the Department of Defense published on April 1, 2022, and titled ‘Audit of Medical Conditions of Residents in Privatized Military Housing’ (DODIG-2022-078).”

##### MILITARY DEPARTMENT IMPLEMENTATION PLANS

Pub. L. 116-92, div. B, title XXX, §3014(b), Dec. 20, 2019, 133 Stat. 1926, provided that: “Not later than February 1, 2020, the Secretary of each military department shall submit to the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives] a plan for the implementation by that military department of section 2891a of title 10, United States Code, as added by subsection (a).”

##### RETROACTIVE LANDLORD AGREEMENTS

Pub. L. 116-92, div. B, title XXX, §3014(e), Dec. 20, 2019, 133 Stat. 1926, provided that:

“(1) IN GENERAL.—Not later than February 1, 2020, the Secretary of Defense shall seek agreement from all landlords to accept the application of the requirements set forth in section 2891a of title 10, United States Code, as added by subsection (a), to appropriate legal documents entered into or renewed before the date of the enactment of this Act [Dec. 20, 2019] between the Secretary of a military department and a landlord regarding privatized military housing [sic]

“(2) SUBMITTAL OF LIST TO CONGRESS.—Not later than March 1, 2020, the Secretary of Defense shall submit to the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives] a list of any landlords that did not agree under paragraph (1) to accept the re-

quirements set forth in section 2891a of title 10, United States Code, as added by subsection (a).

“(3) CONSIDERATION OF LACK OF AGREEMENT IN FUTURE CONTRACTS.—The Secretary of Defense and the Secretaries of the military departments shall include any lack of agreement under paragraph (1) as past performance considered under section 2891b of title 10, United States Code, as added by section 3015, with respect to entering into or renewing any future contracts regarding privatized military housing.”

[For definitions of “landlord” and “privatized military housing” as used in section 3014(e) of Pub. L. 116-92, set out above, see section 3001(a) of Pub. L. 116-92, set out as a note under section 2821 of this title.]

#### § 2891b. Considerations of eligible entity housing history in contracts for privatized military housing

(a) CONSIDERATION REQUIRED.—To assist in making a determination whether to enter into a new contract, or renew an existing contract, with an eligible entity, the Secretary of Defense shall develop a standard process by which the Secretary concerned may evaluate the past performance of the eligible entity for purposes of informing future decisions regarding the award of such a contract.

(b) ELEMENTS OF PROCESS.—The process developed under subsection (a) shall include, at a minimum, consideration of the following:

(1) Any history of the eligible entity of providing substandard housing.

(2) The recommendation of the commander of the installation for which housing units will be provided under the contract.

(3) The recommendation of the commander of any other installation for which the eligible entity has provided housing units.

(Added Pub. L. 116-92, div. B, title XXX, §3015, Dec. 20, 2019, 133 Stat. 1927.)

#### § 2891c. Transparency regarding finances and performance metrics

(a) SUBMISSION OF LANDLORD FINANCIAL INFORMATION.—(1) Not less frequently than annually, the Secretary of Defense shall require that each landlord submit to the Secretary a report providing information regarding all housing units provided by the landlord.

(2) Information provided under paragraph (1) by a landlord shall include the following:

(A) A comprehensive summary of the landlord’s financial performance.

(B) The amount of base management fees relating to all housing units provided by the landlord.

(C) The amount of asset management fees relating to such housing units.

(D) The amount of preferred return fees relating to such housing units.

(E) The residual cashflow distributions relating to such housing units.

(F) The amount of deferred fees or other fees relating to such housing units.

(3) In this subsection:

(A) The term “base management fees” means the monthly management fees collected for services associated with accepting and processing rent payments, ensuring tenant rent payments, property inspections, maintenance management, and emergency maintenance calls.