

1955—Act Aug. 11, 1955, struck out provisions requiring cost certifications.

**§§ 1748g-1, 1748h. Omitted**

**Editorial Notes**

**CODIFICATION**

Section 1748g-1, act June 27, 1934, ch. 847, title VIII, §810, as added Sept. 1, 1951, ch. 378, title VI, §601(d), 65 Stat. 313, which related to mortgages on housing constructed for personnel of the Atomic Energy Commission, was omitted from the amendments to title VIII of act June 27, 1934, this subchapter, by act Aug. 11, 1955, ch. 783, title IV, §401, 69 Stat. 646.

Section 1748h, act June 27, 1934, ch. 847, title VIII, §809, as added May 2, 1950, ch. 151, 64 Stat. 97, which related to the procurement of services of architects and engineers by the Secretaries of the Army, Navy and Air Force to effectuate the purposes of this subchapter, was omitted from the amendment to title VIII of act June 27, 1934, this subchapter, by act Aug. 11, 1955, ch. 783, title IV, §401, 69 Stat. 646.

**§ 1748h-1. Civilian employees of Armed Forces**

**(a) Requirements; certificate of need for housing and employment status**

Notwithstanding any other provisions of this subchapter and in addition to mortgages insured under section 1748b of this title, the Secretary may insure any mortgage under this section which meets the eligibility requirements set forth in section 1709(b) of this title: *Provided*, That a mortgage insured under this section shall have been executed by a mortgagor who at the time of insurance is the owner of the property and either occupies the property or certifies that his failure to do so is the result of a change in his employment by the Armed Forces or a contractor thereof and to whom the Secretary of Defense or his designee has issued a certificate indicating that such person requires housing and is at the date of the certificate a civilian employee at a research or development installation of one of the military departments of the United States or a contractor thereof and is considered by such military department to be an essential, nontemporary employee at such date. Such certificate shall be conclusive evidence to the Secretary of the employment status of the mortgagor and of the mortgagor's need for housing.

**(b) Certification of housing need to Secretary; guaranty from loss; authorization of appropriations**

No mortgage shall be insured under this section unless the Secretary of Defense or his designee shall have certified to the Secretary that the housing is necessary to provide adequate housing for such civilians employed in connection with such a research or development installation and that there is no present intention to substantially curtail the number of such civilian personnel assigned or to be assigned to such installation. Such certification shall be conclusive evidence to the Secretary of the need for such housing but if the Secretary determines that insurance of mortgages on such housing is not an acceptable risk, he may require the Secretary of Defense to guarantee the General Insurance Fund from loss with respect to mortgages insured pursuant to this section: *Provided*, That the Secretary shall relieve the Secretary of De-

fense from any obligation to guarantee the General Insurance Fund from loss with respect to a mortgage assumed by a person ineligible to receive a certificate under subsection (a), if the original mortgagor is issued another certificate with respect to a mortgage insured under this section on property which the Secretary determines is not an acceptable risk. There are authorized to be appropriated such sums as may be necessary to provide for payment to meet losses arising from such guaranty.

**(c) Economic soundness of property**

The Secretary may accept any mortgage for insurance under this section without regard to any requirement in any other section of this chapter, that the project or property be economically sound or an acceptable risk.

**(d) Insurance benefits to which mortgagee entitled**

Any mortgagee under a mortgage insured under this section is entitled to the benefits of insurance as provided in section 1710(a) of this title with respect to mortgages insured under section 1709 of this title.

**(e) Payment of insurance; meaning of terms**

The provisions of subsections (b), (c), (d), (e), (f), (g), (h),<sup>1</sup> (j), and (k)<sup>1</sup> of section 1710 of this title shall apply to mortgages insured under this section except that as applicable to those mortgages: (1) all references to the "Fund" or "Mutual Mortgage Insurance Fund" shall refer to the "General Insurance Fund" and (2) all references to section 1709 of this title shall refer to this section.

**(f) Provisions of subchapter applicable; termination date**

The provisions of sections 1748, 1748a,<sup>1</sup> 1748b(c), 1748b(i), 1748b(j), 1748c(a),<sup>1</sup> 1748c(b),<sup>1</sup> and 1748f of this title and the provisions of section 1748h(a) of this title relating to the aggregate amount of all mortgages insured under this subchapter, shall be applicable to mortgages insured under this section.

**(g) Housing for persons employed by National Aeronautics and Space Administration or Atomic Energy Commission; guaranty from loss; definitions**

(1) A mortgage secured by property which is intended to provide housing for a person (i) employed or assigned to duty at or in connection with any research or development installation of the National Aeronautics and Space Administration and which is located at or near such installation, or (ii) employed at any research or development installation of the Atomic Energy Commission and which is located at or near such installation, may (if the mortgage otherwise meets the requirements of this section) be insured by the Secretary under the provisions of this section. The Administrator of the National Aeronautics and Space Administration (or his designee), in the case of any mortgage secured by property intended to provide housing for any person employed or assigned to duty at any such installation of the National Aeronautics and Space Administration, or the Chairman of the

<sup>1</sup> See References in Text note below.

Atomic Energy Commission (or his designee), in the case of any mortgage secured by property intended to provide housing for any person employed at such installation of the Atomic Energy Commission, is authorized to guarantee and indemnify the General Insurance Fund against loss to the extent required by the Secretary, in accordance with the provisions of subsection (b) of this section.

(2) For purposes of this subsection—

(i) The terms “Armed Forces”, “one of the military departments of the United States”, “military department”, “Secretary of Defense or his designee”, and “Secretary of Defense”, when used in subsections (a) and (b) of this section, shall be deemed to refer to the National Aeronautics and Space Administration (or the Administrator thereof), or the Atomic Energy Commission (or the Chairman thereof), as may be appropriate;

(ii) The term “Secretary of the Army, Navy, or Air Force”, when used in section 1748d of this title, shall be deemed to refer to the National Aeronautics and Space Administration or the Administrator thereof, as may be appropriate;

(iii) The terms “civilian employee”, “civilians”, and “civilian personnel”, as used in this section, shall be deemed to refer to (A) employees of the National Aeronautics and Space Administration or a contractor thereof or to military personnel assigned to duty at an installation of the National Aeronautics and Space Administration, or (B) persons employed at or in connection with any research or development installation of the Atomic Energy Commission, as the case may be; and

(iv) The term “military installation” when used in section 1748d of this title shall be deemed to refer to an installation of the National Aeronautics and Space Administration.

(June 27, 1934, ch. 847, title VIII, § 809, as added June 13, 1956, ch. 381, 70 Stat. 273; amended Pub. L. 86-372, title I, § 116(b), Sept. 23, 1959, 73 Stat. 664; Pub. L. 86-578, July 5, 1960, 74 Stat. 314; Pub. L. 86-774, § 3, Sept. 13, 1960, 74 Stat. 915; Pub. L. 87-623, § 2, Aug. 31, 1962, 76 Stat. 418; Pub. L. 88-127, § 1, Sept. 23, 1963, 77 Stat. 163; Pub. L. 89-117, title II, § 202(c), title XI, § 1108(v), Aug. 10, 1965, 79 Stat. 466, 506; Pub. L. 90-19, § 1(a)(3), (r), May 25, 1967, 81 Stat. 17, 19; Pub. L. 91-78, § 2(d), Sept. 30, 1969, 83 Stat. 125; Pub. L. 91-152, title I, § 101(f), Dec. 24, 1969, 83 Stat. 379; Pub. L. 91-432, § 1(d), Oct. 2, 1970, 84 Stat. 887; Pub. L. 91-473, § 1(d), Oct. 21, 1970, 84 Stat. 1065; Pub. L. 91-525, § 1(d), Dec. 1, 1970, 84 Stat. 1384; Pub. L. 91-609, title I, §§ 101(f), 112, Dec. 31, 1970, 84 Stat. 1770, 1772; Pub. L. 92-503, § 1(f), Oct. 18, 1972, 86 Stat. 906; Pub. L. 93-85, § 1(f), Aug. 10, 1973, 87 Stat. 220; Pub. L. 93-117, § 1(f), Oct. 2, 1973, 87 Stat. 421; Pub. L. 93-383, title III, § 316(d), Aug. 22, 1974, 88 Stat. 685; Pub. L. 95-60, § 1(e), June 30, 1977, 91 Stat. 257; Pub. L. 95-80, § 1(e), July 31, 1977, 91 Stat. 339; Pub. L. 95-128, title III, § 301(h), Oct. 12, 1977, 91 Stat. 1131; Pub. L. 95-406, § 1(h), Sept. 30, 1978, 92 Stat. 879; Pub. L. 95-557, title III, § 301(h), Oct. 31, 1978, 92 Stat. 2096; Pub. L. 96-71, § 1(h), Sept. 28, 1979, 93 Stat. 501; Pub. L. 96-105, § 1(h), Nov. 8, 1979, 93 Stat. 794; Pub. L. 96-153, title III, § 301(h), Dec. 21, 1979, 93 Stat. 1112; Pub. L. 96-372, § 1(h), Oct. 3, 1980, 94 Stat. 1363; Pub. L. 96-399,

title III, § 301(h), Oct. 8, 1980, 94 Stat. 1638; Pub. L. 97-35, title III, § 331(h)(1), Aug. 13, 1981, 95 Stat. 413; Pub. L. 97-289, § 1(h), Oct. 6, 1982, 96 Stat. 1230; Pub. L. 98-35, § 1(h), May 26, 1983, 97 Stat. 197; Pub. L. 98-109, § 1(h), Oct. 1, 1983, 97 Stat. 745; Pub. L. 98-181, title I [title IV, § 401(g)], Nov. 30, 1983, 97 Stat. 1208; Pub. L. 99-120, § 1(h)(1), Oct. 8, 1985, 99 Stat. 503; Pub. L. 99-156, § 1(h)(1), Nov. 15, 1985, 99 Stat. 815; Pub. L. 99-219, § 1(h)(1), Dec. 26, 1985, 99 Stat. 1730; Pub. L. 99-267, § 1(i)(1), Mar. 27, 1986, 100 Stat. 74; Pub. L. 99-272, title III, § 3007(h)(1), Apr. 7, 1986, 100 Stat. 105; Pub. L. 99-289, § 1(b), May 2, 1986, 100 Stat. 412; Pub. L. 99-345, § 1, June 24, 1986, 100 Stat. 673; Pub. L. 99-430, Sept. 30, 1986, 100 Stat. 986; Pub. L. 100-122, § 1, Sept. 30, 1987, 101 Stat. 793; Pub. L. 100-154, Nov. 5, 1987, 101 Stat. 890; Pub. L. 100-170, Nov. 17, 1987, 101 Stat. 914; Pub. L. 100-179, Dec. 3, 1987, 101 Stat. 1018; Pub. L. 100-200, Dec. 21, 1987, 101 Stat. 1327; Pub. L. 100-242, title IV, § 401(a)(5), Feb. 5, 1988, 101 Stat. 1898; Pub. L. 101-625, title IX, § 952(b), Nov. 28, 1990, 104 Stat. 4418; Pub. L. 102-550, title IX, § 904(b), Oct. 28, 1992, 106 Stat. 3868.)

#### Editorial Notes

#### REFERENCES IN TEXT

The General Insurance Fund, referred to in text, was established by section 173c of this title.

Subsection (h) of section 1710 of this title, referred to in subsec. (e), was redesignated subsec. (i) by Pub. L. 105-276, title VI, § 602(1), Oct. 21, 1998, 112 Stat. 2674.

Subsection (k) of section 1710 of this title, referred to in subsec. (e), was repealed by Pub. L. 105-276, title VI, § 601(c), Oct. 21, 1998, 112 Stat. 2673.

Sections 1748a and 1748c of this title, referred to in subsec. (f), were repealed by Pub. L. 89-117, title XI, § 1108(aa), Aug. 10, 1965, 79 Stat. 507.

#### PRIOR PROVISIONS

A prior section 809 of title VIII of act June 27, 1934, as added May 2, 1950, ch. 151, 64 Stat. 97, which related to the procurement of services of architects and engineers by the armed services to effectuate purposes of this subchapter, was classified to section 1748h of this title.

#### AMENDMENTS

1992—Subsec. (h). Pub. L. 102-550 struck out subsec. (h) which related to an Advanced Building Technology Program. See section 1701j-2(h) of this title.

1990—Subsecs. (h) to (j). Pub. L. 101-625, § 952(b), which directed the addition of subsec. (h) relating to an Advanced Building Technology Program and the redesignation of subsecs. (h) and (i) as (i) and (j), respectively, was executed by adding subsec. (h) because this section did not contain subsec. (h) or (i).

1988—Subsec. (f). Pub. L. 100-242 struck out “No more mortgages shall be insured under this section after March 15, 1988, except pursuant to a commitment to insure before such date.”

1987—Subsec. (f). Pub. L. 100-200 substituted “March 15, 1988” for “December 16, 1987”.

Pub. L. 100-179 substituted “December 16, 1987” for “December 2, 1987”.

Pub. L. 100-170 substituted “December 2, 1987” for “November 15, 1987”.

Pub. L. 100-154 substituted “November 15, 1987” for “October 31, 1987”.

Pub. L. 100-122 substituted “October 31, 1987” for “September 30, 1987”.

1986—Subsec. (f). Pub. L. 99-430 substituted “September 30, 1987” for “September 30, 1986”.

Pub. L. 99-345 substituted “September 30, 1986” for “June 6, 1986”.

Pub. L. 99-289 substituted "June 6, 1986" for "April 30, 1986".

Pub. L. 99-272 made amendment identical to Pub. L. 99-219. See 1985 Amendment note below.

Pub. L. 99-267 substituted "April 30, 1986" for "March 17, 1986".

1985—Subsec. (f). Pub. L. 99-219 substituted "March 17, 1986" for "December 15, 1985".

Pub. L. 99-156 substituted "December 15, 1985" for "November 14, 1985".

Pub. L. 99-120 substituted "November 14, 1985" for "September 30, 1985".

1983—Subsec. (f). Pub. L. 98-181 substituted "September 30, 1985" for "November 30, 1983".

Pub. L. 98-109 substituted "November 30, 1983" for "September 30, 1983".

Pub. L. 98-35 substituted "September 30, 1983" for "May 20, 1983".

1982—Subsec. (f). Pub. L. 97-289 substituted "May 20, 1983" for "September 30, 1982".

1981—Subsec. (f). Pub. L. 97-35 substituted "1982" for "1981".

1980—Subsec. (f). Pub. L. 96-399 substituted "September 30, 1981" for "October 15, 1980".

Pub. L. 96-372 substituted "October 15, 1980" for "September 30, 1980".

1979—Subsec. (f). Pub. L. 96-153 substituted "September 30, 1980" for "November 30, 1979".

Pub. L. 96-105 substituted "November 30, 1979" for "October 31, 1979".

Pub. L. 96-71 substituted "October 31, 1979" for "September 30, 1979".

1978—Subsec. (f). Pub. L. 95-557 substituted "September 30, 1979" for "October 31, 1978".

Pub. L. 95-406 substituted "October 31, 1978" for "September 30, 1978".

1977—Subsec. (f). Pub. L. 95-128 substituted "September 30, 1978" for "September 30, 1977".

Pub. L. 95-80 substituted "September 30, 1977" for "July 31, 1977".

Pub. L. 95-60 substituted "July 31, 1977" for "June 30, 1977".

1974—Subsec. (f). Pub. L. 93-383 substituted "June 30, 1977" for "October 1, 1974".

1973—Subsec. (f). Pub. L. 93-117 substituted "October 1, 1974" for "October 1, 1973".

Pub. L. 93-85 substituted "October 1, 1973" for "June 30, 1973".

1972—Subsec. (f). Pub. L. 92-503 substituted "June 30, 1973" for "October 1, 1972".

1970—Subsec. (b). Pub. L. 91-609, §112, inserted the proviso.

Subsec. (f). Pub. L. 91-609, §101(f), substituted "October 1, 1972" for "January 1, 1971".

Pub. L. 91-525 substituted "January 1, 1971" for "December 1, 1970".

Pub. L. 91-473 substituted "December 1, 1970" for "November 1, 1970".

Pub. L. 91-432 substituted "November 1, 1970" for "October 1, 1970".

1969—Subsec. (f). Pub. L. 91-152 substituted "October 1, 1970" for "January 1, 1970".

Pub. L. 91-78 substituted "January 1, 1970" for "October 1, 1969".

1967—Pub. L. 90-19, §1(a)(3), substituted "Secretary" for "Commissioner" wherever appearing in subsecs. (a) to (c) and (g)(1).

Subsec. (a). Pub. L. 90-19, §1(r)(1), substituted "Secretary of Defense" for "Secretary".

Subsec. (b). Pub. L. 90-19, §1(r)(1), (2), substituted "Secretary of Defense" for "Secretary" wherever appearing.

Subsec. (g)(2). Pub. L. 90-19, §1(r)(3), (4), substituted "Secretary of Defense" for "Secretary" in cl. (i) and "the National Aeronautics and Space Administration" for "such Administration", wherever appearing, respectively.

1965—Subsecs. (b), (e). Pub. L. 89-117, §1108(v), substituted "General Insurance Fund" for "Armed Services Housing Mortgage Insurance Fund" wherever appearing.

Subsec. (f). Pub. L. 89-117, §202(c), substituted "October 1, 1969" for "October 1, 1965".

Subsec. (g). Pub. L. 89-117, §1108(v), substituted "General Insurance Fund" for "Armed Services Housing Mortgage Insurance Fund" wherever appearing.

1963—Subsec. (f). Pub. L. 88-127, §1(1), substituted "October 1, 1965" for "October 1, 1963".

Subsec. (g)(1). Pub. L. 88-127, §1(2), substituted "or in connection with any" for "a", struck out requirement that such installation belong to a military department of the United States on or after June 13, 1956, before its transfer to the Administration, in cl. (i), and extended cl. (ii) to include persons at any installation of the Atomic Energy Commission instead of only the one in Los Alamos County, N. Mex.

Subsec. (g)(2)(ii). Pub. L. 88-127, §1(3), extended cl. (B) to include persons at any installation of the Atomic Energy Commission instead of only the one in Los Alamos, N. Mex.

1962—Subsec. (f). Pub. L. 87-623 provided that no mortgages shall be insured under this section after October 1, 1963, except pursuant to a commitment before such date, and struck out "and the expiration date of the Commissioner's authority to insure" after "amount of all mortgages insured".

1960—Subsec. (g). Pub. L. 86-774 designated part of existing provisions as par. (1), inserting cl. (ii) and "in the case of any mortgage secured by property intended to provide housing for any person employed or assigned to duty at any such installation of the National Aeronautics and Space Administration, or the Chairman of the Atomic Energy Commission (or his designee), in the case of any mortgage secured by property intended to provide housing for any person employed at such installation of the Atomic Energy Commission" and striking out "in the case of mortgages referred to in this subsection" after "subsection (b) of this section", and designated cl. (1) as par. (2)(i) and (ii), cl. (2) as par. (2)(iii), adding subpar. (B), and cl. (3) as par. (2)(iv).

Subsec. (g). Pub. L. 86-578 added subsec. (g).

1959—Subsec. (e). Pub. L. 86-372 inserted reference to subsec. (k) to section 1710 of this title.

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE OF 1981 AMENDMENT

Amendment by Pub. L. 97-35 effective Oct. 1, 1981, see section 371 of Pub. L. 97-35, set out as an Effective Date note under section 3701 of this title.

##### TRANSFER OF FUNCTIONS

Atomic Energy Commission abolished and functions transferred by sections 5814 and 5841 of Title 42, The Public Health and Welfare. See also Transfer of Functions notes set out under those sections.

#### § 1748h-2. Insurance of mortgages for defense housing for impacted areas

##### (a) Authorization

Notwithstanding any other provision of this subchapter, the Secretary may insure and make commitments to insure any mortgage under this section which meets the eligibility requirements hereinafter set forth.

##### (b) Eligibility requirements

No mortgage shall be insured under this section unless (1) the housing which is covered by the insured mortgage is necessary in the interest of national security in order to provide adequate housing for (A) military personnel and essential civilian personnel serving or employed in connection with any installation of one of the armed services of the United States, or (B) essential personnel employed or assigned to duty at or in connection with any research or devel-