

118TH CONGRESS  
2D SESSION

**S.** \_\_\_\_\_

To amend title 10, United States Code, to improve the provision of military housing to members of the Armed Forces and their families through private entities, and for other purposes.

---

IN THE SENATE OF THE UNITED STATES

---

Ms. WARREN introduced the following bill; which was read twice and referred to the Committee on \_\_\_\_\_

---

**A BILL**

To amend title 10, United States Code, to improve the provision of military housing to members of the Armed Forces and their families through private entities, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Military Housing Over-  
5       sight and Service Member Protection Act”.

1 **SEC. 2. IMPROVEMENT OF OVERSIGHT OF PRIVATIZED**  
2 **MILITARY HOUSING.**

3 (a) OVERSIGHT OF CONTRACTS AND HOUSING  
4 UNITS.—

5 (1) IN GENERAL.—Subchapter IV of chapter  
6 169 of title 10, United States Code, is amended by  
7 adding at the end the following new section:

8 **“§ 2885a. Oversight of contracts and housing units**

9 “(a) OVERSIGHT OF CONTRACTS.—(1) The Secretary  
10 of Defense shall establish formal written requirements and  
11 guidance for entering into and renewing contracts under  
12 this subchapter.

13 “(2) The Secretary—

14 “(A) shall rescind a contract under this sub-  
15 chapter if the other party to the contract, based on  
16 credible evidence, fails to cure a material breach of  
17 such contract committed by such party within 90  
18 days; and

19 “(B) shall not permit the other party to a con-  
20 tract rescinded under subparagraph (A) to enter into  
21 new contracts with the Secretary or undertake ex-  
22 pansion under existing contracts with the Sec-  
23 retary.

24 “(3) The Secretary of Defense, in coordination with  
25 the Secretary concerned, shall adopt a formal written con-  
26 tingency plan for the management of housing units in the

1 event that a contract relating to those housing units is  
2 rescinded under paragraph (2)(A).

3 “(b) HOUSING OFFICE EMPLOYEES.—The Secretary  
4 of Defense shall ensure that each housing office at a mili-  
5 tary installation consists only of employees of the military  
6 department concerned.

7 “(c) INSPECTIONS OF HOUSING UNITS.—(1) The  
8 Secretary of Defense shall—

9 “(A) provide for the conduct of regular building  
10 code and health inspections of housing units, con-  
11 sistent with industry standards, which shall include,  
12 at a minimum, inspection during and after any new  
13 construction or renovation of a housing unit;

14 “(B) employ a sufficient number of independent  
15 housing inspectors with all appropriate State and  
16 local inspection certifications to conduct inspections  
17 under subparagraph (A) without notice to landlords;  
18 and

19 “(C) provide appropriate oversight to ensure  
20 that all maintenance for such housing units is com-  
21 pleted in accordance with all applicable Federal,  
22 State, and local health and building codes.

23 “(2)(A) In providing for the conduct of inspections  
24 of housing units under paragraph (1)(A), the Secretary

1 shall permit State and local housing inspectors to conduct  
2 inspections of such units without notice to landlords.

3 “(B) Not less frequently than annually, the Secretary  
4 shall notify State and local housing inspectors that they  
5 are permitted on a military installation to conduct inspec-  
6 tions under subparagraph (A).

7 “(3) In this subsection, the term ‘independent hous-  
8 ing inspector’ means a housing inspector that is not an  
9 employee of the landlord of the housing unit being in-  
10 spected, including any subsidiary of the landlord.”.

11 (2) CLERICAL AMENDMENT.—The table of sec-  
12 tions at the beginning of such subchapter is amend-  
13 ed by inserting after the item relating to section  
14 2885 the following new item:

“2885a. Oversight of contracts and housing units.”.

15 (b) TREATMENT OF HOUSING LAWS.—Section 2890  
16 of such title is amended by adding at the end the following  
17 new subsection:

18 “(g) TREATMENT OF HOUSING LAWS.—Notwith-  
19 standing any other provision of law, all Federal, State,  
20 and local housing protections that would otherwise apply  
21 to an individual located in a jurisdiction surrounding a  
22 military installation in the United States, including stand-  
23 ards relating to habitability and defenses to eviction, shall  
24 apply to an individual residing in a housing unit that is  
25 located on a military installation.”.

1 (c) IMPROVEMENT OF FINANCIAL TRANSPARENCY.—

2 Section 2891c of such title is amended—

3 (1) in subsection (a)(2), by adding at the end  
4 the following new subparagraph:

5 “(G) Financial statements equivalent to a 10–  
6 K (or successor form) for—

7 “(i) the landlord; and

8 “(ii) each contract entered into between  
9 the landlord and the Department of Defense  
10 under this subchapter.”; and

11 (2) by adding at the end the following new sub-  
12 section:

13 “(c) PUBLICATION OF FINANCIAL DETAILS.—(1)  
14 Not less frequently than annually, the Secretary Defense  
15 shall publish in the Federal Register the financial details  
16 of each contract for the management of housing units.

17 “(2) Not later than 15 days after receiving financial  
18 statements under subsection (a)(2)(G), the Secretary shall  
19 publish on a publicly available website of the Department  
20 of Defense those financial statements.”.

21 (d) APPROVAL OF COMPLETED WORK.—Section  
22 2892 of such title is amended by adding at the end the  
23 following new subsection:

24 “(d) APPROVAL OF COMPLETED WORK.—A landlord  
25 of a housing unit may not indicate on the maintenance

1 work order system of the landlord that maintenance work  
2 was completed until an independent inspector approves the  
3 completion of the maintenance work in writing.”.

4 (e) SCREENING AND REGISTRY OF INDIVIDUALS  
5 WITH HEALTH CONDITIONS RESULTING FROM UNSAFE  
6 HOUSING UNITS.—

7 (1) IN GENERAL.—Subchapter V of chapter  
8 169 of such title is amended by adding at the end  
9 the following new section:

10 **“§ 2895. Screening and registry of individuals with**  
11 **health conditions resulting from unsafe**  
12 **housing units**

13 “(a) SCREENING.—(1) The Secretary of Defense, in  
14 consultation with appropriate scientific entities as deter-  
15 mined by the Secretary, shall ensure that all military med-  
16 ical treatment facilities screen eligible individuals for cov-  
17 ered conditions.

18 “(2) The Secretary may establish procedures through  
19 which screening under paragraph (1) will allow an eligible  
20 individual to be included in the registry under subsection  
21 (b).

22 “(b) REGISTRY.—(1) The Secretary of Defense shall  
23 establish and maintain a registry of eligible individuals  
24 who have a covered condition.

1           “(2) The Secretary shall include any information in  
2 the registry under paragraph (1) that the Secretary deter-  
3 mines necessary to ascertain and monitor the health of  
4 eligible individuals and the connection between the health  
5 of such individuals and an unsafe housing unit.

6           “(3) The Secretary shall develop a public information  
7 campaign to inform eligible individuals about the registry  
8 under paragraph (1), including how to register and the  
9 benefits of registering.

10          “(c) DEFINITIONS.—In this section:

11           “(1) The term ‘covered condition’ means a med-  
12 ical condition that is determined by the Secretary of  
13 Defense to have resulted from residing in an unsafe  
14 housing unit.

15           “(2) The term ‘eligible individual’ means a  
16 member of the armed forces or a family member of  
17 a member of the armed forces who has resided in an  
18 unsafe housing unit.”.

19           “(2) CLERICAL AMENDMENT.—The table of sec-  
20 tions at the beginning of such chapter is amended  
21 by inserting after the item relating to section 2894a  
22 the following new item:

“2895. Screening and registry of individuals with health conditions resulting  
from unsafe housing units.”.

1 **SEC. 3. PRESUMPTIONS OF SERVICE CONNECTION FOR ILL-**  
2 **NESSES OR CONDITIONS ASSOCIATED WITH**  
3 **RESIDING IN PRIVATIZED MILITARY HOUS-**  
4 **ING.**

5 (a) IN GENERAL.—Subchapter II of chapter 11 of  
6 title 38, United States Code, is amended by adding at the  
7 end the following new section:

8 **“§ 1120A. Presumptions of service connection for ill-**  
9 **nesses or conditions associated with re-**  
10 **siding in privatized military housing**

11 “(a) PRESUMPTION.—(1) For purposes of section  
12 1110 of this title, and subject to section 1113 of this title,  
13 each illness or condition, if any, described in paragraph  
14 (2) shall be considered to have been incurred in or aggra-  
15 vated by service described in that paragraph, notwith-  
16 standing that there is no record of evidence of such illness  
17 or condition during the period of such service.

18 “(2) An illness or condition described in this para-  
19 graph is any diagnosed or undiagnosed illness or condition  
20 that—

21 “(A) the Secretary determines, in consultation  
22 with the Agency for Toxic Substances and Disease  
23 Registry, in regulations prescribed under section  
24 1174 of this title to warrant a presumption of serv-  
25 ice connection by reason of having a positive associa-  
26 tion with residence in a privatized military housing



1 unit while serving in the Armed Forces during a pe-  
2 riod determined by the Secretary in consultation  
3 with the Agency for Toxic Substances and Disease  
4 Registry; and

5 “(B) becomes manifest within the period, if  
6 any, prescribed in such regulations in a veteran who  
7 resided in a privatized military housing unit during  
8 service in the Armed Forces.

9 “(3) For purposes of this subsection, a veteran who  
10 resided in a privatized military housing unit while serving  
11 in the Armed Forces during the period described in para-  
12 graph (2) and who has an illness or condition described  
13 in such paragraph shall be presumed to have developed  
14 that illness or condition by reason of such service unless  
15 there is conclusive evidence to establish that the veteran  
16 developed that illness or condition through another means.

17 “(b) DETERMINATIONS RELATING TO ILLNESSES OR  
18 CONDITIONS.—(1) Whenever the Secretary determines, in  
19 consultation with the Agency for Toxic Substances and  
20 Disease Registry, on the basis of sound medical and sci-  
21 entific evidence, that a positive association exists between  
22 residence in a privatized military housing unit and the oc-  
23 currence of an illness or condition, the Secretary shall pre-  
24 scribe regulations (in accordance with section 1174 of this  
25 title) providing that a presumption of service connection

1 is warranted for that illness or condition for the purposes  
2 of this section.

3 “(2) In making determinations for the purpose of this  
4 subsection, the Secretary shall take into account all other  
5 sound medical and scientific information and analyses  
6 available to the Secretary. In evaluating any study for the  
7 purpose of making such determinations, the Secretary  
8 shall take into consideration whether the results are statis-  
9 tically significant, are capable of replication, and with-  
10 stand peer review.

11 “(3) An association under paragraph (1) shall be con-  
12 sidered to be positive for the purposes of this section if  
13 the credible evidence for the association is equal to or out-  
14 weighs the credible evidence against the association.

15 “(c) REMOVAL OF ILLNESSES OR CONDITIONS.—  
16 Whenever an illness or condition is removed from regula-  
17 tions prescribed under this section—

18 “(1) a veteran who was awarded compensation  
19 for such illness or condition on the basis of the pre-  
20 sumption provided in subsection (a) before the effec-  
21 tive date of the removal shall continue to be entitled  
22 to receive compensation on that basis; and

23 “(2) a survivor of a veteran who was awarded  
24 dependency and indemnity compensation for the  
25 death of a veteran resulting from such illness or con-

1       dition on the basis of such presumption shall con-  
2       tinue to be entitled to receive dependency and in-  
3       demnity compensation on such basis.

4       “(d) PRIVATIZED MILITARY HOUSING UNIT DE-  
5 FINED.—In this section, the term ‘privatized military  
6 housing unit’ means a housing unit under subchapter IV  
7 of chapter 169 of title 10.”.

8       (b) CLERICAL AMENDMENT.—The table of sections  
9 at the beginning of such chapter is amended by inserting  
10 after the item relating to section 1120 the following new  
11 item:

“1120A. Presumptions of service connection for illnesses or conditions associ-  
ated with residing in privatized military housing.”.

12 **SEC. 4. HOSPITAL CARE, MEDICAL SERVICES, AND NURS-**  
13 **ING HOME CARE FOR FAMILY MEMBERS OF**  
14 **VETERANS WHO RESIDED IN PRIVATIZED**  
15 **MILITARY HOUSING.**

16       (a) IN GENERAL.—Subchapter VIII of chapter 17 of  
17 title 38, United States Code, is amended by inserting after  
18 section 1787 the following new section:

19 **“§ 1787A. Health care of family members of veterans**  
20 **who resided in privatized military hous-**  
21 **ing**

22       “(a) IN GENERAL.—A family member of a veteran  
23 described in paragraph (3) of section 1120A(a) of this title  
24 who resided in a privatized military housing unit during

1 the period described in paragraph (2) of such section, or  
2 who was in utero during such period while the mother of  
3 such family member resided in such housing unit, shall  
4 be eligible for hospital care, medical services, and nursing  
5 home care furnished by the Secretary for any covered ill-  
6 ness or condition that is associated with residing in a  
7 privatized military housing unit during such period.

8 “(b) LIMITATIONS.—(1) The Secretary may only fur-  
9 nish hospital care, medical services, and nursing home  
10 care under subsection (a) to the extent and in the amount  
11 provided in advance in appropriations Acts for such pur-  
12 pose.

13 “(2) Hospital care, medical services, and nursing  
14 home care may not be furnished under subsection (a) for  
15 an illness or condition of a family member that is found,  
16 in accordance with guidelines issued by the Under Sec-  
17 retary for Health, to have resulted from a cause other  
18 than the residence of the family member described in that  
19 subsection.

20 “(c) DEFINITIONS.—In this section:

21 “(1) The term ‘covered illness or condition’  
22 means an illness or condition described in section  
23 1120A(a)(2) of this title.

1           “(2) The term ‘privatized military housing unit’  
2           has the meaning given that term in section  
3           1120A(d) of this title.”.

4           (b) CLERICAL AMENDMENT.—The table of sections  
5           at the beginning of such chapter is amended by inserting  
6           after the item relating to section 1787 the following new  
7           item:

          “1787A. Health care of family members of veterans who resided in privatized  
          military housing.”.

8   **SEC. 5. ETHICAL LIMITATIONS RELATING TO OWNERSHIP**  
9                           **OF PRIVATIZED MILITARY HOUSING ENTI-**  
10                          **TIES.**

11           (a) IN GENERAL.—Section 208 of title 18, United  
12           States Code, is amended by adding at the end the fol-  
13           lowing:

14           “(e)(1) In this subsection, the term ‘covered indi-  
15           vidual’ means an individual—

16                   “(A) who—

17                           “(i) is serving as a Member of Congress  
18                           (as defined in section 2106 of title 5); and

19                           “(ii) serves on the Committee on Armed  
20                           Services of the Senate or the Committee on  
21                           Armed Services of the House of Representa-  
22                           tives;

1           “(B) who is an employee (as defined in section  
2           2105 of title 5) of the Department of Defense who  
3           is serving—

4                   “(i) in a Senior Executive Service position  
5                   (as defined in section 3132 of title 5);

6                   “(ii) in a position on the Executive Sched-  
7                   ule under subchapter II of chapter 53 of title  
8                   5; or

9                   “(iii) in any other position for which the  
10                  rate of compensation is at or above the min-  
11                  imum rate of compensation for a Senior Execu-  
12                  tive Service position in the Department of De-  
13                  fense; or

14                  “(C) who is a member of the Armed Forces  
15                  serving in a position for which the pay grade is at  
16                  or above level O-7.

17                  “(2) A covered individual may not own any interest  
18                  (other than as part of a widely-held investment fund de-  
19                  scribed in section 13104(f)(8) of title 5) in an entity that  
20                  owns or manages a housing unit under subchapter IV of  
21                  chapter 169 of title 10.”.

22                  (b) CIVIL ENFORCEMENT.—Section 216 of title 18,  
23                  United States Code, is amended—

1           (1) in subsection (a), by inserting “(which shall  
2           not include a violation of subsection (e) of such sec-  
3           tion 208)” after “208”;

4           (2) in subsection (b), in the first sentence, by  
5           inserting “or a violation of section 208(e)” after  
6           “209 of this title”; and

7           (3) in subsection (c)—

8                 (A) in the first sentence, by inserting “or  
9                 a violation of section 208(e)” after “209 of this  
10                title”; and

11               (B) in the second sentence, by inserting  
12                “or violation” after “such an offense”.

13 **SEC. 6. MODIFICATION OF CONTRACTS AND AGREEMENTS.**

14           The Secretary of Defense may modify any contract  
15           or agreement entered into under subchapter IV of chapter  
16           169 of title 10, United States Code, for purposes of car-  
17           rying out this Act and the amendments made by this Act.