

118TH CONGRESS
2D SESSION

S. 5520

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

DECEMBER 12, 2024

Ms. WARREN (for herself, Mr. BROWN, Mr. BLUMENTHAL, and Ms. DUCKWORTH) introduced the following bill; which was read twice and referred to the Committee on Armed Services

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20 tract rescinded under subparagraph (A) to enter into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 pansions 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2 rescinded under paragraph (2)(A).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 **NESSSES 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.

○