

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
4747	10:1368. 10:1371 (last 29 words).	Mar. 3, 1911, ch. 209 (4th proviso under "Transportation of the Army and Its Supplies"), 36 Stat. 1051. Mar. 2, 1907, ch. 2511 (last 29 words of 6th proviso under "Transportation of the Army and Its Supplies"), 34 Stat. 1171.

The words "without displacing military supplies" and "of the island of", in 10:1368 and 1371, are omitted as surplusage. The words "produced in the United States, or the Territories, Commonwealths, and possessions" are substituted for the words "of American production".

AMENDMENTS

2011—Pub. L. 111-383 made technical amendment to directory language of Pub. L. 109-163, §1057(a)(6). See 2006 Amendment note below.

2006—Pub. L. 109-163, §1057(a)(6), as amended by Pub. L. 111-383, substituted "Commonwealths and possessions" for "Territories, Commonwealths, and possessions".

2004—Pub. L. 108-375, §1072(b)(4), substituted "the Department of Defense, under regulations and at rates to be prescribed by the Secretary of Defense" for "Army transport agencies or, within bulk space allocations made to the Department of the Army, on vessels operated by any transport agency of the Department of Defense, under regulations and at rates to be prescribed by the Secretary of the Army".

Pub. L. 108-375, §1072(a), renumbered section 4747 of this title as this section.

EFFECTIVE DATE OF 2011 AMENDMENT

Pub. L. 111-383, div. A, title X, §1075(h), Jan. 7, 2011, 124 Stat. 4377, provided that amendment by section 1075(h)(4)(A)(ii) is effective as of Jan. 6, 2006, and as if included in Pub. L. 109-163 as enacted.

CHAPTER 159—REAL PROPERTY; RELATED PERSONAL PROPERTY; AND LEASE OF NON-EXCESS PROPERTY

- Sec. 2661. Miscellaneous administrative provisions relating to real property.
- [2661a. Repealed.]
- 2662. Real property transactions: reports to congressional committees.
- 2663. Land acquisition authorities.
- 2664. Limitations on real property acquisition.
- 2665. Sale of certain interests in land; logs.
- [2666. Repealed.]
- 2667. Leases: non-excess property of military departments and Defense Agencies.
- [2667a. Repealed.]
- 2668. Easements for rights-of-way.
- 2668a. Easements: granting restrictive easements in connection with land conveyances.
- [2669. Repealed.]
- 2670. Use of facilities by private organizations; use as polling places.
- 2671. Military reservations and facilities: hunting, fishing, and trapping.
- [2672 to 2673. Repealed.]
- 2674. Operation and control of Pentagon Reservation and defense facilities in National Capital Region.
- 2675. Leases: foreign countries.
- [2676, 2677. Renumbered or Repealed.]
- 2678. Feral horses and burros: removal from military installations.
- [2679, 2680. Repealed.]

- Sec. 2681. Use of test and evaluation installations by commercial entities.
- 2682. Facilities for defense agencies.
- 2683. Relinquishment of legislative jurisdiction; minimum drinking age on military installations.
- 2684. Cooperative agreements for management of cultural resources.
- 2684a. Agreements to limit encroachments and other constraints on military training, testing, and operations.
- 2685. Adjustment of or surcharge on selling prices in commissary stores to provide funds for construction and improvement of commissary store facilities.
- 2686. Utilities and services: sale; expansion and extension of systems and facilities.
- 2687. Base closures and realignments.
- 2687a. Overseas base closures and realignments and basing master plans.
- 2688. Utility systems: conveyance authority.
- [2689, 2690. Renumbered.]
- 2691. Restoration of land used by permit or lease.
- 2692. Storage, treatment, and disposal of non-defense toxic and hazardous materials.
- [2693. Repealed.]
- 2694. Conservation and cultural activities.
- 2694a. Conveyance of surplus real property for natural resource conservation.
- 2694b. Participation in wetland mitigation banks.
- 2694c. Participation in conservation banking programs.
- 2695. Acceptance of funds to cover administrative expenses relating to certain real property transactions.
- 2696. Real property: transfer between armed forces and screening requirements for other Federal use.
- 2697. Acceptance and use of landing fees charged for use of domestic military airfields by civil aircraft.

HISTORICAL AND REVISION NOTES
1962 ACT

This section makes necessary clerical amendments to chapter analysis.

AMENDMENTS

- Pub. L. 111-383, div. A, title III, §341(b), div. B, title XXVIII, §2814(c), Jan. 7, 2011, 124 Stat. 4190, 4464, struck out item 2680 "Leases: land for special operations activities" and added item 2697.
- 2009—Pub. L. 111-84, div. B, title XXVIII, §2822(a)(2), Oct. 28, 2009, 123 Stat. 2666, added item 2687a.
- 2008—Pub. L. 110-417, [div. A], title III, §311(b), div. B, title XXVIII, §2812(f)(2), Oct. 14, 2008, 122 Stat. 4409, 4728, added items 2667 and 2694c and struck out former items 2667 "Leases: non-excess property of military departments" and 2667a "Leases: non-excess property of Defense agencies".
- Pub. L. 110-181, div. B, title XXVIII, §2822(b)(2), Jan. 28, 2008, 122 Stat. 544, struck out item 2677 "Options: property required for military construction projects".
- 2006—Pub. L. 109-364, div. B, title XXVIII, §§2822(d), 2823(b), 2825(d)(2)(B), 2851(c)(3), Oct. 17, 2006, 120 Stat. 2475-2477, 2495, added item 2668a, substituted "Real property: transfer between armed forces and screening requirements for other Federal use" for "Screening of real property for further Federal use before conveyance" in item 2696, and struck out items 2669 "Easements for rights-of-way: gas, water, sewer pipe lines", 2689 "Development of geothermal energy on military lands", 2690 "Fuel sources for heating systems; prohibition on converting certain heating facilities", and 2693 "Conveyance of certain property: Department of Justice correctional options program".
- Pub. L. 109-163, div. B, title XXVIII, §2821(g), Jan. 6, 2006, 119 Stat. 3513, added items 2663 and 2664 and struck

out former item 2663 “Acquisition” and items 2672 “Authority to acquire low-cost interests in land”, 2672a “Acquisition: interests in land when need is urgent”, and 2676 “Acquisition: limitation”.

2004—Pub. L. 108-375, div. B, title XXVIII, § 2821(e)(3), Oct. 28, 2004, 118 Stat. 2130, substituted “Use of facilities by private organizations; use as polling places” for “Military installations: use by American National Red Cross; use as polling places” in item 2670 and struck out items 2664 “Acquisition of property for lumber production”, 2666 “Acquisition: land purchase contracts; limitation on commission”, 2673 “Acquisition of certain interests in land: availability of funds”, and 2679 “Representatives of veterans’ organizations: use of space and equipment”.

2003—Pub. L. 108-136, div. A, title III, § 314(a)(2), div. B, title XXVIII, § 2811(b)(3), Nov. 24, 2003, 117 Stat. 1431, 1725, substituted “Authority to acquire low-cost interests in land” for “Acquisition: interests in land when cost is not more than \$500,000” in item 2672 and added item 2694b.

2002—Pub. L. 107-314, div. B, title XXVIII, §§ 2811(b), 2812(a)(2), Dec. 2, 2002, 116 Stat. 2707, 2709, added items 2684a and 2694a.

2001—Pub. L. 107-107, div. A, title X, § 1048(a)(26)(B)(ii), title XVI, § 1607(b)(3), Dec. 28, 2001, 115 Stat. 1225, 1280, substituted “Military installations: use by American National Red Cross; use as polling places” for “Licenses: military installations; erection and use of buildings; American National Red Cross” in item 2670 and “Conveyance of certain property: Department of Justice correctional options program” for “Conveyance of certain property” in item 2693.

1998—Pub. L. 105-261, div. B, title XXVIII, § 2812(b)(2), Oct. 17, 1998, 112 Stat. 2206, struck out “from other agencies” after “lease” in item 2691.

1997—Pub. L. 105-85, div. A, title III, §§ 343(g)(3), 371(c)(2), title X, §§ 1061(c)(2), 1062(b), div. B, title XXVIII, §§ 2811(b)(2), 2812(b), 2813(b), 2814(a)(2), Nov. 18, 1997, 111 Stat. 1688, 1705, 1891, 1892, 1992-1995, inserted “of military departments” after “property” in item 2667, added item 2667a, substituted “\$500,000” for “\$200,000” in item 2672, added items 2686 and 2688, substituted “Storage, treatment, and” for “Storage and” in item 2692, and added items 2695 and 2696.

1996—Pub. L. 104-201, div. A, title III, §§ 332(a)(2), 369(b)(2), div. B, title XXVIII, § 2862(b), Sept. 23, 1996, 110 Stat. 2485, 2498, 2805, substituted “of Pentagon Reservation and defense facilities in National Capital Region” for “of the Pentagon Reservation” in item 2674 and added items 2684 and 2694.

1993—Pub. L. 103-160, div. A, title VIII, § 846(b), Nov. 30, 1993, 107 Stat. 1723, added item 2681.

1992—Pub. L. 102-496, title IV, § 403(a)(2)(B), Oct. 24, 1992, 106 Stat. 3185, substituted “reports to congressional committees” for “Reports to the Armed Services Committees” in item 2662.

1991—Pub. L. 102-190, div. B, title XXVIII, § 2863(a)(2), Dec. 5, 1991, 105 Stat. 1560, added item 2680.

1990—Pub. L. 101-647, title XVIII, § 1802(b), Nov. 29, 1990, 104 Stat. 4850, added item 2693.

Pub. L. 101-510, div. A, title XIV, § 1481(h)(2), div. B, title XXVIII, § 2804(a)(2), Nov. 5, 1990, 104 Stat. 1708, 1785, added items 2674 and 2678.

1988—Pub. L. 100-370, §§ 1(7)(4), 2(b)(2), July 19, 1988, 102 Stat. 849, 854, added items 2661 and 2673 and struck out item 2693 “Prohibition on contracts for performance of firefighting or security-guard functions”.

1987—Pub. L. 100-224, § 5(b)(3), Dec. 30, 1987, 101 Stat. 1538, inserted “; prohibition on converting certain heating facilities” after “systems” in item 2690.

Pub. L. 100-180, div. A, title XI, § 1112(b)(3), Dec. 4, 1987, 101 Stat. 1147, inserted “or security-guard” before “functions” in item 2693.

1986—Pub. L. 99-661, div. A, title XII, §§ 1205(a)(2), 1222(a)(2), Nov. 14, 1986, 100 Stat. 3972, 3976, substituted “Fuel sources for heating systems” for “Restriction on fuel sources for new heating systems” in item 2690 and added item 2693.

Pub. L. 98-115, title VIII, § 807(c)(2), Oct. 11, 1983, 97 Stat. 789; Pub. L. 99-167, title VIII, § 806(a), Dec. 3, 1985,

99 Stat. 988, struck out item 2667a “Sale and replacement of nonexcess real property”, eff. Oct. 1, 1986.

1985—Pub. L. 99-167, title VIII, § 810(b)(2), Dec. 3, 1985, 99 Stat. 990, substituted “\$200,000” for “\$100,000” in item 2672.

Pub. L. 99-145, title XII, § 1224(c)(2), Nov. 8, 1985, 99 Stat. 729, inserted “; minimum drinking age on military installations” in item 2683.

1984—Pub. L. 98-407, title VIII, §§ 804(b), 805(b), Aug. 28, 1984, 98 Stat. 1519, 1521, added items 2691 and 2692.

1983—Pub. L. 98-115, title VIII, § 807(a)(2), Oct. 11, 1983, 97 Stat. 788, added item 2667a.

1982—Pub. L. 97-321, title VIII, § 805(b)(4), Oct. 15, 1982, 96 Stat. 1573, substituted in item 2689 “Development of geothermal energy on military lands” for “Development of sources of energy on or for military installations”.

Pub. L. 97-295, § 1(31)(B), Oct. 12, 1982, 96 Stat. 1296, struck out item 2661a “Appropriations for advance planning of military public works”.

Pub. L. 97-258, § 2(b)(6)(A), Sept. 13, 1982, 96 Stat. 1053, added item 2661a.

Pub. L. 97-214, §§ 6(c)(2), 10(a)(4), (5)(C), July 12, 1982, 96 Stat. 173, 175, struck out items 2661 “Planning and construction of public works projects by military departments”, 2673 “Restoration or replacement of facilities damaged or destroyed”, 2674 “Minor construction projects”, 2678 “Acquisition of mortgaged housing units”, 2681 “Construction or acquisition of family housing and community facilities in foreign countries”, 2684 “Construction of family quarters; limitations on space”, 2686 “Leases: military family housing”, and 2688 “Use of solar energy systems in new facilities”, substituted “Options: property required for military construction projects” for “Options: property required for public works projects of military departments” in item 2677, and added items 2689 and 2690.

1980—Pub. L. 96-513, title V, § 511(89), Dec. 12, 1980, 94 Stat. 2928, struck out item 2680 “Reimbursement of owners of property acquired for public works projects for moving expenses”.

Pub. L. 96-418, title VIII, § 806(b), Oct. 10, 1980, 94 Stat. 1777, as amended by Pub. L. 97-22, § 11(c), July 10, 1981, 95 Stat. 138, substituted “\$100,000” for “\$50,000” in item 2762.

1979—Pub. L. 96-125, title VIII, § 804(a)(2), Nov. 26, 1979, 93 Stat. 948, added item 2688.

1977—Pub. L. 95-82, title V, § 504(a)(2), title VI, §§ 608(b), 612(b), Aug. 1, 1977, 91 Stat. 371, 378, 380, substituted “Minor construction projects” for “Establishment and development of military facilities and installations costing less than \$400,000” in item 2674 and added items 2686 and 2687.

1975—Pub. L. 94-107, title VI, § 607(1), (9), (10), Oct. 7, 1975, 89 Stat. 566, 567, substituted “\$400,000” for “\$300,000” in item 2674, struck out “; structures not on a military base” in item 2675, and added item 2672a.

1974—Pub. L. 93-552, title VI, § 611, Dec. 27, 1974, 88 Stat. 1765, added item 2685.

1973—Pub. L. 93-166, title V, § 509(b), Nov. 29, 1973, 87 Stat. 677, added item 2684.

1971—Pub. L. 92-145, title VII, § 707(2), Oct. 27, 1971, 85 Stat. 411, substituted “\$50,000” for “\$25,000” in item 2672.

1970—Pub. L. 91-511, title VI, §§ 607(1), 613(2), Oct. 26, 1970, 84 Stat. 1223, 1226, substituted “\$300,000” for “\$200,000” in item 2674, and added item 2683.

1963—Pub. L. 88-174, title VI, § 609(a)(2), Nov. 7, 1963, 77 Stat. 329, added item 2682.

1962—Pub. L. 87-651, title I, § 112(d), title II, § 209(b), Sept. 7, 1962, 76 Stat. 512, 524, substituted “\$25,000” for “\$5,000” in item 2672 and added items 2679 to 2681.

1960—Pub. L. 86-500, title V, § 511(2), June 8, 1960, 74 Stat. 187, substituted “Reports to the Armed Services Committees” for “Agreement with Armed Services Committees; reports” in item 2662.

1958—Pub. L. 85-861, § 1(52), Sept. 2, 1958, 72 Stat. 1461, added items 2672 to 2678.

Pub. L. 85-337, § 4(2), Feb. 28, 1958, 72 Stat. 29, added item 2671.

§ 2661. Miscellaneous administrative provisions relating to real property

(a) AVAILABILITY OF OPERATION AND MAINTENANCE FUNDS.—Appropriations for operation and maintenance of the active forces shall be available for the following:

- (1) The repair of facilities.
- (2) The installation of equipment in public and private plants.

(b) LEASING AND ROAD MAINTENANCE AUTHORITY.—The Secretary of Defense and the Secretary of each military department may provide for the following:

- (1) The leasing of buildings and facilities (including the payment of rentals for special purpose space at the seat of Government). Rental for such leases may be paid in advance in connection with—

- (A) the conduct of field exercises and maneuvers; and
- (B) the administration of the Act of July 9, 1942 (43 U.S.C. 315q).

- (2) The maintenance of defense access roads which are certified to the Secretary of Transportation as important to the national defense under the provisions of section 210 of title 23.

(c) PROHIBITION ON NAMING DEPARTMENT OF DEFENSE REAL PROPERTY AFTER MEMBER OF CONGRESS.—(1) Real property under the jurisdiction of the Secretary of Defense or the Secretary of a military department may not be named after, or otherwise officially identified by the name of, any individual who is a Member of Congress at the time the property is so named or identified.

(2) In this subsection:

(A) The term “Member of Congress” includes a Delegate or Resident Commissioner to the Congress.

(B) The term “real property” includes structures, buildings, or other infrastructure of a military installation, roadways and defense access roads, and any other area on the grounds of a military installation.

(d) TREATMENT OF PENTAGON RESERVATION.—In this chapter, the terms “Secretary concerned” and “Secretary of a military department” include the Secretary of Defense with respect to the Pentagon Reservation.

(Added Pub. L. 100-370, §1(l)(3), July 19, 1988, 102 Stat. 849; amended Pub. L. 108-375, div. B, title XXVIII, §2821(a)(1), (e)(1), Oct. 28, 2004, 118 Stat. 2129, 2130; Pub. L. 109-163, div. B, title XXVIII, §2821(d), (e), Jan. 6, 2006, 119 Stat. 3512; Pub. L. 112-81, div. B, title XXVIII, §2863(a), Dec. 31, 2011, 125 Stat. 1701.)

HISTORICAL AND REVISION NOTES

Subsection (a) of this section and sections 2241(a) and 2253(b) of this title are based on Pub. L. 98-212, title VII, §735, Dec. 8, 1983, 97 Stat. 1444, as amended by Pub. L. 98-525, title XIV, §§1403(a)(2), 1404, Oct. 19, 1984, 98 Stat. 2621.

Subsection (b) is based on Pub. L. 99-190, §101(b) [title VIII, §8005(d), (f)], Dec. 19, 1985, 99 Stat. 1185, 1202.

PRIOR PROVISIONS

A prior section 2661, act Aug. 10, 1956, ch. 1041, 70A Stat. 147, related to planning and construction of public works projects by military departments, prior to repeal

by Pub. L. 97-214, §7(1), July 12, 1982, 96 Stat. 173, eff. Oct. 1, 1982, and applicable to military construction projects, and to construction and acquisition of military family housing authorized before, on, or after such date.

AMENDMENTS

2011—Subsec. (c). Pub. L. 112-81 added subsec. (c).

2006—Subsec. (c). Pub. L. 109-163, §2821(d), redesignated subsec. (c) as section 2664(b) of this title.

Subsec. (d). Pub. L. 109-163, §2821(e), added subsec. (d).
2004—Subsecs. (a), (b). Pub. L. 108-375, §2821(e)(1), inserted headings.

Subsec. (c). Pub. L. 108-375, §2821(a)(1), added subsec. (c).

EFFECTIVE DATE OF 2011 AMENDMENT

Pub. L. 112-81, div. B, title XXVIII, §2863(b), Dec. 31, 2011, 125 Stat. 1702, provided that: “The prohibition in subsection (c) of section 2661 of title 10, United States Code, as added by subsection (a), shall apply only with respect to real property of the Department of Defense named after the date of the enactment of this Act [Dec. 31, 2011].”

PILOT PROGRAM TO PROVIDE ADDITIONAL TOOLS FOR EFFICIENT OPERATION OF MILITARY INSTALLATIONS

Pub. L. 107-107, div. B, title XXVIII, §2813, Dec. 28, 2001, 115 Stat. 1308, authorized the Secretary of Defense, until Dec. 31, 2005, to carry out a pilot program, known as the “Pilot Efficient Facilities Initiative”, for purposes of determining the potential for increasing the efficiency and effectiveness of the operation of military installations.

STUDY OF ESTABLISHMENT OF LAND MANAGEMENT AND TRAINING CENTER

Pub. L. 103-337, div. A, title III, §329, Oct. 5, 1994, 108 Stat. 2715, directed Secretary of the Army to submit to Congress not later than May 1, 1996, a study and report on feasibility and advisability of establishing a center for land management activities and land management training activities of Department of Defense.

[§ 2661a. Repealed. Pub. L. 97-295, § 1(31)(A), Oct. 12, 1982, 96 Stat. 1296]

Section, added Pub. L. 97-258, §2(b)(6)(B), Sept. 13, 1982, 96 Stat. 1054, authorized appropriations for advance design of military public works not otherwise authorized and for construction management of foreign government funded projects used primarily by United States armed forces, and required preliminary reports to Congress on military public works whose projected advance costs exceeded a specified level.

The repeal of this section by Pub. L. 97-295 reflected the effect of section 7(2) and (8) of the Military Construction Codification Act (Pub. L. 97-214, July 12, 1982, 96 Stat. 173), which repealed the source statutes of this section (subsec. (a) was based on acts Sept. 28, 1951, ch. 434, §504, 65 Stat. 364; July 15, 1955, ch. 368, §512, 69 Stat. 352; Dec. 23, 1981, Pub. L. 97-99, §902, 95 Stat. 1381 (31 U.S.C. 723); and subsec. (b) was based on acts Sept. 12, 1966, Pub. L. 89-568, §612, 80 Stat. 756; Dec. 27, 1974, Pub. L. 93-552, §607, 88 Stat. 1763 (31 U.S.C. 723a)) subsequent to Apr. 15, 1982, the cut-off date prescribed by section 4(a) of Pub. L. 97-258, section 2(b)(6)(B) of which enacted this section.

§ 2662. Real property transactions: reports to congressional committees

(a) GENERAL NOTICE AND WAIT REQUIREMENTS.—(1) The Secretary of a military department or, with respect to a Defense Agency, the Secretary of Defense may not enter into any of the following listed transactions by or for the use of that department until the Secretary con-