

§ 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-

cerned submits a report, subject to paragraph (3), to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives:

(A) An acquisition of fee title to any real property, if the estimated price is more than \$750,000.

(B) A lease of any real property to the United States, if the estimated annual rental is more than \$750,000.

(C) A lease, license, or easement of real property owned by the United States (other than a lease or license entered into under section 2667(g) of this title), if the estimated annual fair market rental value of the property is more than \$750,000.

(D) A transfer of real property owned by the United States to another Federal agency or another military department or to a State, if the estimated value is more than \$750,000.

(E) A report of excess real property owned by the United States to a disposal agency, if the estimated value is more than \$750,000.

(F) Any termination or modification by either the grantor or grantee of an existing license or permit of real property owned by the United States to a military department, under which substantial investments have been or are proposed to be made in connection with the use of the property by the military department.

(G) Any transaction or contract action that results in, or includes, the acquisition or use by, or the lease or license to, the United States of real property, if the estimated annual rental or cost for the use of the real property is more than \$750,000.

(2) If a transaction covered by subparagraph (A) or (B) of paragraph (1) is part of a project, the report shall include a summary of the general plan for that project, including an estimate of the total cost of the lands to be acquired or leases to be made. The report required by this subsection concerning any report of excess real property described in subparagraph (E) of paragraph (1) shall contain a certification by the Secretary concerned that he has considered the feasibility of exchanging such property for other real property authorized to be acquired for military purposes and has determined that the property proposed to be declared excess is not suitable for such purpose.

(3) The authority of the Secretary concerned to enter into a transaction described in paragraph (1) commences only after—

(A) the end of the 30-day period beginning on the first day of the month with respect to which the report containing the facts concerning such transaction, and all other such proposed transactions for that month, is submitted under paragraph (1); or

(B) the end of the 14-day period beginning on the first day of that month when a copy of the report is provided in an electronic medium pursuant to section 480 of this title on or before the first day of that month.

(4) The report for a month under this subsection may not be submitted later than the first day of that month.

(b) ADDITIONAL REPORTING REQUIREMENTS REGARDING LEASES OF REAL PROPERTY OWNED BY

THE UNITED STATES.—(1) In the case of a proposed lease, license, or easement of real property owned by the United States covered by paragraph (1)(C) of subsection (a), the Secretary concerned shall comply with the notice-and-wait requirements of paragraph (3) of such subsection before—

(A) issuing a contract solicitation or other lease offering with regard to the transaction; and

(B) providing public notice regarding any meeting to discuss a proposed contract solicitation with regard to the transaction.

(2) The report under paragraph (3) of subsection (a) shall include the following with regard to a proposed transaction covered by paragraph (1)(C) of such subsection:

(A) A description of the proposed transaction, including the proposed duration of the lease, license, or easement.

(B) A description of the authorities to be used in entering into the transaction.

(C) A statement of the scored cost of the entire transaction, determined using the scoring criteria of the Office of Management and Budget.

(D) A determination that the property involved in the transaction is not excess property, as required by section 2667(a)(3) of this title, including the basis for the determination.

(E) A determination that the proposed transaction is directly compatible with the mission of the military installation or Defense Agency at which the property is located and a description of the anticipated long-term use of the property at the conclusion of the lease or license.

(F) A description of the requirements or conditions within the contract solicitation or other lease offering for the person making the offer to address taxation issues, including payments-in-lieu-of taxes, and other development issues related to local municipalities.

(G) If the proposed lease involves a project related to energy production, a certification by the Secretary of Defense that the project, as it will be specified in the contract solicitation or other lease offering, is consistent with the Department of Defense performance goals and plan required by section 2911 of this title.

(3) The Secretary concerned may not enter into the actual lease or license with respect to property for which the information required by paragraph (2) was submitted in a report under subsection (a)(3) unless the Secretary again complies with the notice-and-wait requirements of such subsection. The subsequent report shall include the following with regard to the proposed transaction:

(A) A cross reference to the prior report that contained the information submitted under paragraph (2) with respect to the transaction.

(B) A description of the differences between the information submitted under paragraph (2) and the information regarding the transaction being submitted in the subsequent report.

(C) A description of the payment to be required in connection with the lease, license, or easement, including a description of any in-kind consideration that will be accepted.

(D) A description of any community support facility or provision of community support services under the lease, license, or easement, regardless of whether the facility will be operated by a covered entity (as defined in section 2667(d) of this title) or the lessee or the services will be provided by a covered entity or the lessee.

(E) A description of the competitive procedures used to select the lessee or, in the case of a lease involving the public benefit exception authorized by section 2667(h)(2) of this title, a description of the public benefit to be served by the lease.

(c) EXCEPTED PROJECTS.—This section does not apply to real property for water resource development projects of the Corps of Engineers, or to leases of Government-owned real property for agricultural or grazing purposes or to any real property acquisition specifically authorized in a Military Construction Authorization Act.

(d) STATEMENTS OF COMPLIANCE IN TRANSACTION INSTRUMENTS.—A statement in an instrument of conveyance, including a lease, that the requirements of this section have been met, or that the conveyance is not subject to this section, is conclusive.

(e) REPORTS ON TRANSACTIONS INVOLVING INTELLIGENCE COMPONENTS.—Whenever a transaction covered by this section is made by or on behalf of an intelligence component of the Department of Defense or involves real property used by such a component, any report under this section with respect to the transaction that is submitted to the congressional committees named in subsection (a) shall be submitted concurrently to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.

(f) EXCEPTIONS FOR TRANSACTIONS FOR WAR AND CERTAIN EMERGENCY AND OTHER OPERATIONS.—(1) The reporting requirement set forth in subsection (a) shall not apply with respect to a real property transaction otherwise covered by that subsection if the Secretary concerned determines that the transaction is made as a result of any of the following:

(A) A declaration of war.

(B) A declaration of a national emergency by the President pursuant to the National Emergencies Act (50 U.S.C. 1601 et seq.).

(C) A declaration of an emergency or major disaster pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

(D) The use of the militia or the armed forces after a proclamation to disperse under section 334 of this title.

(E) A contingency operation.

(2) The reporting requirement set forth in subsection (a) shall not apply with respect to a real property transaction otherwise covered by that subsection if the Secretary concerned determines that—

(A) an event listed in paragraph (1) is imminent; and

(B) the transaction is necessary for purposes of preparation for such event.

(3) Not later than 30 days after entering into a real property transaction covered by paragraph

(1) or (2), the Secretary concerned shall submit to the committees named in subsection (a) a report on the transaction. The report shall set forth any facts or information which would otherwise have been submitted in a report on the transaction under subsection (a), but for the operation of paragraph (1) or (2).

(g) SECRETARY CONCERNED DEFINED.—In this section, the term “Secretary concerned” includes, with respect to Defense Agencies, the Secretary of Defense.

(Aug. 10, 1956, ch. 1041, 70A Stat. 147; Pub. L. 86–70, §6(c), June 25, 1959, 73 Stat. 142; Pub. L. 86–500, title V, §511(1), June 8, 1960, 74 Stat. 186; Pub. L. 86–624, §4(c), July 12, 1960, 74 Stat. 411; Pub. L. 92–145, title VII, §707(5), Oct. 27, 1971, 85 Stat. 412; Pub. L. 92–545, title VII, §709, Oct. 25, 1972, 86 Stat. 1154; Pub. L. 93–552, title VI, §610, Dec. 27, 1974, 88 Stat. 1765; Pub. L. 94–107, title VI, §607(5), (6), Oct. 7, 1975, 89 Stat. 566; Pub. L. 94–431, title VI, §614, Sept. 30, 1976, 90 Stat. 1367; Pub. L. 96–418, title VIII, §805, Oct. 10, 1980, 94 Stat. 1777; Pub. L. 100–456, div. B, title XXVIII, §2803, Sept. 29, 1988, 102 Stat. 2115; Pub. L. 101–510, div. A, title XIII, §1311(6), Nov. 5, 1990, 104 Stat. 1670; Pub. L. 102–496, title IV, §403(a)(1), (2)(A), Oct. 24, 1992, 106 Stat. 3185; Pub. L. 104–106, div. A, title XV, §1502(a)(23), div. D, title XLIII, §4321(b)(21), Feb. 10, 1996, 110 Stat. 505, 673; Pub. L. 105–261, div. B, title XXVIII, §2811, Oct. 17, 1998, 112 Stat. 2204; Pub. L. 106–65, div. A, title X, §1067(1), Oct. 5, 1999, 113 Stat. 774; Pub. L. 106–398, §1 [div. B, title XXVIII, §2811], Oct. 30, 2000, 114 Stat. 1654, 1654A–416; Pub. L. 108–136, div. A, title X, §1031(a)(27), Nov. 24, 2003, 117 Stat. 1598; Pub. L. 108–375, div. A, title X, §1084(d)(22), Oct. 28, 2004, 118 Stat. 2062; Pub. L. 110–181, div. B, title XXVIII, §2821, Jan. 28, 2008, 122 Stat. 543; Pub. L. 110–417, div. B, title XXVIII, §2811, Oct. 14, 2008, 122 Stat. 4725; Pub. L. 111–383, div. B, title XXVIII, §2811(a)–(f), Jan. 7, 2011, 124 Stat. 4461, 4462; Pub. L. 112–81, div. B, title XXVIII, §2812, Dec. 31, 2011, 125 Stat. 1686.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
2662(a)	40:551.	Sept. 28, 1951, ch. 434,
2662(b)	40:552.	§§ 601–604, 65 Stat. 365,
2662(c)	40:553.	366.
2662(d)	40:554.	

In subsection (a), the words “must come to an agreement * * * before entering into any of the following transactions by or for the use of that department:” are substituted for the words “shall come into agreement * * * with respect to those real-estate actions by or for the use of the military departments * * * that are described in subsection (a)–(e) of this section, and in the manner therein described”. The last sentence is substituted for the last sentence of 40:551(a) and 40:551(b).

In subsection (a)(4), the words “or another military department” are substituted for the words “including transfers between the military departments”. The words “under the jurisdiction of the military departments” are omitted as surplusage.

In subsection (b), the words “more than \$5,000 but not more than \$25,000” are substituted for the words “between \$5,000 and \$25,000”. The words “shall report” are substituted for the words “will, in addition, furnish * * * reports”.

In subsection (c), the words “the United States, Alaska, Hawaii” are substituted for the words “the continental United States, the Territory of Alaska, the

Territory of Hawaii”, since, as defined in section 101(1) of this title, “United States” includes the States and the District of Columbia; and “Territories” includes Alaska and Hawaii.

In subsection (d), the words “A statement * * * that the requirements of this section have been met” are substituted for the words “A recital of compliance with this chapter * * * to the effect that the requirements of this chapter have been complied with”. The words “in the alternative”, “or lease”, and “evidence thereof” are omitted as surplusage.

REFERENCES IN TEXT

The National Emergencies Act, referred to in subsec. (f)(1)(B), is Pub. L. 94-412, Sept. 14, 1976, 90 Stat. 1255, as amended, which is classified principally to chapter 34 (§1601 et seq.) of Title 50, War and National Defense. For complete classification of this Act to the Code, see Short Title note set out under section 1601 of Title 50 and Tables.

The Robert T. Stafford Disaster Relief and Emergency Assistance Act, referred to in subsec. (f)(1)(C), is Pub. L. 93-288, May 22, 1974, 88 Stat. 143, as amended, which is classified principally to chapter 68 (§5121 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 5121 of Title 42 and Tables.

AMENDMENTS

2011—Subsec. (a)(1). Pub. L. 111-383, §2811(f)(1)(A), substituted “the Secretary concerned submits” for “the Secretary submits” in introductory provisions.

Subsec. (a)(1)(C). Pub. L. 112-81, §2812(1), substituted “lease, license, or easement” for “lease or license”.

Pub. L. 111-383, §2811(a), inserted “(other than a lease or license entered into under section 2667(g) of this title)” after “United States”.

Subsec. (a)(3). Pub. L. 111-383, §2811(f)(1)(B), substituted “the Secretary concerned” for “the Secretary of a military department or the Secretary of Defense” in introductory provisions.

Subsec. (b). Pub. L. 111-383, §2811(b), (e), added subsec. (b) and struck out former subsec. (b). Prior to amendment, text read as follows: “The Secretary of each military department and, with respect to Defense Agencies, the Secretary of Defense shall submit annually to the congressional committees named in subsection (a) a report on transactions described in subsection (a) that involve an estimated value of more than \$250,000, but not more than \$750,000.”

Subsec. (b)(1), (2)(A), (3)(C), (D). Pub. L. 112-81, §2812(2), substituted “lease, license, or easement” for “lease or license”.

Subsec. (c). Pub. L. 111-383, §2811(c), substituted “Excepted Projects” for “Geographic Scope; Excepted Projects” in heading and “This section does not” for “This section applies only to real property in the United States, Puerto Rico, Guam, the American Virgin Islands, American Samoa, and the Trust Territory of the Pacific Islands. It does not” in text.

Subsecs. (e), (f). Pub. L. 111-383, §2811(d), (f)(2), redesignated subsecs. (f) and (g) as (e) and (f), respectively, and struck out former subsec. (e). Prior to amendment, text read as follows: “No element of the Department of Defense shall occupy any general purpose space leased for it by the General Services Administration at an annual rental in excess of \$750,000 (excluding the cost of utilities and other operation and maintenance services), if the effect of such occupancy is to increase the total amount of such leased space occupied by all elements of the Department of Defense, until the end of the 30-day period beginning on the date on which a report of the facts concerning the proposed occupancy is submitted to the congressional committees named in subsection (a) or, if earlier, the end of the 14-day period beginning on the date on which a copy of the report is provided in an electronic medium pursuant to section 480 of this title.”

Subsec. (f)(1). Pub. L. 111-383, §2811(f)(3)(A), struck out “; and the reporting requirement set forth in subsection (e) shall not apply with respect to a real property transaction otherwise covered by that subsection,” before “if the Secretary” in introductory provisions.

Subsec. (f)(3). Pub. L. 111-383, §2811(f)(3)(B), struck out “or (e), as the case may be” after “under subsection (a)”.

Subsec. (f)(4). Pub. L. 111-383, §2811(f)(3)(C), struck out par. (4), which read as follows: “In this subsection, the term ‘Secretary concerned’ includes, with respect to Defense Agencies, the Secretary of Defense.”

Subsec. (g). Pub. L. 111-383, §2811(f)(4), added subsec. (g). Former subsec. (g) redesignated (f).

2008—Subsec. (a)(1). Pub. L. 110-181, §2821(a)(1)(A), substituted “or, with respect to a Defense Agency, the Secretary of Defense” for “; or his designee,” in introductory provisions.

Subsec. (a)(1)(G). Pub. L. 110-181, §2821(b), added subpar. (G).

Subsec. (a)(3). Pub. L. 110-181, §2821(a)(1)(B), inserted “or the Secretary of Defense” after “military department” in introductory provisions.

Subsec. (b). Pub. L. 110-181, §2821(a)(2), inserted “and, with respect to Defense Agencies, the Secretary of Defense” after “military department”.

Subsec. (c). Pub. L. 110-417 substituted “water resource development projects of the Corps of Engineers” for “river and harbor projects or flood control projects”.

Subsec. (g)(4). Pub. L. 110-181, §2821(a)(3), added par. (4).

2004—Subsec. (a)(2). Pub. L. 108-375 substituted “shall include a summary” for “must include a summarization” and inserted “of paragraph (1)” after “in subparagraph (E)”.

2003—Subsec. (a). Pub. L. 108-136, §1031(a)(27)(A)(i)-(v), inserted “(1)” after subsec. heading, substituted “the Secretary submits a report, subject to paragraph (3),” for “after the expiration of 30 days from the date upon which a report of the facts concerning the proposed transaction is submitted”, redesignated former pars. (1) to (6) as subpars. (A) to (F), respectively, of par. (1), substituted “\$750,000” for “\$500,000” in subpars. (A) to (E), designated concluding provisions as par. (2), and substituted “subparagraph (A) or (B) of paragraph (1)” for “clause (1) or (2)” and “subparagraph (E)” for “clause (5)”.

Subsec. (a)(3), (4). Pub. L. 108-136, §1031(a)(27)(A)(vi), added pars. (3) and (4).

Subsec. (b). Pub. L. 108-136, §1031(a)(27)(B), substituted “more than \$250,000, but not more than \$750,000” for “more than the simplified acquisition threshold specified in section 4(11) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(11)), but not more than \$500,000”.

Subsec. (e). Pub. L. 108-136, §1031(a)(27)(C), substituted “\$750,000” for “\$500,000” and “the end of the 30-day period beginning on the date on which a report of the facts concerning the proposed occupancy is submitted to the congressional committees named in subsection (a) or, if earlier, the end of the 14-day period beginning on the date on which a copy of the report is provided in an electronic medium pursuant to section 480 of this title” for “the expiration of thirty days from the date upon which a report of the facts concerning the proposed occupancy is submitted to the congressional committees named in subsection (a)”.

2000—Subsec. (a). Pub. L. 106-398, §1 [div. B, title XXVIII, §2811(a)], substituted “\$500,000” for “\$200,000” wherever appearing.

Subsec. (b). Pub. L. 106-398 substituted “specified in section 4(11) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(11)),” for “under section 2304(g) of this title” and “\$500,000” for “\$200,000”.

Subsec. (e). Pub. L. 106-398, §1 [div. B, title XXVIII, §2811(a)], substituted “\$500,000” for “\$200,000”.

1999—Subsec. (a). Pub. L. 106-65 substituted “and the Committee on Armed Services” for “and the Committee on National Security” in introductory provisions.

1998—Subsecs. (a) to (f). Pub. L. 105-261, § 2811(b), inserted subsec. headings.

Subsec. (g). Pub. L. 105-261, § 2811(a), added subsec. (g).

1996—Subsec. (a). Pub. L. 104-106, § 1502(a)(23)(A), substituted “the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives” for “the Committees on Armed Services of the Senate and House of Representatives” in introductory provisions and struck out “to be submitted to the Committees on Armed Services of the Senate and House of Representatives” after “The report required by this subsection” in concluding provisions.

Subsec. (b). Pub. L. 104-106, § 4321(b)(21), substituted “simplified acquisition threshold” for “small purchase threshold”.

Pub. L. 104-106, § 1502(a)(23)(B), substituted “shall submit annually to the congressional committees named in subsection (a) a report” for “shall report annually to the Committees on Armed Services of the Senate and the House of Representatives”.

Subsec. (e). Pub. L. 104-106, § 1502(a)(23)(C), substituted “the congressional committees named in subsection (a)” for “the Committees on Armed Services of the Senate and the House of Representatives”.

Subsec. (f). Pub. L. 104-106, § 1502(a)(23)(D), substituted “the congressional committees named in subsection (a) shall” for “the Committees on Armed Services of the Senate and the House of Representatives shall”.

1992—Pub. L. 102-496, § 403(a)(2)(A), substituted “reports to congressional committees” for “Reports to the Armed Services Committees” in section catchline.

Subsec. (f). Pub. L. 102-496, § 403(a)(1), added subsec. (f).

1990—Subsec. (b). Pub. L. 101-510 substituted “the small purchase threshold under section 2304(g) of this title” for “\$5,000”.

1988—Subsecs. (a), (b), (e). Pub. L. 100-456 substituted “\$200,000” for “\$100,000” wherever appearing.

1980—Subsecs. (a), (b), (e). Pub. L. 96-418 substituted “\$100,000” for “\$50,000” wherever appearing.

1976—Subsec. (a). Pub. L. 94-431 provided that the report on the excess property owned by the United States contain a certification by the Secretary concerned that he has considered the feasibility of exchanging such excess property for property suitable for military purposes and has determined such excess property not suitable for exchange.

1975—Subsec. (b). Pub. L. 94-107, § 607(5), substituted requirement of annual reports for requirement of quarterly reports.

Subsec. (c). Pub. L. 94-107, § 607(6), inserted provisions extending the applicability of the section to Guam, the American Samoa, and the Trust Territory of the Pacific Islands, and, in provisions relating to the inapplicability of the section, inserted reference to any real property acquisition specifically authorized in a Military Construction Authorization Act.

1974—Subsec. (a)(6). Pub. L. 93-552 added par. (6).

1972—Subsec. (e). Pub. L. 92-545 added subsec. (e).

1971—Subsec. (a)(3). Pub. L. 92-145 made the restriction applicable to a license of real property and substituted “estimated annual fair market rental value” for “estimated annual rental”.

1960—Subsec. (a). Pub. L. 86-500 prohibited the Secretary of a military department, or his designee, from entering into any of the transactions listed in subsec. (a) until after the expiration of 30 days from the date upon which a report of the facts concerning the proposed transaction is submitted to the Committees on Armed Services of the Senate and House of Representatives, and increased the amounts in pars. (1) to (5) from \$25,000 to \$50,000.

Subsec. (b). Pub. L. 86-500 substituted “\$50,000” for “\$25,000”.

Subsec. (c). Pub. L. 86-624 and Pub. L. 86-500 struck out reference to Hawaii.

Subsec. (d). Pub. L. 86-500 reenacted subsection without change.

1959—Subsec. (c). Pub. L. 86-70 struck out reference to Alaska.

EFFECTIVE DATE OF 1996 AMENDMENT

For effective date and applicability of amendment by section 4321(b)(21) of Pub. L. 104-106, see section 4401 of Pub. L. 104-106, set out as a note under section 2302 of this title.

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by Pub. L. 100-456 effective Oct. 1, 1988, see section 2702 of Pub. L. 100-456, set out as a note under section 2391 of this title.

TERMINATION OF TRUST TERRITORY OF THE PACIFIC ISLANDS

For termination of Trust Territory of the Pacific Islands, see note set out preceding section 1681 of Title 48, Territories and Insular Possessions.

REDUCTION OR REALIGNMENT OF TRAINING BASES

Pub. L. 95-485, title VI, § 602, Oct. 20, 1978, 92 Stat. 1617, prohibited any action to implement any substantial reduction or force structure realignment of the composite of installations, posts, camps, stations, and bases that had as a primary or secondary mission the conduct of formal entry level, advanced individual, or specialty training as a part of the fiscal year 1979 Defense manpower program unless certain criteria were complied with.

CLOSING OF FACILITIES; CLOSURES OR REALIGNMENTS PUBLICLY ANNOUNCED AFTER SEPTEMBER 30, 1977

Pub. L. 95-82, title VI, § 612(c), Aug. 1, 1977, 91 Stat. 380, provided that: “Section 611 of the Military Construction Authorization Act, 1966 (Public Law 89-188; 10 U.S.C. 2662 note), and section 612 of the Military Construction Authorization Act, 1977 (Public Law 94-431; 90 Stat. 1366) [which was not classified to the Code], shall be inapplicable in the case of any closure of a military installation, and any realignment with respect to a military installation, which is first publicly announced after September 30, 1977.”

CLOSING OF FACILITIES; REPORTS TO CONGRESS

Pub. L. 89-188, title VI, § 611, Sept. 16, 1965, 79 Stat. 818, as amended by Pub. L. 89-568, title VI, § 613, Sept. 12, 1966, 80 Stat. 757, required a report to Congress and a waiting period in connection with the closing of Defense Department facilities, prior to repeal by Pub. L. 97-214, § 7(7), July 12, 1982, 96 Stat. 173, eff. Oct. 1, 1982.

§ 2663. Land acquisition authorities

(a) ACQUISITION OF LAND BY CONDEMNATION FOR CERTAIN MILITARY PURPOSES.—(1) Subject to subsection (f), the Secretary of a military department may have proceedings brought in the name of the United States, in a court of proper jurisdiction, to acquire by condemnation any interest in land, including temporary use, needed for—

(A) the site, construction, or operation of fortifications, coast defenses, or military training camps;

(B) the construction and operation of plants for the production of nitrate and other compounds, and the manufacture of explosives or other munitions of war; or

(C) the development and transmission of power for the operation of plants under subparagraph (B).

(2) In time of war or when war is imminent, the United States may, immediately upon the filing of a petition for condemnation under paragraph (1), take and use the land to the extent of the interest sought to be acquired.