

- (1) Vessel stability.
- (2) Firefighting.
- (3) Shipboard first aid.
- (4) Marine safety and survival.
- (5) Seamanship rules of the road.

(c) **TERMS AND CONDITIONS.**—The donation of a vessel under this section shall be made on terms and conditions considered appropriate by the federal officer making the donation. All of the following terms and conditions are required:

- (1) **NO WARRANTY.**—The institution must accept the vessel as is, where it is, and without warranty of any kind and without any representation as to its condition or suitability for use.
- (2) **MAINTENANCE.**—The institution is responsible for maintaining the vessel.
- (3) **INSTRUCTION ONLY.**—The vessel may be used only for instructing students in a vessel safety education and training program.
- (4) **DOCUMENTATION.**—If the vessel is eligible to be documented, it must be documented by the institution as a vessel of the United States under chapter 121 of title 46. The requirements of paragraph (5) must be noted on the permanent record of the vessel.
- (5) **DISPOSAL.**—The institution must obtain prior approval from the Administrator of General Services before disposing of the vessel and any proceeds from disposal shall be payable to the Government.
- (6) **INSPECTION OR REGULATION.**—The vessel shall be inspected or regulated in the same manner as a nautical school vessel under chapter 33 of title 46.

(d) **GOVERNMENT LIABILITY.**—The Government is not liable in an action arising out of the transfer or use of a vessel transferred under this section.

(Pub. L. 107-217, Aug. 21, 2002, 116 Stat. 1103.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
558	40:484d.	Pub. L. 99-640, §13(a)-(c), Nov. 10, 1986, 100 Stat. 3551.

In subsection (b), the words “all of” are inserted for clarity.

§ 559. Advice of Attorney General with respect to antitrust law

(a) **DEFINITION.**—In this section, the term “antitrust law” includes—

- (1) the Sherman Act (15 U.S.C. 1 et seq.);
- (2) the Clayton Act (15 U.S.C. 12 et seq., 29 U.S.C. 52, 53);
- (3) the Federal Trade Commission Act (15 U.S.C. 41 et seq.); and
- (4) sections 73 and 74 of the Wilson Tariff Act (15 U.S.C. 8, 9).

(b) **ADVICE REQUIRED.**—

(1) **IN GENERAL.**—An executive agency shall not dispose of property to a private interest until the agency has received the advice of the Attorney General on whether the disposal to a private interest would tend to create or maintain a situation inconsistent with antitrust law.

(2) **EXCEPTION.**—This section does not apply to disposal of—

- (A) real property, if the estimated fair market value is less than \$3,000,000; or
- (B) personal property (other than a patent, process, technique, or invention), if the estimated fair market value is less than \$3,000,000.

(c) **NOTICE TO ATTORNEY GENERAL.**—

(1) **IN GENERAL.**—An executive agency that contemplates disposing of property to a private interest shall promptly transmit notice of the proposed disposal, including probable terms and conditions, to the Attorney General.

(2) **COPY.**—Except for the General Services Administration, an executive agency that transmits notice under paragraph (1) shall simultaneously transmit a copy of the notice to the Administrator of General Services.

(d) **ADVICE FROM ATTORNEY GENERAL.**—Within a reasonable time, not later than 60 days, after receipt of notice under subsection (c), the Attorney General shall advise the Administrator and any interested executive agency whether, so far as the Attorney General can determine, the proposed disposition would tend to create or maintain a situation inconsistent with antitrust law.

(e) **REQUEST FOR INFORMATION.**—On request from the Attorney General, the head of an executive agency shall furnish information the agency possesses that the Attorney General determines is appropriate or necessary to—

- (1) give advice required by this section; or
- (2) determine whether any other disposition or proposed disposition of surplus property violates antitrust law.

(f) **NO EFFECT ON ANTITRUST LAW.**—This subtitle does not impair, amend, or modify antitrust law or limit or prevent application of antitrust law to a person acquiring property under this subtitle.

(Pub. L. 107-217, Aug. 21, 2002, 116 Stat. 1103.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
559	40:488.	June 30, 1949, ch. 288, title II, §207, 63 Stat. 391; Pub. L. 85-680, Aug. 19, 1958, 72 Stat. 631; Pub. L. 100-612, §7, Nov. 5, 1988, 102 Stat. 3182.

In subsection (e), the words “the head of an executive agency” are substituted for “the Administrator or any other executive agency”, the words “or cause to be furnished” are omitted, and the words “information the agency possesses” are substituted for “such information as the Administrator or such other executive agency may possess”, to eliminate unnecessary words.

REFERENCES IN TEXT

The Sherman Act, referred to in subsec. (a)(1), is act July 2, 1890, ch. 647, 26 Stat. 209, as amended, which is classified to sections 1 to 7 of Title 15, Commerce and Trade. For complete classification of this Act to the Code, see Short Title note set out under section 1 of Title 15 and Tables.

The Clayton Act, referred to in subsec. (a)(2), is act Oct. 15, 1914, ch. 323, 38 Stat. 730, as amended, which is classified generally to sections 12, 13, 14 to 19, 21, 22 to 27 of Title 15, Commerce and Trade, and sections 52 and

53 of Title 29, Labor. For further details and complete classification of this Act to the Code, see note set out under section 12 of Title 15 and Tables.

The Federal Trade Commission Act, referred to in subsec. (a)(3), is act Sept. 26, 1914, ch. 311, 38 Stat. 717, as amended, which is classified generally to subchapter I (§41 et seq.) of chapter 2 of Title 15, Commerce and Trade. For complete classification of this Act to the Code, see section 58 of Title 15 and Tables.

SUBCHAPTER IV—PROCEEDS FROM SALE OR TRANSFER

§ 571. General rules for deposit and use of proceeds

(a) DEPOSIT IN TREASURY AS MISCELLANEOUS RECEIPTS.—

(1) IN GENERAL.—Except as otherwise provided in this subchapter, proceeds described in paragraph (2) shall be deposited in the Treasury as miscellaneous receipts.

(2) PROCEEDS.—The proceeds referred to in paragraph (1) are proceeds under this chapter from a—

(A) transfer of excess property to a federal agency for agency use; or

(B) sale, lease, or other disposition of surplus property.

(b) PAYMENT OF EXPENSES OF SALE BEFORE DEPOSIT.—Subject to regulations under this subtitle, the expenses of the sale of old material, condemned stores, supplies, or other public property may be paid from the proceeds of sale so that only the net proceeds are deposited in the Treasury. This subsection applies whether proceeds are deposited as miscellaneous receipts or to the credit of an appropriation as authorized by law.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1104.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
571(a)	40:485(a).	June 30, 1949, ch. 288, title II, §204(a), 63 Stat. 388; Pub. L. 101–510, div. B, title XXVIII, §2805(d), Nov. 5, 1990, 104 Stat. 1786.
571(b)	40:485a.	June 8, 1896, ch. 373, 29 Stat. 268; Oct. 31, 1951, ch. 654, §2(20), 65 Stat. 707; Pub. L. 104–316, title I, §120(a), Oct. 19, 1996, 110 Stat. 3836.

In subsection (b), the words “whether proceeds are deposited as miscellaneous receipts or to the credit of an appropriation as authorized by law” are substituted for “either as miscellaneous receipts on account of ‘proceeds of Government property’ or to the credit of the appropriations to which such proceeds are by law authorized to be made . . . either as miscellaneous receipts or to the credit of such appropriations, as the case may be” to eliminate unnecessary words.

§ 572. Real property

(a) IN GENERAL.—

(1) SEPARATE FUND.—Except as provided in subsection (b), proceeds of the disposition of surplus real and related personal property by the Administrator of General Services shall be set aside in a separate fund in the Treasury.

(2) PAYMENT OF EXPENSES FROM THE FUND.—

(A) AUTHORITY.—From the fund described in paragraph (1), the Administrator may obligate an amount to pay the following direct

expenses incurred for the use of excess property and the disposal of surplus property under this subtitle:

(i) Fees of appraisers, auctioneers, and realty brokers, in accordance with the scale customarily paid in similar commercial transactions.

(ii) Costs of environmental and historic preservation services, highest and best use of property studies, utilization of property studies, deed compliance inspection, and the expenses incurred in a relocation.

(iii) Advertising and surveying.

(B) LIMITATIONS.—

(i) PERCENTAGE LIMITATION.—In each fiscal year, no more than 12 percent of the proceeds of all dispositions of surplus real and related personal property may be paid to meet direct expenses incurred in connection with the dispositions.

(ii) DETERMINATION OF MAXIMUM AMOUNT.—The Director of the Office of Management and Budget each quarter shall determine the maximum amount that may be obligated under this paragraph.

(C) DIRECT PAYMENT OR REIMBURSEMENT.—An amount obligated under this paragraph may be used to pay an expense directly or to reimburse a fund or appropriation that initially paid the expense.

(3) TRANSFER TO MISCELLANEOUS RECEIPTS.—At least once each year, excess amounts beyond current operating needs shall be transferred from the fund described in paragraph (1) to miscellaneous receipts.

(4) REPORT.—A report of receipts, disbursements, and transfers to miscellaneous receipts under this subsection shall be made annually, in connection with the budget estimate, to the Director and to Congress.

(b) REAL PROPERTY UNDER CONTROL OF A MILITARY DEPARTMENT.—

(1) DEFINITIONS.—In this subsection, the following definitions apply:

(A) MILITARY INSTALLATION.—The term “military installation” has the meaning given that term in section 2687(e)(1) of title 10.

(B) BASE CLOSURE LAW.—The term “base closure law” has the meaning given that term in section 101(a)(17) of title 10.

(2) APPLICATION.—

(A) IN GENERAL.—This subsection applies to real property, including any improvement on the property, that is under the control of a military department and that the Secretary of the department determines is excess to the department’s needs.

(B) EXCEPTIONS.—This subsection does not apply to—

(i) damaged or deteriorated military family housing facilities conveyed under section 2854a of title 10; or

(ii) property at a military installation designated for closure or realignment pursuant to a base closure law.

(3) TRANSFER BETWEEN MILITARY DEPARTMENTS.—The Secretary of Defense shall pro-