

§ 2696. Real property: transfer between armed forces and screening requirements for other Federal use

(a) TRANSFERS BETWEEN ARMED FORCES.—If either of the Secretaries concerned requests it and the other approves, real property may be transferred, without compensation, from one armed force to another. Section 2571(d) of this title shall apply to the transfer of real property under this subsection.

(b) SCREENING REQUIREMENTS FOR ADDITIONAL FEDERAL USE.—The Secretary concerned may not convey real property that is authorized or required to be conveyed, whether for or without consideration, by any provision of law enacted after December 31, 1997, unless the Administrator of General Services has screened the property for further Federal use in accordance with subtitle I of title 40 and division C (except sections 3302, 3501(b), 3509, 3906, 4710, and 4711) of subtitle I of title 41.

(c) TIME FOR SCREENING.—(1) Before the end of the 30-day period beginning on the date of the enactment of a provision of law authorizing or requiring the conveyance of a parcel of real property by the Secretary concerned, the Administrator of General Services shall complete the screening referred to in subsection (b) with regard to the real property and notify the Secretary concerned and Congress of the results of the screening. The notice shall include—

(A) the name of the Federal agency requesting transfer of the property;

(B) the proposed use to be made of the property by the Federal agency; and

(C) the fair market value of the property, including any improvements thereon, as estimated by the Administrator.

(2) If the Administrator fails to complete the screening and notify the Secretary concerned and Congress within such period, the Secretary concerned shall proceed with the conveyance of the real property as provided in the provision of law authorizing or requiring the conveyance.

(d) EFFECT OF SUBMISSION OF NOTICE.—If the Administrator of General Services submits notice under subsection (c)(1) that further Federal use of a parcel of real property is requested by a Federal agency, the Secretary concerned may not proceed with the conveyance of the real property as provided in the provision of law authorizing or requiring the conveyance until the end of the 180-day period beginning on the date on which the notice is submitted to Congress.

(e) EXCEPTED CONVEYANCE AUTHORITIES.—The screening requirements of subsection (b) shall not apply to real property authorized or required to be conveyed under any of the following provisions of law:

(1) A base closure law.

(2) Chapter 5 of title 40.

(3) Any specific provision of law authorizing or requiring the transfer of administrative jurisdiction over a parcel of real property between Federal agencies.

(f) SCREENING AND CONVEYANCE OF PROPERTY FOR CORRECTIONAL FACILITIES PURPOSES.—(1) Except as provided in paragraph (2), before any real property or facility of the United States that is under the jurisdiction of any department, agen-

cy, or instrumentality of the Department of Defense is determined to be excess to the needs of such department, agency, or instrumentality, the Secretary of Defense shall—

(A) provide adequate notification of the availability of such real property or facility within the Department of Defense;

(B) if the real property or facility remains available after such notification, notify the Attorney General of its availability; and

(C) if the Attorney General certifies to the Secretary of Defense that a determination has been made by the Director of the Bureau of Justice Assistance within the Department of Justice to utilize the real property or facility under the correctional options program carried out under section 515 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3762a), convey the real property or facility, without reimbursement, to a public agency referred to in paragraph (1) or (3) of subsection (a) of such section for such utilization.

(2) Paragraph (1) shall not apply—

(A) to real property and facilities to which title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526) is applicable; and

(B) during any portion of a fiscal year after four conveyances have been made under paragraph (1) in such fiscal year.

(Added Pub. L. 105-85, div. B, title XXVIII, §2814(a)(1), Nov. 18, 1997, 111 Stat. 1994; amended Pub. L. 106-65, div. A, title X, §1066(a)(26), Oct. 5, 1999, 113 Stat. 772; Pub. L. 107-217, §3(b)(16), Aug. 21, 2002, 116 Stat. 1296; Pub. L. 108-136, div. A, title X, §§1031(a)(33), 1043(c)(4), Nov. 24, 2003, 117 Stat. 1600, 1612; Pub. L. 109-364, div. B, title XXVIII, §2825(a), (b)(5), (c)(3), (d)(2)(A), Oct. 17, 2006, 120 Stat. 2476, 2477; Pub. L. 111-350, §5(b)(47), Jan. 4, 2011, 124 Stat. 3846.)

REFERENCES IN TEXT

The Defense Authorization Amendments and Base Closure and Realignment Act, referred to in subsec. (f)(2)(A), is Pub. L. 100-526, Oct. 24, 1988, 102 Stat. 2623. Title II of the Act is set out as a note under section 2687 of this title. For complete classification of this Act to the Code, see Short Title of 1988 Amendment note set out under section 2687 of this title and Tables.

CODIFICATION

The text of section 2693 of this title, which was transferred to the end of this section and redesignated as subsec. (f), by Pub. L. 109-364, §2825(b)(5), was based on Pub. L. 101-647, title XVIII, §1802(a), Nov. 29, 1990, 104 Stat. 4849; amended Pub. L. 107-107, div. A, title X, §1048(a)(26)(A), (B)(i), Dec. 28, 2001, 115 Stat. 1224, 1225; Pub. L. 109-364, div. B, title XXVIII, §2825(b), Oct. 17, 2006, 120 Stat. 2476.

AMENDMENTS

2011—Subsec. (b). Pub. L. 111-350, which directed substitution of “division C (except sections 3302, 3501(b), 3509, 3906, 4710, and 4711) of subtitle I of title 41” for “title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.)” in subsec. (a), was executed by making the substitution in subsec. (b) to reflect the probable intent of Congress.

2006—Pub. L. 109-364, §2825(d)(2)(A), 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 section catchline.

Subsec. (a). Pub. L. 109-364, §2825(a)(2), added subsec. (a). Former subsec. (a) redesignated (b).

Subsec. (b). Pub. L. 109-364, §2825(c)(3)(A), substituted “Requirements for Additional Federal Use” for “Requirement” in heading.

Pub. L. 109-364, §2825(a)(1), redesignated subsec. (a) as (b). Former subsec. (b) redesignated (c).

Subsec. (c). Pub. L. 109-364, §2825(a)(1), redesignated subsec. (b) as (c).

Subsec. (c)(1). Pub. L. 109-364, §2825(c)(3)(B), substituted “subsection (b)” for “subsection (a)” in introductory provisions.

Subsec. (d). Pub. L. 109-364, §2825(c)(3)(C), substituted “subsection (c)(1)” for “subsection (b)(1)”.

Subsec. (e). Pub. L. 109-364, §2825(c)(3)(D), substituted “subsection (b)” for “this section” in introductory provisions.

Subsec. (f). Pub. L. 109-364, §2825(b)(5), transferred the text of section 2693 of this title to end of this section and redesignated it as subsec. (f). See Codification note above.

2003—Subsec. (b)(1). Pub. L. 108-136, §1031(a)(33)(A)(i), inserted “and Congress” before “of the results” in introductory provisions.

Subsec. (b)(2). Pub. L. 108-136, §1031(a)(33)(A)(ii), inserted “and Congress” before “within such period”.

Subsec. (c). Pub. L. 108-136, §1031(a)(33)(B), struck out heading and text of subsec. (c). Text read as follows: “If the Administrator of General Services notifies the Secretary concerned under subsection (b) that further Federal use of a parcel of real property authorized or required to be conveyed by any provision of law is requested by a Federal agency, the Secretary concerned shall submit a copy of the notice to Congress.”

Subsec. (d). Pub. L. 108-136, §1031(a)(33)(C), added subsec. (d) and struck out heading and text of former subsec. (d). Text read as follows: “If the Secretary concerned submits a notice under subsection (c) with regard to a parcel of real property, the Secretary concerned may not proceed with the conveyance of the real property as provided in the provision of law authorizing or requiring the conveyance if Congress enacts a law rescinding the conveyance authority or requirement before the end of the 180-day period beginning on the date on which the Secretary concerned submits the notice.”

Subsec. (e). Pub. L. 108-136, §1043(c)(4), added par. (1), redesignated pars. (5) and (6) as (2) and (3), respectively, and struck out former pars. (1) to (4) which read as follows:

“(1) Section 2687 of this title.

“(2) Title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note).

“(3) The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note).

“(4) Any provision of law authorizing the closure or realignment of a military installation that is enacted after November 18, 1997.”

2002—Subsec. (a). Pub. L. 107-217, §3(b)(16)(A), inserted “subtitle I of title 40 and title III of” before “the Federal Property and Administrative Services Act of 1949” and substituted “(41 U.S.C. 251 et seq.)” for “(40 U.S.C. 471 et seq.)”.

Subsec. (e)(5). Pub. L. 107-217, §3(b)(16)(B), substituted “Chapter 5 of title 40” for “Title II of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481 et seq.)”.

1999—Subsec. (a). Pub. L. 106-65, §1066(a)(26)(A), inserted “enacted after December 31, 1997,” after “any provision of law”.

Subsec. (b)(1). Pub. L. 106-65, §1066(a)(26)(B), substituted “referred to in subsection (a)” for “required by paragraph (1)” in introductory provisions.

Subsec. (e)(4). Pub. L. 106-65, §1066(a)(26)(C), substituted “November 18, 1997” for “the date of enactment of the National Defense Authorization Act for Fiscal Year 1998”.

EFFECTIVE DATE

Pub. L. 105-85, div. B, title XXVIII, §2814(b), Nov. 18, 1997, 111 Stat. 1995, provided that: “Section 2696 of title 10, United States Code, as added by subsection (a) of this section, shall apply with respect to any real property authorized or required to be conveyed under a provision of law covered by such section that is enacted after December 31, 1997.”

TRANSFER OF FUNCTIONS

Effective Aug. 1, 2000, all functions of Director of Bureau of Justice Assistance, other than those enumerated in section 3742(3) to (6) of Title 42, The Public Health and Welfare, transferred to Assistant Attorney General for Office of Justice Programs, see section 1000(a)(1) [title I, §108(b)] of Pub. L. 106-113, set out as a note under section 3741 of Title 42.

§2697. Acceptance and use of landing fees charged for use of domestic military airfields by civil aircraft

(a) AUTHORITY.—The Secretary of a military department may impose landing fees for the use by civil aircraft of domestic military airfields under the jurisdiction of that Secretary and may use any fees received under this section as a source of funding for the operation and maintenance of airfields of that department.

(b) UNIFORM LANDING FEES.—The Secretary of Defense shall prescribe the amount of the landing fees that may be imposed under this section. Such fees shall be uniform among the military departments.

(c) USE OF PROCEEDS.—Amounts received for a fiscal year in payment of landing fees imposed under this section for the use of a military airfield shall be credited to the appropriation that is available for that fiscal year for the operation and maintenance of that military airfield, shall be merged with amounts in the appropriation to which credited, and shall be available for that military airfield for the same period and purposes as the appropriation is available.

(d) LIMITATION.—The Secretary of a military department shall determine whether consideration for a landing fee has been received in a lease, license, or other real estate agreement for an airfield and shall use such a determination to offset appropriate amounts imposed under subsection (a) for that airfield.

(Added Pub. L. 111-383, div. A, title III, §341(a), Jan. 7, 2011, 124 Stat. 4189.)

CHAPTER 160—ENVIRONMENTAL RESTORATION

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| Sec. 2700. | Definitions. |
| 2701. | Environmental restoration program. |
| 2702. | Research, development, and demonstration program. |
| 2703. | Environmental restoration accounts. |
| 2704. | Commonly found unregulated hazardous substances. |
| 2705. | Notice of environmental restoration activities. |
| [2706. | Repealed.] |
| 2707. | Environmental restoration projects for environmental responses. |
| 2708. | Contracts for handling hazardous waste from defense facilities. |
| 2709. | Investment control process for environmental technologies. |
| 2710. | Inventory of unexploded ordnance, discarded military munitions, and munitions constituents at defense sites (other than operational ranges). |