

percent of an installation's sustainment funds to restoration and modernization.

“(b) SUNSET.—The authority under subsection (a) shall expire at the close of September 30, 2022.

“(c) DEFINITIONS.—The terms ‘sustainment’, ‘restoration’, and ‘modernization’ have the meanings given the terms in the Department of Defense Financial Management Regulation.”

DISCLOSURE OF BENEFICIAL OWNERSHIP BY FOREIGN PERSONS OF HIGH SECURITY SPACE LEASED BY THE DEPARTMENT OF DEFENSE

Pub. L. 115-91, div. B, title XXVIII, §2876, Dec. 12, 2017, 131 Stat. 1871, as amended by Pub. L. 115-232, div. A, title X, §1081(c)(7), Aug. 13, 2018, 132 Stat. 1985, provided that:

“(a) IDENTIFICATION OF BENEFICIAL OWNERSHIP.—Before entering into a lease agreement with a covered entity for accommodation of a military department or Defense Agency in a building (or other improvement) that will be used for high-security leased space, the Department of Defense shall require the covered entity to—

“(1) identify each beneficial owner of the covered entity by—

“(A) name;

“(B) current residential or business street address; and

“(C) in the case of a United States person, a unique identifying number from a nonexpired passport issued by the United States or a nonexpired drivers license issued by a State; and

“(2) disclose to the Department of Defense any beneficial owner of the covered entity that is a foreign person.

“(b) REQUIRED DISCLOSURE.—

“(1) INITIAL DISCLOSURE.—The Secretary of Defense shall require a covered entity to provide the information required under subsection (a), when first submitting a proposal in response to a solicitation for offers issued by the Department.

“(2) UPDATES.—The Secretary of Defense shall require a covered entity to update a submission of information required under subsection (a) not later than 60 days after the date of any change in—

“(A) the list of beneficial owners of the covered entity; or

“(B) the information required to be provided relating to each such beneficial owner.

“(c) PRECAUTIONS.—If a covered entity discloses a foreign person as a beneficial owner of a building (or other improvement) from which the Department of Defense is leasing high-security leased space, the Department of Defense shall notify the tenant of the space to take appropriate security precautions.

“(d) DEFINITIONS.—IN THIS SECTION:

“(1) BENEFICIAL OWNER.—

“(A) IN GENERAL.—The term ‘beneficial owner’—

“(i) means, with respect to a covered entity, each natural person who, directly or indirectly—

“(I) exercises control over the covered entity through ownership interests, voting rights, agreements, or otherwise; or

“(II) has an interest in or receives substantial economic benefits from the assets of the covered entity; and

“(ii) does not include, with respect to a covered entity—

“(I) a minor child;

“(II) a person acting as a nominee, intermediary, custodian, or agent on behalf of another person;

“(III) a person acting solely as an employee of the covered entity and whose control over or economic benefits from the covered entity derives solely from the employment status of the person;

“(IV) a person whose only interest in the covered entity is through a right of inheritance, unless the person otherwise meets the defini-

tion of ‘beneficial owner’ under this paragraph; and

“(V) a creditor of the covered entity, unless the creditor otherwise meets the requirements of ‘beneficial owner’ described above.

“(B) ANTI-ABUSE RULE.—The exceptions under subparagraph (A)(ii) shall not apply if used for the purpose of evading, circumventing, or abusing the requirements of this section.

“(2) COVERED ENTITY.—The term ‘covered entity’ means a person, copartnership, corporation, or other public or private entity.

“(3) FOREIGN PERSON.—The term ‘foreign person’ means an individual who is not a United States person or an alien lawfully admitted for permanent residence into the United States.

“(4) HIGH-SECURITY LEASED SPACE.—The term ‘high-security leased space’ means a space leased by the Department of Defense that has a security level of III, IV, or V, as determined in accordance with the Interagency Security Committee Risk Management Process.

“(5) UNITED STATES PERSON.—The term ‘United States person’ means a natural person who is a citizen of the United States or who owes permanent allegiance to the United States.”

[Pub. L. 115-232, div. A, title X, §1081(c), Aug. 13, 2018, 132 Stat. 1985, provided that the amendment made by section 1081(c)(7) to section 2876 of Pub. L. 115-91, set out above, is effective as of Dec. 12, 2017, and as if included in Pub. L. 115-91 as enacted.]

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 depart-

ment 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 concerned 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.

(H) Any transaction or contract action for the provision and operation of energy production facilities on real property under the jurisdiction of the Secretary of a military department, as authorized by section 2922a(a)(2) of this title, if the term of the transaction or contract exceeds 20 years.

(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, as well as the certification described in paragraph (5). 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 the end of the 14-day period beginning on the first day of the first month beginning on or after the date on which the report containing the facts concerning such transaction, and all other such pro-

posed transactions for that month, is provided in an electronic medium pursuant to section 480 of this title.

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

(5) For purposes of paragraph (2), the certification described in this paragraph with respect to an acquisition or lease of real property is a certification that the Secretary concerned—

(A) evaluated the feasibility of using space in property under the jurisdiction of the Department of Defense to satisfy the purposes of the acquisition or lease; and

(B) determined that—

(i) space in property under the jurisdiction of the Department of Defense is not reasonably available to be used to satisfy the purposes of the acquisition or lease;

(ii) acquiring the property or entering into the lease would be more cost-effective than the use of the Department of Defense property; or

(iii) the use of the Department of Defense property would interfere with the ongoing military mission of the property.

(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 pay-

ments-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 OPER-

ATIONS.—(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 254 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; Pub. L. 112–239, div. B, title XXVIII, §2821, Jan. 2, 2013, 126 Stat. 2152; Pub. L. 115–91, div. A, title X, §1081(a)(45), div. B, title XXVIII, §§2811(a), 2812, Dec. 12, 2017, 131 Stat. 1596, 1848, 1849.)

HISTORICAL AND REVISION NOTES

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

2017—Subsec. (a)(2). Pub. L. 115–91, §2812(1), inserted “, as well as the certification described in paragraph (5)” after “leases to be made”.

Subsec. (a)(3). Pub. L. 115–91, §2811(a), amended par. (3) generally. Prior to amendment, par. (3) required wait periods following submittal of reports before transactions could be authorized.

Subsec. (a)(5). Pub. L. 115–91, §2812(2), added par. (5).
 Subsec. (f)(1)(D). Pub. L. 115–91, §1081(a)(45), substituted “section 254” for “section 334”.

2013—Subsec. (a)(1)(H). Pub. L. 112–239 added subpar. (H).

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 summariz-

zation” 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 Con-

struction 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.

(b) ACQUISITION BY PURCHASE IN LIEU OF CONDEMNATION.—The Secretary of the military department concerned may contract for or buy any interest in land, including temporary use, needed for any purpose named in subsection (a), as soon as the owner fixes a price for it and the Secretary considers that price to be reasonable.

(c) ACQUISITION OF LOW-COST INTERESTS IN LAND.—(1) The Secretary of a military department may acquire any interest in land that—

(A) the Secretary determines is needed in the interest of national defense; and

(B) does not cost more than \$750,000, exclusive of administrative costs and the amounts of any deficiency judgments.

(2) The Secretary of a military department may acquire any interest in land that—

(A) the Secretary determines is needed solely to correct a deficiency that is life-threatening, health-threatening, or safety-threatening; and

(B) does not cost more than \$1,500,000, exclusive of administrative costs and the amounts of any deficiency judgments.

(3) This subsection does not apply to the acquisition, as a part of the same project, of more than one parcel of land unless the parcels are noncontiguous, or, if contiguous, unless the total cost is not more than \$750,000, in the case of an acquisition under paragraph (1), or

\$1,500,000, in the case of an acquisition under paragraph (2).

(4) Appropriations available to the Department of Defense for operation and maintenance or construction may be used for the acquisition of land or interests in land under this subsection.

(d) ACQUISITION OF INTERESTS IN LAND WHEN NEED IS URGENT.—(1) The Secretary of a military department may acquire any interest in land in any case in which the Secretary determines that—

(A) the acquisition is needed in the interest of national defense;

(B) the acquisition is required to maintain the operational integrity of a military installation; and

(C) considerations of urgency do not permit the delay necessary to include the required acquisition in an annual Military Construction Authorization Act.

(2) Not later than 10 days after the date on which the Secretary of a military department determines to acquire an interest in land under the authority of this subsection, the Secretary shall submit, in an electronic medium pursuant to section 480 of this title, to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a notice containing a description of the property and interest to be acquired and the reasons for the acquisition.

(3) Appropriations available for military construction may be used for the purposes of this subsection.

(e) SURVEY AUTHORITY; ACQUISITION METHODS.—Authority provided the Secretary of a military department by law to acquire an interest in real property (including a temporary interest) includes authority—

(1) to make surveys; and

(2) to acquire the interest in real property by gift, purchase, exchange of real property owned by the United States, or otherwise.

(f) ADVANCE NOTICE OF USE OF CONDEMNATION.—(1) Before commencing any legal proceeding to acquire any interest in land under subsection (a), including acquisition for temporary use, by condemnation, eminent domain, or seizure, the Secretary of the military department concerned shall—

(A) pursue, to the maximum extent practicable, all other available options for the acquisition or use of the land, such as the purchase of an easement or the execution of a land exchange; and

(B) submit to the congressional defense committees a report containing—

(i) a description of the land to be acquired;

(ii) a certification that negotiations with the owner or owners of the land occurred, and that the Secretary tendered consideration in an amount equal to the fair market value of the land, as determined by the Secretary; and

(iii) an explanation of the other approaches considered for acquiring use of the land, the reasons for the acquisition of the land, and the reasons why alternative acquisition strategies are inadequate.