

such regulations as the Secretary of the Army may impose". The words "members of the Air Force" are substituted for the word "garrisons". The words "the Territories, Commonwealths, and possessions" are substituted for the words "or its island possessions", for clarity.

AMENDMENTS

2006—Pub. L. 109-163 substituted "Commonwealths and possessions" for "Territories, Commonwealths, and possessions".

§ 9779. Use of public property

(a) When the economy of the Air Force or the Space Force so requires, the Secretary of the Air Force shall establish military headquarters in places where suitable buildings are owned by the United States.

(b) No money appropriated for the support of the Air Force or the Space Force may be spent for base gardens or Air Force exchanges. However, this does not prevent Air Force exchanges from using public buildings or public transportation that, in the opinion of the Secretary, are not needed for other purposes.

(Aug. 10, 1956, ch. 1041, 70A Stat. 591; Pub. L. 99-661, div. B, title VII, §2721, Nov. 14, 1986, 100 Stat. 4042; Pub. L. 116-283, div. A, title IX, §923(e)(19), Jan. 1, 2021, 134 Stat. 3819.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised section, Source (U.S. Code), Source (Statutes at Large). Rows include 9779(a), (b), and (c) with their respective legal sources.

In subsection (a), the words "United States" are substituted for the word "Government".

In subsection (b), the words "suitable space" are substituted for the words "proper and suitable room or rooms". The words "there is a" are substituted for the words "have been established".

In subsection (c), the words "the Secretary" are substituted for the words "the Quartermaster General", since the functions which, for the Army, are assigned by statute to subordinate officers of the Army, are, for the Air Force, assigned to the Secretary.

AMENDMENTS

2021—Subsec. (a). Pub. L. 116-283, §923(e)(19)(A), inserted "or the Space Force" after "economy of the Air Force".

Subsec. (b). Pub. L. 116-283, §923(e)(19)(B), inserted "or the Space Force" after "support of the Air Force".

1986—Subsecs. (b), (c). Pub. L. 99-661 redesignated subsec. (c) as (b) and struck out former subsec. (b) which directed the Secretary to assign suitable space for postal purposes at each air base where there was a post office.

§ 9780. Acquisition of buildings in District of Columbia

(a) In time of war or when war is imminent, the Secretary of the Air Force may acquire by lease any building, or part of a building, in the District of Columbia that may be needed for military purposes.

(b) At any time, the Secretary may, for the purposes of the Department of the Air Force, requisition the use and take possession of any building or space in any building, and its appurtenances, in the District of Columbia, other than—

- (1) a dwelling house occupied as such;
(2) a building occupied by any other agency of the United States; or
(3) space in such a dwelling house or building.

The Secretary shall determine, and pay out of funds appropriated for the payment of rent by the Department of the Air Force, just compensation for that use. If the amount of the compensation is not satisfactory to the person entitled to it, the Secretary shall pay 75 percent of it to that person, and the claimant is entitled to recover by action against the United States an additional amount that, when added to the amount paid by the Secretary, is determined by the court to be just compensation for that use.

(Added Pub. L. 85-861, §1(203)(A), Sept. 2, 1958, 72 Stat. 1542.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised section, Source (U.S. Code), Source (Statutes at Large). Rows include 9780(a) and 9780(b) with their respective legal sources.

In subsection (a), the words "may acquire by lease" are substituted for the words "is authorized, in his discretion, to rent or lease". The word "needed" is substituted for the word "required".

In subsection (b), the words "At any time" are inserted for clarity. The word "may" is substituted for the words "is authorized". The word "agency" is substituted for the word "branch". Clause (3) is inserted for clarity. The word "determine" is substituted for the word "ascertain". The words "out of funds appropriated for the payment of rent by" are substituted for the words "within the limits of the appropriations for rent made by any act making appropriations for". The word "is" is substituted for the word "be". The words "so ascertained" and "in the manner provided by sections 41(20) and 250 of Title 28" are omitted as surplusage, since those sections were repealed in 1948 and replaced by sections 1346, 1491, 1496, 1501, 1503, 2401, 2402, and 2501 of that title.

§ 9781. Disposition of real property at missile sites

(a)(1) The Administrator of General Services shall dispose of the interest of the United States in any tract of real property described in paragraph (2) or in any easement held in connection with any such tract of real property only as provided in this section.

(2) The real property referred to in paragraph (1) is any tract of land (including improvements thereon) owned by the Department of the Air Force that—

(A) is not required for the needs of the Department of the Air Force and the discharge of the responsibilities of the Department of the Air Force, as determined by the Secretary of the Air Force;

(B) does not exceed 25 acres;

(C) was used by the Department of the Air Force as a site for one or more missile launch facilities, missile launch control buildings, or other facilities to support missile launch operations; and

(D) is surrounded by lands that are adjacent to such tract and that—

(i) are owned in fee simple by one owner, either individually or by more than one person jointly, in common, or by the entirety; or

(ii) are owned separately by two or more owners.

(b)(1)(A) Whenever the interest of the United States in a tract of real property or easement referred to in subsection (a) is available for disposition under this section, the Administrator shall transmit a notice of the availability of the real property or easement to each person described in subsection (a)(2)(D)(i) who owns lands adjacent to that real property or easement.

(B) The Administrator shall convey, for fair market value, the interest of the United States in a tract of land referred to in subsection (a), or in any easement in connection with such a tract of land, to any person or persons described in subsection (a)(2)(D)(i) who, with respect to such land, are ready, willing, and able to purchase such interest for the fair market value of such interest.

(2)(A) In the case of a tract of real property referred to in subsection (a) that is surrounded by adjacent lands that are owned separately by two or more owners, the Administrator shall dispose of that tract of real property in accordance with this paragraph. In disposing of the real property, the Administrator shall satisfy the requirements specified in paragraph (1) regarding notice to owners, sale at fair market value, and the determination of the qualifications of the purchaser.

(B) The Administrator shall dispose of such a tract of real property through a sealed bid competitive sale. The Administrator shall afford an opportunity to compete to acquire the interest of the United States in the real property to all of the persons described in subsection (a)(2)(D)(ii) who own lands adjacent to that real property. The Administrator shall restrict to these persons the opportunity to compete in the sealed bid competitive sale.

(C) Subject to subparagraph (D), the Administrator shall convey the interest of the United States in the tract of real property to the highest bidder.

(D) If all of the bids received by the Administrator in the sealed bid competitive sale of the tract of real property are less than the fair market value of the real property, the Administrator shall dispose of the real property in accordance with the provisions of chapter 5 of title 40.

(c) The Administrator shall determine the fair market value of the interest of the United States to be conveyed under this section.

(d) The requirement to determine whether any tract of land described in subsection (a)(2) is excess property or surplus property under chapter 5 of title 40 before disposing of such tract shall not be applicable to the disposition of such tract under this section.

(e) The disposition of a tract of land under this section to any person shall be subject to (1) any easement retained by the Secretary of the Air Force with respect to such tract, and (2) such additional terms and conditions as the Administrator considers necessary or appropriate to protect the interests of the United States.

(f) The exact acreage and legal description of any tract of land to be conveyed under this section shall be determined in any manner that is satisfactory to the Administrator. The cost of any survey conducted for the purpose of this subsection in the case of any tract of land shall be borne by the person or persons to whom the conveyance of such tract of land is made.

(g) If any real property interest of the United States described in subsection (a) is not purchased under the procedures provided in subsections (a) through (f), such tract may be disposed of only 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.

(Added Pub. L. 100-180, div. B, subdiv. 3, title II, §2325(a), Dec. 4, 1987, 101 Stat. 1220; amended Pub. L. 103-160, div. B, title XXVIII, §2851, Nov. 30, 1993, 107 Stat. 1906; Pub. L. 107-217, §3(b)(40), Aug. 21, 2002, 116 Stat. 1298; Pub. L. 108-178, §4(b)(7), Dec. 15, 2003, 117 Stat. 2641; Pub. L. 111-350, §5(b)(55), Jan. 4, 2011, 124 Stat. 3847; Pub. L. 116-283, div. A, title IX, §923(e)(20), Jan. 1, 2021, 134 Stat. 3819.)

AMENDMENTS

2021—Subsec. (a)(2). Pub. L. 116-283, §923(e)(20)(A), substituted “Department of the Air Force” for “Air Force” in introductory provisions.

Subsec. (a)(2)(A). Pub. L. 116-283, §923(e)(20)(B), substituted “Department of the Air Force” for “Air Force” the first two places appearing.

Subsec. (a)(2)(C). Pub. L. 116-283, §923(e)(20)(C), substituted “Department of the Air Force” for “Air Force”.

2011—Subsec. (g). Pub. L. 111-350 substituted “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.)”.

2003—Subsec. (g). Pub. L. 108-178 substituted “title III of the Federal Property and Administrative Services Act of 1949” for “subtitle III of the Federal Property and Administrative Services Act of 1949” and made technical correction to reference to (41 U.S.C. 251 et seq.).

2002—Subsec. (b)(2)(D). Pub. L. 107-217, §3(b)(40)(A), 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.)”.

Subsec. (d). Pub. L. 107-217, §3(b)(40)(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.)”.

Subsec. (g). Pub. L. 107-217, §3(b)(40)(C), inserted “subtitle I of title 40 and subtitle III of” before “the Federal Property and Administrative Services Act of 1949” and “(41 U.S.C. 251 et seq.)” at end.

1993—Subsec. (a)(1). Pub. L. 103-160, §2851(a)(1), substituted “Administrator of General Services” for “Secretary of the Air Force”.

Subsec. (a)(2)(D). Pub. L. 103-160, §2851(b), added subpar. (D) and struck out former subpar. (D) which read as follows: “is surrounded by lands that are adjacent to such tract and that are owned in fee simple by one owner or by more than one owner jointly, in common, or by the entirety.”

Subsec. (b). Pub. L. 103-160, §2851(c), amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows: "The Secretary shall convey, for fair market value, the interest of the United States in any tract of land referred to in subsection (a) or in any easement in connection with any such tract of land to any person or persons who, with respect to such tract of land, own lands referred to in paragraph (2)(D) of such subsection and are ready, willing, and able to purchase such interest for the fair market value of such interest. Whenever such interest of the United States is available for purchase under this section, the Secretary shall transmit a notice of the availability of such interest to each such person."

Subsec. (c). Pub. L. 103-160, §2851(a)(2), substituted "Administrator" for "Secretary".

Subsec. (e). Pub. L. 103-160, §2851(a)(3), substituted "Secretary of the Air Force with respect to such tract, and (2) such additional terms and conditions as the Administrator" for "Secretary with respect to such tract, and (2) such additional terms and conditions as the Secretary".

Subsec. (f). Pub. L. 103-160, §2851(a)(4), substituted "Administrator" for "Secretary".

EFFECTIVE DATE OF 2003 AMENDMENT

Amendment by Pub. L. 108-178 effective Aug. 21, 2002, see section 5 of Pub. L. 108-178, set out as a note under section 5334 of Title 5, Government Organization and Employees.

§ 9782. Maintenance and repair of real property

(a) ALLOCATION OF FUNDS.—The Secretary of the Air Force shall allocate funds authorized to be appropriated by a provision described in subsection (c) and a provision described in subsection (d) for maintenance and repair of real property at military installations of the Department of the Air Force without regard to whether the installation is supported with funds authorized by a provision described in subsection (c) or (d).

(b) MIXING OF FUNDS PROHIBITED ON INDIVIDUAL PROJECTS.—The Secretary of the Air Force may not combine funds authorized to be appropriated by a provision described in subsection (c) and funds authorized to be appropriated by a provision described in subsection (d) for an individual project for maintenance and repair of real property at a military installation of the Department of the Air Force.

(c) RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FUNDS.—The provision described in this subsection is a provision of a national defense authorization Act that authorizes funds to be appropriated for a fiscal year to the Air Force or the Space Force for research, development, test, and evaluation.

(d) OPERATION AND MAINTENANCE FUNDS.—The provision described in this subsection is a provision of a national defense authorization Act that authorizes funds to be appropriated for a fiscal year to the Air Force or the Space Force for operation and maintenance.

(Added Pub. L. 105-85, div. A, title II, §242(a), Nov. 18, 1997, 111 Stat. 1666; amended Pub. L. 116-283, div. A, title IX, §923(e)(21), Jan. 1, 2021, 134 Stat. 3819.)

AMENDMENTS

2021—Subsecs. (c), (d). Pub. L. 116-283 inserted "or the Space Force" after "the Air Force".

§ 9783. Johnston Atoll: reimbursement for support provided to civil air carriers

(a) AUTHORITY OF THE SECRETARY.—The Secretary of the Air Force may, under regulations prescribed by the Secretary, require payment by a civil air carrier for support provided by the United States to the carrier at Johnston Atoll that is either—

(1) requested by the civil air carrier; or

(2) determined under the regulations as being necessary to accommodate the civil air carrier's use of Johnston Atoll.

(b) AMOUNT OF CHARGES.—Any amount charged an air carrier under subsection (a) for support shall be equal to the total amount of the actual costs to the United States of providing the support. The amount charged may not include any amount for an item of support that does not satisfy a condition described in paragraph (1) or (2) of subsection (a).

(c) RELATIONSHIP TO LANDING FEES.—No landing fee shall be charged an air carrier for a landing of an aircraft of the air carrier at Johnston Atoll if the air carrier is charged under subsection (a) for support provided to the air carrier.

(d) DISPOSITION OF PAYMENTS.—(1) Amounts collected from an air carrier under this section shall be credited to appropriations available for the fiscal year in which collected, as follows:

(A) For support provided by the Air Force, to appropriations available for the Air Force for operation and maintenance.

(B) For support provided by the Army, to appropriations available for the Army for chemical demilitarization.

(2) Amounts credited to an appropriation under paragraph (1) shall be merged with funds in that appropriation and shall be available, without further appropriation, for the purposes and period for which the appropriation is available.

(e) DEFINITIONS.—In this section:

(1) The term "civil air carrier" means an air carrier (as defined in section 40102(a)(2) of title 49) that is issued a certificate of public convenience and necessity under section 41102 of such title.

(2) The term "support" includes fuel, fire rescue, use of facilities, improvements necessary to accommodate use by civil air carriers, police, safety, housing, food, air traffic control, suspension of military operations on the island (including operations at the Johnston Atoll Chemical Agent Demilitarization System), repairs, and any other construction, services, or supplies.

(Added Pub. L. 106-398, §1 [[div. A], title III, §383(a)], Oct. 30, 2000, 114 Stat. 1654, 1654A-86; amended Pub. L. 107-107, div. A, title X, §1048(a)(30), Dec. 28, 2001, 115 Stat. 1225.)

AMENDMENTS

2001—Subsec. (e)(1). Pub. L. 107-107 substituted "40102(a)(2)" for "40101(a)(2)".

CHAPTER 981—MILITARY CLAIMS

Sec.
9801. Definition.