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(1), 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 provide that property described in paragraph (2) is available for transfer, without reimbursement, to other military departments within the Department of Defense.

(4) ALTERNATIVE DISPOSITION BY ADMINISTRATOR OF GENERAL SERVICES.—If property is not transferred pursuant to paragraph (3), the Secretary of the military department with the property under its control shall request the Administrator to transfer or dispose of the property in accordance with this subtitle or other applicable law.

(5) PROCEEDS.—

(A) DEPOSIT IN SPECIAL ACCOUNT.—For a transfer or disposition of property pursuant to paragraph (4), the Administrator shall deposit any proceeds (less expenses of the transfer or disposition as provided in subsection (a)) in a special account in the Treasury.

(B) AVAILABILITY OF AMOUNT DEPOSITED.—To the extent provided in an appropriation law, an amount deposited in a special account under subparagraph (A) is available for facility maintenance and repair or environmental restoration as follows:

(i) In the case of property located at a military installation that is closed, the amount is available for facility maintenance and repair or environmental restoration by the military department that had jurisdiction over the property before the closure of the military installation.

(ii) In the case of property located at any other military installation—

(I) 50 percent of the amount is available for facility maintenance and repair or environmental restoration at the military installation where the property

was located before it was disposed of or transferred; and

(II) 50 percent of the amount is available for facility maintenance and repair and for environmental restoration by the military department that had jurisdiction over the property before it was disposed of or transferred.

(6) REPORT.—As part of the annual request for authorizations of appropriations to the Committees on Armed Services of the Senate and the House of Representatives, the Secretary of Defense shall include an accounting of each transfer and disposal made in accordance with this subsection during the fiscal year preceding the fiscal year in which the request is made. The accounting shall include a detailed explanation of each transfer and disposal and of the use of the proceeds received from it by the Department of Defense.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1105; Pub. L. 108–447, div. H, title IV, § 408, Dec. 8, 2004, 118 Stat. 3258; Pub. L. 109–13, div. A, title VI, § 6068, May 11, 2005, 119 Stat. 299; Pub. L. 109–163, div. A, title X, § 1056(a)(5)(B), Jan. 6, 2006, 119 Stat. 3439.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
572(a)	40:485(b).	June 30, 1949, ch. 288, title II, § 204(b), as added Aug. 31, 1954, ch. 1178, § 1(b), 68 Stat. 1051; Pub. L. 86–215, Sept. 1, 1959, 73 Stat. 446; Pub. L. 100–612, § 6, Nov. 5, 1988, 102 Stat. 3181; Pub. L. 101–510, div. B, title XXVIII, § 2805(2), Nov. 5, 1990, 104 Stat. 1786; Pub. L. 107–107, § 2812, Dec. 28, 2001, 115 Stat. 1307.
572(b)	40:485(h).	June 30, 1949, ch. 288, title II, § 204(h), as added Pub. L. 101–510, div. B, title XXVIII, § 2805(3), Nov. 5, 1990, 104 Stat. 1786; Pub. L. 104–106, div. A, title XV, § 1502(f)(7), div. B, title XXVIII, § 2818(b), Feb. 10, 1996, 110 Stat. 510, 555; Pub. L. 106–65, title X, § 1067(18), Oct. 5, 1999, 113 Stat. 775; Pub. L. 107–107, § 2812, Dec. 28, 2001, 115 Stat. 1307.

In subsection (b)(4), the words ''section 13(g) of the Surplus Property Act of 1944 (50 U.S.C. App. 1622(g))'' are omitted because 50 App.:1622(g) has been repealed.

AMENDMENTS

2006—Subsec. (b)(1)(B). Pub. L. 109–163 substituted ''section 101(a)(17) of title 10'' for ''section 2667(h)(2) of title 10''.

2005—Subsec. (a)(2)(A)(ii). Pub. L. 109–13 made technical correction to directory language of Pub. L. 108–447, § 408. See 2004 Amendment note below.

2004—Subsec. (a)(2)(A)(ii). Pub. L. 108–447, § 408, as amended by Pub. L. 109–13, inserted '', highest and best use of property studies, utilization of property studies, deed compliance inspection, and the expenses incurred in a relocation'' before period at end.

§ 573. Personal property

The Administrator of General Services may retain from the proceeds of sales of personal property the Administrator conducts amounts necessary to recover, to the extent practicable, costs the Administrator (or the Administrator's agent) incurs in conducting the sales. The Administrator shall deposit amounts retained into the Acquisition Services Fund established under section 321(a) of this title. From the amounts deposited, the Administrator may pay direct costs and reasonably related indirect costs incurred in conducting sales of personal property. At least once each year, amounts retained that are not needed to pay the direct and indirect costs shall be transferred from the Acquisition Services Fund to the general fund or another appropriate account in the Treasury.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1107; Pub. L. 109–313, § 3(h)(4), Oct. 6, 2006, 120 Stat. 1736.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
573	40:485(i).	June 30, 1949, ch. 288, title II, § 204(i), as added Pub. L. 103–123, title IV, § 7, Oct. 28, 1993, 107 Stat. 1247.

AMENDMENTS

2006—Pub. L. 109–313 substituted ''Acquisition Services Fund'' for ''General Supply Fund'' in two places.

EFFECTIVE DATE OF 2006 AMENDMENT

Amendment by Pub. L. 109–313 effective 60 days after Oct. 6, 2006, see section 6 of Pub. L. 109–313, set out as a note under section 5316 of Title 5, Government Organization and Employees.

§ 574. Other rules regarding proceeds

(a) CREDIT TO REIMBURSABLE FUND OR APPROPRIATION.—

(1) APPLICATION.—This subsection applies to property acquired with amounts—

(A) not appropriated from the general fund of the Treasury; or

(B) appropriated from the general fund of the Treasury but by law reimbursable from assessment, tax, or other revenue or receipts.

(2) IN GENERAL.—The net proceeds of a disposition or transfer of property described in paragraph (1) shall be—

(A) credited to the applicable reimbursable fund or appropriation; or

(B) paid to the federal agency that determined the property to be excess.

(3) CALCULATION OF NET PROCEEDS.—For purposes of this subsection, the net proceeds of a disposition or transfer of property are the proceeds less all expenses incurred for the disposition or transfer, including care and handling.

(4) ALTERNATIVE CREDIT TO MISCELLANEOUS RECEIPTS.—If the agency that determined the property to be excess decides that it is uneconomical or impractical to ascertain the amount of net proceeds, the proceeds shall be credited to miscellaneous receipts.

(b) SPECIAL ACCOUNT FOR REFUNDS OR PAYMENTS FOR BREACH.—

(1) DEPOSITS.—A federal agency that disposes of surplus property under this chapter may deposit, in a special account in the Treasury, amounts of the proceeds of the dispositions that the agency decides are necessary to permit—

(A) appropriate refunds to purchasers for dispositions that are rescinded or that do not become final; and