

“(2) The term ‘qualified individual’ means an individual who is certified by the Environmental Protection Agency or by a State as—

- “(A) a lead-based paint inspector; or
- “(B) a lead-based paint risk assessor.”

PRIORITIZATION OF ENVIRONMENTAL IMPACTS FOR FACILITIES SUSTAINMENT, RESTORATION, AND MODERNIZATION DEMOLITION

Pub. L. 115-232, div. A, title III, § 359, Aug. 13, 2018, 132 Stat. 1733, provided that: “The Secretary of Defense shall establish prioritization metrics for facilities deemed eligible for demolition within the Facilities Sustainment, Restoration, and Modernization (FSRM) process. Those metrics shall include full spectrum readiness and environmental impacts, including the removal of contamination.”

INCREASED PERCENTAGE OF SUSTAINMENT FUNDS AUTHORIZED FOR REALIGNMENT TO RESTORATION AND MODERNIZATION AT EACH INSTALLATION

Pub. L. 115-91, div. A, title III, § 322, Dec. 12, 2017, 131 Stat. 1353, provided that the Secretary of Defense could authorize an installation commander to realign up to 7.5 percent of an installation’s sustainment funds to restoration and modernization, and such authority would expire at the close of Sept. 30, 2022.

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 definition 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 department 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 gen-

eral 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 proposed 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.