

(b) **TREATMENT OF PAYMENTS.**—Payments made under subsection (a) to a pollutant banking program or water quality trading program may be treated as eligible project costs for military construction.

(c) **DISCHARGE OF POLLUTANTS DEFINED.**—In this section, the term “discharge of pollutants” has the meaning given that term in section 502(12) of the Federal Water Pollution Control Act (33 U.S.C. 1362(12)) (commonly referred to as the “Clean Water Act”).

(Added Pub. L. 117-263, div. A, title III, §312(a), Dec. 23, 2022, 136 Stat. 2502.)

§ 2695. Acceptance of funds to cover administrative expenses relating to certain real property transactions

(a) **AUTHORITY TO ACCEPT.**—In connection with a real property transaction referred to in subsection (b) with a non-Federal person or entity, the Secretary of a military department may accept amounts provided by the person or entity to cover administrative expenses incurred by the Secretary in entering into the transaction.

(b) **COVERED TRANSACTIONS.**—Subsection (a) applies to the following transactions involving real property under the control of the Secretary of a military department:

- (1) The exchange of real property.
- (2) The grant of an easement over, in, or upon real property of the United States.
- (3) The lease or license of real property of the United States.
- (4) The disposal of real property of the United States for which the Secretary will be the disposal agent.
- (5) The conveyance of real property under section 2694a of this title.

(c) **USE OF AMOUNTS COLLECTED.**—(1) Amounts collected by the Secretary of a military department under subsection (a) for administrative expenses shall be credited, at the option of the Secretary—

- (A) to the appropriation, fund, or account from which the expenses were paid; or
- (B) to an appropriate appropriation, fund, or account currently available to the Secretary for the purposes for which the expenses were paid.

(2) Amounts credited under paragraph (1) shall be merged with funds in such appropriation, fund, or account and shall be available for the same purposes and subject to the same limitations as the funds with which merged.

(Added Pub. L. 105-85, div. B, title XXVIII, §2813(a), Nov. 18, 1997, 111 Stat. 1993; amended Pub. L. 106-65, div. B, title XXVIII, §2813, Oct. 5, 1999, 113 Stat. 851; Pub. L. 107-314, div. B, title XXVIII, §2812(b), Dec. 2, 2002, 116 Stat. 2709; Pub. L. 113-291, div. B, title XXVIII, §2812(a), Dec. 19, 2014, 128 Stat. 3700.)

Editorial Notes

AMENDMENTS

2014—Subsec. (c)(1). Pub. L. 113-291, §2812(a)(1), substituted “(1) Amounts collected by the Secretary of a military department under subsection (a) for administrative expenses shall be credited, at the option of the

Secretary—” and subpars. (A) and (B) for “Amounts collected under subsection (a) for administrative expenses shall be credited to the appropriation, fund, or account from which the expenses were paid.”

Subsec. (c)(2). Pub. L. 113-291, §2812(a)(2), substituted “(2) Amounts credited under paragraph (1)” for “Amounts so credited”.

2002—Subsec. (b)(5). Pub. L. 107-314 added par. (5).

1999—Subsec. (b). Pub. L. 106-65 inserted “involving real property under the control of the Secretary of a military department” after “transactions” in introductory provisions and added par. (4).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2014 AMENDMENT

Pub. L. 113-291, div. B, title XXVIII, §2812(b), Dec. 19, 2014, 128 Stat. 3700, provided that: “The amendments made by subsection (a) [amending this section] shall not apply to administrative expenses related to a real property transaction referred to in section 2695(b) of title 10, United States Code, that were covered by the Secretary of a military department using amounts appropriated to the Secretary before the date of the enactment of this Act [Dec. 19, 2014].”

ADMINISTRATIVE COSTS OF LAND CONVEYANCES

Pub. L. 106-541, title II, §226, Dec. 11, 2000, 114 Stat. 2598, provided that: “Notwithstanding any other provision of law, the administrative costs associated with the conveyance of property by the Secretary to a non-Federal governmental or nonprofit entity shall be limited to the extent that the Secretary determines that such limitation is necessary to complete the conveyance based on the entity’s ability to pay.”

§ 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.