

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

Revised section	Source (U.S. Code)	Source (Statutes at Large)
9780(a)	40:37.	July 9, 1918, ch. 143 (3d proviso under "Barracks and Quarters"), 40 Stat. 861.
9780(b)	40:41.	July 8, 1918, ch. 139 (2d par. under "War Department"), 40 Stat. 826.

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.)

Editorial Notes

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”.

Statutory Notes and Related Subsidiaries

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.