

curement Policy Act Amendments of 1983 (Public Law 98-191, 97 Stat. 1331).

In subsection (a)(2)(A), the words “Department of Defense” are substituted for “National Military Establishment” in section 206(a) of the Federal Property and Administrative Services Act of 1949 because the Department of Defense is deemed to succeed the National Military Establishment under section 12(a) and (g) of the National Security Act Amendments of 1949 (ch. 412, 63 Stat. 591).

In subsection (c), the words “Comptroller General” are substituted for “General Accounting Office” because of 31:702 and for consistency in the revised title.

Editorial Notes

AMENDMENTS

2019—Subsec. (a)(1)(E), (F). Pub. L. 115-419 added subpars. (E) and (F).

2011—Subsec. (a)(1)(D). Pub. L. 111-350 substituted “division B (except sections 1704 and 2303) of subtitle I of title 41” for “the Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.)”.

SUBCHAPTER II—USE OF PROPERTY

§ 521. Policies and methods

Subject to section 523 of this title, in order to minimize expenditures for property, the Administrator of General Services shall—

(1) prescribe policies and methods to promote the maximum use of excess property by executive agencies; and

(2) provide for the transfer of excess property—

(A) among federal agencies; and

(B) to the organizations specified in section 321(c)(2) of this title.

(Pub. L. 107-217, Aug. 21, 2002, 116 Stat. 1083.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
521	40:483(a)(1) (1st sentence).	June 30, 1949, ch. 288, title II, § 202(a)(1) (1st sentence), 63 Stat. 384; July 12, 1952, ch. 703, § 1(f), 66 Stat. 593; Pub. L. 93-599, (1), Jan. 2, 1975, 88 Stat. 1954.

The words “the provisions of” are omitted as unnecessary.

Statutory Notes and Related Subsidiaries

PUBLIC INVENTORY OF GUAM LAND PARCELS FOR TRANSFER TO GOVERNMENT OF GUAM

Pub. L. 115-232, div. B, title XXVIII, § 2847, Aug. 13, 2018, 132 Stat. 2277, provided that:

“(a) NET-NEGATIVE INVENTORY OF LAND PARCELS.—

“(1) MAINTENANCE AND UPDATE OF INVENTORY.—The Secretary of the Navy shall maintain and update regularly an inventory of all land parcels located on Guam which meet each of the following conditions:

“(A) The parcels are currently owned by the United States Government and are under the administrative jurisdiction of the Department of the Navy.

“(B) The Secretary has determined or expects to determine the parcels to be excess to the needs of the Department of the Navy.

“(C) Under Federal law, including Public Law 106-504 (commonly known as the ‘Guam Omnibus Opportunities Act’; 40 U.S.C. 521 note), the parcels are eligible to be transferred to the territorial government.

“(2) INFORMATION REQUIRED.—For each parcel included in the inventory under paragraph (1), the Secretary shall specify—

“(A) the approximate size of the parcel;

“(B) an estimate of the fair market value of the parcel, if available or as practicable;

“(C) the date on which the Secretary determined, or the date by which the Secretary expects to determine, that the parcel is excess and made eligible for transfer to the territorial government; and

“(D) the citation of the specific legal authority (including the Guam Omnibus Opportunities Act) under which the Secretary will transfer the parcel to the territorial government or otherwise dispose of the parcel.

“(b) PARCELS REQUIRED TO BE INCLUDED.—The Secretary shall include in the inventory under this section each of the following parcels, as described in the 2017 Net Negative Report:

“(1) The Tanguisson Power Plant (5 acres), listed as Site 14 in the Report.

“(2) The Harmon Substation Annex (9.9 acres), listed as Site 15 in the Report.

“(3) The Piti Power Plant and Substation (15.5 acres), listed as Site 38 in the Report.

“(4) Apra Heights Lot 403-1 (0.5 acres), listed as Site 55 in the Report.

“(5) The Agana Power Plant and Substation (5.9 acres), listed as Site 54 in the Report.

“(6) The ACEORP Maui Tunnel-Tamuning Route 1 behind Old Telex (3.7 acres), listed as Site 23 in the Report.

“(7) The Parcel South of Camp Covington, Parcel 7 (60.8 acres), listed as Site 49 in the Report.

“(8) The NCTS Beach Lot, adjacent to the Tanguisson Power Plant (13.3 acres), listed as Site 13 in the Report.

“(9) The Hoover Park Annex (also known as ‘Old USO Beach’; 6 acres), listed as Site 37 in the Report.

“(10) Parcel ‘C’ Marbo Cave Annex (5 acres), listed as Site 12 in the Report.

“(c) INCLUSION OF ADDITIONAL PARCELS IN INVENTORY.—

“(1) REQUEST BY GOVERNOR.—The Governor of the territory of Guam may submit a request to the Secretary to add parcels to the inventory maintained under subsection (a), and shall specify in any such request any public benefit uses or public purposes proposed by the Governor for the parcel involved, pursuant to the Guam Omnibus Opportunities Act or any other relevant Federal law.

“(2) CONSIDERATION BY SECRETARY.—Not later than 180 days of receipt of a request from the Governor under paragraph (1), the Secretary shall review the request and provide a response in writing to the Governor as to whether the Secretary will agree to the request to include the specific land parcel in the inventory maintained under subsection (a). If the Secretary denies the request, the Secretary shall provide a detailed written justification to the Governor that explains the continuing military need for the parcel, if any, and the date on which the Secretary expects that military need to cease, if ever.

“(d) EXCLUSION OF PARCELS.—The Secretary shall not include in the inventory maintained under this section any parcel transferred to the government of Guam prior to the date of the enactment of this Act [Aug. 13, 2018], without regard to whether or not the parcel is included in the inventory under subsection (b).

“(e) PUBLIC NOTIFICATION.—The Secretary shall publish and update on a public website of the United States Government the following information:

“(1) The inventory maintained under subsection (a), including the parcels required to be included in such inventory under subsection (b).

“(2) All requests submitted by the Governor under subsection (c), including any proposed public benefit use or public purpose specified in any such request.

“(3) A copy of each response provided by the Secretary to each request submitted by the Governor under subsection (c).

“(4) A description of each parcel of land transferred by the Secretary to the territorial government after January 20, 2011, including the following:

“(A) The approximate size of the parcel.

“(B) An estimate of the fair market value of the parcel, if available or as practicable.

“(C) The specific legal authority under which the Secretary transferred the parcel to the territorial government.

“(D) The date the parcel was transferred to the territorial government.

“(f) DEFINITIONS.—In this section, the following definitions apply:

“(1) 2017 NET NEGATIVE REPORT.—The term ‘2017 Net Negative Report’ means the report submitted by the Secretary of the Navy, on behalf of the Secretary of Defense, under section 2208 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114-328; 130 Stat. 2695) regarding the status of the implementation of the ‘net negative’ policy regarding the total number of acres of the real property controlled by the Department of the Navy or the Department of Defense on Guam.

“(2) GOVERNOR.—The term ‘Governor’ means the Governor of the territory of Guam.

“(3) SECRETARY.—The term ‘Secretary’ means the Secretary of the Navy.

“(4) TERRITORIAL GOVERNMENT.—The term ‘territorial government’ means the government of Guam established under the Organic Act of Guam (48 U.S.C. 1421 et seq.).”

OPPORTUNITY FOR THE GOVERNMENT OF GUAM TO ACQUIRE EXCESS REAL PROPERTY IN GUAM

Pub. L. 106-504, §1, Nov. 13, 2000, 114 Stat. 2309, as amended by Pub. L. 109-163, div. A, title X, §1056(a)(6), Jan. 6, 2006, 119 Stat. 3439, provided that:

“(a) TRANSFER OF EXCESS REAL PROPERTY.—(1) Except as provided in subsection (d), before screening excess real property located on Guam for further Federal utilization under section 202 [now 40 U.S.C. 521 et seq.] of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.) [now 40 U.S.C. 101 et seq.] (hereinafter the ‘Property Act’), the Administrator shall notify the Government of Guam that the property is available for transfer pursuant to this section.

“(2) If the Government of Guam, within 180 days after receiving notification under paragraph (1), notifies the Administrator that the Government of Guam intends to acquire the property under this section, the Administrator shall transfer such property in accordance with subsection (b). Otherwise, the property shall be screened for further Federal use and then, if there is no other Federal use, shall be disposed of in accordance with the Property Act.

“(b) CONDITIONS OF TRANSFER.—(1) Any transfer of excess real property to the Government of Guam may be only for a public purpose and shall be without further consideration.

“(2) All transfers of excess real property to the Government of Guam shall be subject to such restrictive covenants as the Administrator, in consultation with the Secretary of Defense, in the case of property reported excess by a military department, determines to be necessary to ensure that: (A) the use of the property is compatible with continued military activities on Guam; (B) the use of the property is consistent with the environmental condition of the property; (C) access is available to the United States to conduct any additional environmental remediation or monitoring that may be required; (D) the property is used only for a public purpose and can not be converted to any other use; and (E) to the extent that facilities on the property have been occupied and used by another Federal agency for a minimum of 2 years, that the transfer to the Government of Guam is subject to the terms and conditions for such use and occupancy.

“(3) All transfers of excess real property to the Government of Guam are subject to all otherwise applica-

ble Federal laws, except section 2696 of title 10, United States Code, or section 501 of Public Law 100-77 (42 U.S.C. 11411).

“(c) DEFINITIONS.—For the purposes of this section:

“(1) The term ‘Administrator’ means—

“(A) the Administrator of General Services; or

“(B) the head of any Federal agency with the authority to dispose of excess real property on Guam.

“(2) The term ‘base closure law’ has the meaning given such term in section 101(a)(17) of title 10, United States Code.

“(3) The term ‘excess real property’ means excess property (as that term is defined in section 3 of the Property Act [now 40 U.S.C. 102]) that is real property and was acquired by the United States prior to the enactment of this section [Nov. 13, 2000].

“(4) The term ‘Guam National Wildlife Refuge’ includes those lands within the refuge overlay under the jurisdiction of the Department of Defense, identified as DoD lands in figure 3, on page 74, and as submerged lands in figure 7, on page 78 of the ‘Final Environmental Assessment for the Proposed Guam National Wildlife Refuge, Territory of Guam, July 1993’ to the extent that the Federal Government holds title to such lands.

“(5) The term ‘public purpose’ means those public benefit purposes for which the United States may dispose of property pursuant to section 203 of the Property Act [now 40 U.S.C. 541 et seq.], as implemented by the Federal Property Management Regulations (41 CFR 101-47) or the specific public benefit uses set forth in section 3(c) of the Guam Excess Lands Act (Public Law 103-339; 108 Stat. 3116), except that such definition shall not include the transfer of land to an individual or entity for private use other than on a nondiscriminatory basis.

“(d) EXEMPTIONS.—Notwithstanding that such property may be excess real property, the provisions of this section shall not apply—

“(1) to real property on Guam that is declared excess by the Department of Defense for the purpose of transferring that property to the Coast Guard;

“(2) to real property on Guam that is located within the Guam National Wildlife Refuge, which shall be transferred according to the following procedure:

“(A) The Administrator shall notify the Government of Guam and the Fish and Wildlife Service that such property has been declared excess. The Government of Guam and the Fish and Wildlife Service shall have 180 days to engage in discussions toward an agreement providing for the future ownership and management of such real property.

“(B) If the parties reach an agreement under subparagraph (A) within 180 days after notification of the declaration of excess, the real property shall be transferred and managed in accordance with such agreement: *Provided*, That such agreement shall be transmitted to the Committee on Energy and Natural Resources of the United States Senate and the appropriate committees of the United States House of Representatives not less than 60 days prior to such transfer and any such transfer shall be subject to the other provisions of this section.

“(C) If the parties do not reach an agreement under subparagraph (A) within 180 days after notification of the declaration of excess, the Administrator shall provide a report to Congress on the status of the discussions, together with his recommendations on the likelihood of resolution of differences and the comments of the Fish and Wildlife Service and the Government of Guam. If the subject property is under the jurisdiction of a military department, the military department may transfer administrative control over the property to the General Services Administration subject to any terms and conditions applicable to such property. In the event of such a transfer by a military department to the General Services Administration, the Department of the Interior shall be responsible for all reasonable costs associated with

the custody, accountability and control of such property until final disposition.

“(D) If the parties come to agreement prior to congressional action, the real property shall be transferred and managed in accordance with such agreement: *Provided*, That such agreement shall be transmitted to the Committee on Energy and Natural Resources of the United States Senate and the appropriate committees of the United States House of Representatives not less than 60 days prior to such transfer and any such transfer shall be subject to the other provisions of this section.

“(E) Absent an agreement on the future ownership and use of the property, such property may not be transferred to another Federal agency or out of Federal ownership except pursuant to an Act of Congress specifically identifying such property;

“(3) to real property described in the Guam Excess Lands Act (Public Law 103-339; 108 Stat. 3116) which shall be disposed of in accordance with such Act;

“(4) to real property on Guam that is declared excess as a result of a base closure law; or

“(5) to facilities on Guam declared excess by the managing Federal agency for the purpose of transferring the facility to a Federal agency that has occupied the facility for a minimum of 2 years when the facility is declared excess together with the minimum land or interest therein necessary to support the facility.

“(e) DUAL CLASSIFICATION PROPERTY.—If a parcel of real property on Guam that is declared excess as a result of a base closure law also falls within the boundary of the Guam National Wildlife Refuge, such parcel of property shall be disposed of in accordance with the base closure law.

“(f) AUTHORITY TO ISSUE REGULATIONS.—The Administrator of General Services, after consultation with the Secretary of Defense and the Secretary of the Interior, may issue such regulations as he deems necessary to carry out this section.”

§ 522. Reimbursement for transfer of excess property

(a) IN GENERAL.—Subject to subsections (b) and (c), the Administrator of General Services, with the approval of the Director of the Office of Management and Budget, shall prescribe the amount of reimbursement required for a transfer of excess property.

(b) REIMBURSEMENT AT FAIR VALUE.—The amount of reimbursement required for a transfer of excess property is the fair value of the property, as determined by the Administrator, if—

(1) net proceeds are requested under section 574(a) of this title; or

(2) either the transferor or the transferee agency (or the organizational unit affected) is—

(A) subject to chapter 91 of title 31; or

(B) an organization specified in section 321(c)(2) of this title.

(c) DISTRIBUTION THROUGH GENERAL SERVICES ADMINISTRATION SUPPLY CENTERS.—Excess property determined by the Administrator to be suitable for distribution through the supply centers of the General Services Administration shall be retransferred at prices set by the Administrator with due regard to prices established under section 321(d) of this title.

(Pub. L. 107-217, Aug. 21, 2002, 116 Stat. 1083; Pub. L. 109-284, §6(1), (2), Sept. 27, 2006, 120 Stat. 1212.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
522	40:483(a)(1) (last sentence).	June 30, 1949, ch. 288, title II, §202(a)(1) (last sentence), 63 Stat. 384; July 12, 1952, ch. 703, §1(f), 66 Stat. 593.

In subsection (a), the words “Director of the Office of Management and Budget” are substituted for “Director of the Bureau of the Budget” in section 202(a)(1) (last sentence) of the Federal Property and Administrative Services Act of 1949 because the office of Director of the Bureau of the Budget was redesignated the Director of the Office of Management and Budget by section 102(b) of Reorganization Plan No. 2 of 1970 (eff. July 1, 1970, 84 Stat. 2085). Section 102 of Reorganization Plan No. 2 of 1970, was repealed by section 5(b) of the Act of September 13, 1982 (Public Law 97-258, 96 Stat. 1085), the first section of which enacted Title 31, United States Code, but the successor provision, 31:502, continued the designation as Director of the Office of Management and Budget.

In subsection (b)(1), the reference to “section 204(b)” in section 202(a)(1) (last sentence) of the Federal Property and Administrative Services Act of 1949 is translated as a reference to section 204(c) of the Act because subsection (b) was redesignated as (c) by the Act of August 31, 1954 (ch.1178, 68 Stat. 1051).

In subsection (b)(2)(A), the words “chapter 91 of title 31” are substituted for “the Government Corporation Control Act (59 Stat. 597, 31 U.S.C. 841)” in section 202(a)(1) (last sentence) of the Federal Property and Administrative Services Act of 1949 because of section 4(b) of the Act of September 13, 1982 (Public Law 97-258, 96 Stat. 1067), the first section of which enacted Title 31, United States Code.

In subsection (c), the word “at” is substituted for “as” (in the phrase “as [sic] prices set by the Administrator”) to reflect the probable intent of Congress. See Senate Report No. 2075, dated July 2, 1952 (United States Code Congressional and Administrative News, 82nd Congress, 2d Session, 1952, Volume 2, p. 2123).

Editorial Notes

AMENDMENTS

2006—Subsec. (a). Pub. L. 109-284, §6(1), struck out “of this section” after “subsections (b) and (c)”.

Subsec. (b). Pub. L. 109-284, §6(2), substituted “at” for “At” in heading.

§ 523. Excess real property located on Indian reservations

(a) PROCEDURES FOR TRANSFER.—The Administrator of General Services shall prescribe procedures necessary to transfer to the Secretary of the Interior, without compensation, excess real property located within the reservation of any group, band, or tribe of Indians that is recognized as eligible for services by the Bureau of Indian Affairs.

(b) PROPERTY HELD IN TRUST.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary shall hold excess real property transferred under this section in trust for the benefit and use of the group, band, or tribe of Indians, within whose reservation the excess real property is located.

(2) SPECIAL REQUIREMENT FOR OKLAHOMA.—The Secretary shall hold excess real property that is located in Oklahoma and transferred under this section in trust for Oklahoma Indian tribes recognized by the Secretary if the real property—