

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
558	40:484d.	Pub. L. 99-640, §13(a)-(c), Nov. 10, 1986, 100 Stat. 3551.

In subsection (b), the words “all of” are inserted for clarity.

§ 559. Advice of Attorney General with respect to antitrust law

(a) DEFINITION.—In this section, the term “antitrust law” includes—

- (1) the Sherman Act (15 U.S.C. 1 et seq.);
- (2) the Clayton Act (15 U.S.C. 12 et seq., 29 U.S.C. 52, 53);
- (3) the Federal Trade Commission Act (15 U.S.C. 41 et seq.); and
- (4) sections 73 and 74 of the Wilson Tariff Act (15 U.S.C. 8, 9).

(b) ADVICE REQUIRED.—

(1) IN GENERAL.—An executive agency shall not dispose of property to a private interest until the agency has received the advice of the Attorney General on whether the disposal to a private interest would tend to create or maintain a situation inconsistent with antitrust law.

(2) EXCEPTION.—This section does not apply to disposal of—

- (A) real property, if the estimated fair market value is less than \$3,000,000; or
- (B) personal property (other than a patent, process, technique, or invention), if the estimated fair market value is less than \$3,000,000.

(c) NOTICE TO ATTORNEY GENERAL.—

(1) IN GENERAL.—An executive agency that contemplates disposing of property to a private interest shall promptly transmit notice of the proposed disposal, including probable terms and conditions, to the Attorney General.

(2) COPY.—Except for the General Services Administration, an executive agency that transmits notice under paragraph (1) shall simultaneously transmit a copy of the notice to the Administrator of General Services.

(d) ADVICE FROM ATTORNEY GENERAL.—Within a reasonable time, not later than 60 days, after receipt of notice under subsection (c), the Attorney General shall advise the Administrator and any interested executive agency whether, so far as the Attorney General can determine, the proposed disposition would tend to create or maintain a situation inconsistent with antitrust law.

(e) REQUEST FOR INFORMATION.—On request from the Attorney General, the head of an executive agency shall furnish information the agency possesses that the Attorney General determines is appropriate or necessary to—

- (1) give advice required by this section; or
- (2) determine whether any other disposition or proposed disposition of surplus property violates antitrust law.

(f) NO EFFECT ON ANTITRUST LAW.—This subtitle does not impair, amend, or modify antitrust law or limit or prevent application of anti-

trust law to a person acquiring property under this subtitle.

(Pub. L. 107-217, Aug. 21, 2002, 116 Stat. 1103.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
559	40:488.	June 30, 1949, ch. 288, title II, §207, 63 Stat. 391; Pub. L. 85-680, Aug. 19, 1958, 72 Stat. 631; Pub. L. 100-612, §7, Nov. 5, 1988, 102 Stat. 3182.

In subsection (e), the words “the head of an executive agency” are substituted for “the Administrator or any other executive agency”, the words “or cause to be furnished” are omitted, and the words “information the agency possesses” are substituted for “such information as the Administrator or such other executive agency may possess”, to eliminate unnecessary words.

Editorial Notes

REFERENCES IN TEXT

The Sherman Act, referred to in subsec. (a)(1), is act July 2, 1890, ch. 647, 26 Stat. 209, which is classified to sections 1 to 7 of Title 15, Commerce and Trade. For complete classification of this Act to the Code, see Short Title note set out under section 1 of Title 15 and Tables.

The Clayton Act, referred to in subsec. (a)(2), is act Oct. 15, 1914, ch. 323, 38 Stat. 730, which is classified generally to sections 12, 13, 14 to 19, 21, 22 to 27 of Title 15, Commerce and Trade, and sections 52 and 53 of Title 29, Labor. For further details and complete classification of this Act to the Code, see note set out under section 12 of Title 15 and Tables.

The Federal Trade Commission Act, referred to in subsec. (a)(3), is act Sept. 26, 1914, ch. 311, 38 Stat. 717, which is classified generally to subchapter I (§41 et seq.) of chapter 2 of Title 15, Commerce and Trade. For complete classification of this Act to the Code, see section 58 of Title 15 and Tables.

SUBCHAPTER IV—PROCEEDS FROM SALE OR TRANSFER

§ 571. General rules for deposit and use of proceeds

(a) DEPOSIT IN TREASURY AS MISCELLANEOUS RECEIPTS.—

(1) IN GENERAL.—Except as otherwise provided in this subchapter, proceeds described in paragraph (2) shall be deposited in the Treasury as miscellaneous receipts.

(2) PROCEEDS.—The proceeds referred to in paragraph (1) are proceeds under this chapter from a—

- (A) transfer of excess property to a federal agency for agency use; or
- (B) sale, lease, or other disposition of surplus property.

(b) PAYMENT OF EXPENSES OF SALE BEFORE DEPOSIT.—Subject to regulations under this subtitle, the expenses of the sale of old material, condemned stores, supplies, or other public property may be paid from the proceeds of sale so that only the net proceeds are deposited in the Treasury. This subsection applies whether proceeds are deposited as miscellaneous receipts or to the credit of an appropriation as authorized by law.

(Pub. L. 107-217, Aug. 21, 2002, 116 Stat. 1104; Pub. L. 114-287, §20(a), Dec. 16, 2016, 130 Stat. 1477;

Pub. L. 114-318, §7(c)(1), Dec. 16, 2016, 130 Stat. 1616.)

AMENDMENT OF SECTION

Pub. L. 114-287, §20, Dec. 16, 2016, 130 Stat. 1477, as amended by Pub. L. 118-272, div. B, title III, §2301(k), Jan. 4, 2025, 138 Stat. 3217, which Act is set out as a note under section 1303 of this title, provided that, effective on the date on which the Public Buildings Reform Board transmits the second report under section 12(h)(2)(B) of Pub. L. 114-287 and applicable to proceeds from transactions contained in that report and conducted after the date on which the Board terminates under section 10 of Pub. L. 114-287, this section is amended by striking subsections (a) and (b) and inserting the following:

(a) *Proceeds From Transfer or Sale of Real Property.—*

(1) *Deposit of net proceeds.—Net proceeds described in subsection (c) shall be deposited into the appropriate real property account of the agency that had custody and accountability for the real property at the time the real property is determined to be excess.*

(2) *Expenditure of net proceeds.—The net proceeds deposited pursuant to paragraph (1) may only be expended, as authorized in annual appropriations Acts, for activities described in sections 543 and 545, including paying costs incurred by the General Services Administration for any disposal-related activity authorized by this chapter.*

(3) *Deficit reduction.—Any net proceeds described in subsection (c) from the sale, lease, or other disposition of surplus real property that are not expended under paragraph (2) shall be used for deficit reduction. Any net proceeds not obligated within 3 years after the date of deposit and not expended within 5 years after such date shall be deposited as miscellaneous receipts in the Treasury.*

(b) *Effect on Other Sections.—Nothing in this section is intended to affect section 572(b), 573, or 574.*

(c) *Net Proceeds.—The net proceeds described in this subsection are proceeds under this chapter, less expenses of the transfer or disposition as provided in section 572(a), from a—*

(1) *transfer of excess real property to a Federal agency for agency use; or*

(2) *sale, lease, or other disposition of surplus real property.*

Pub. L. 114-318, §7(c), Dec. 16, 2016, 130 Stat. 1616, provided that, effective as if enacted as part of Pub. L. 114-287, this section is amended by adding at the end the following:

(d) *Savings Provision.—Nothing in this section modifies, alters, or repeals any other provision of Federal law directing the use of retained proceeds relating to the sale of property of an agency.*

See 2016 Amendment notes below.

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(d), Nov. 5, 1990, 104 Stat. 1795.
571(b)	40:485a.	June 9, 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.

Editorial Notes

AMENDMENTS

2016—Subsecs. (a) to (c). Pub. L. 114-287 added subsecs. (a) to (c) and struck out former subsecs. (a) and (b) which related to deposit in the Treasury as miscellaneous receipts of net proceeds from transfer or other disposition of surplus property and payment of expenses of sale before deposit.

Subsec. (d). Pub. L. 114-318 added subsec. (d).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2016 AMENDMENT

Pub. L. 114-318, §7(c)(2), Dec. 16, 2016, 130 Stat. 1617, provided that: “The amendments made by this subsection [amending this section] shall take effect as if enacted as part of the applicable Act [Pub. L. 114-287].”

Pub. L. 114-318, §7(e), Dec. 16, 2016, 130 Stat. 1617, provided that: “Except as provided in subsection (c)(2) [set out above], this section [amending this section and provisions set out as a note under section 1303 of this title] and the amendments made by this section shall take effect immediately after the enactment of the applicable Act [Pub. L. 114-287].”

Amendment by Pub. L. 114-287 effective on the date on which the Public Buildings Reform Board transmits the second report under section 12(h)(2)(B) of Pub. L. 114-287 and applicable to proceeds from transactions contained in that report and conducted after the date on which the Board terminates under section 10 of Pub. L. 114-287, see section 20(b) of Pub. L. 114-287, set out in a note under section 1303 of this title.

§ 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.