

LEGISLATIVE PURPOSE AND CONSTRUCTION

Pub. L. 108-178, §1, Dec. 15, 2003, 117 Stat. 2637, provided that:

“(a) PURPOSE.—The purpose of this Act [see Tables for classification] is to improve the United States Code by making necessary technical changes.

“(b) NO SUBSTANTIVE CHANGE.—This Act makes no substantive change in existing law and may not be construed as making a substantive change in existing law.

“(c) SEVERABILITY.—If a provision enacted by this Act is held invalid, all valid provisions that are severable from the invalid provision remain in effect. If a provision enacted by this Act is held invalid in any of its applications, the provision remains valid for all valid applications that are severable from any of the invalid applications.”

Pub. L. 107-217, §5, Aug. 21, 2002, 116 Stat. 1303, provided that:

“(a) PURPOSE.—The purpose of this Act is to revise, codify, and enact without substantive change the general and permanent laws of the United States related to public buildings, property, and works, in order to remove ambiguities, contradictions, and other imperfections and to repeal obsolete, superfluous, and superseded provisions.

“(b) NO SUBSTANTIVE CHANGE.—

“(1) IN GENERAL.—This Act makes no substantive change in existing law and may not be construed as making a substantive change in existing law.

“(2) DEEMED DATE OF ENACTMENT FOR CERTAIN PURPOSES.—For purposes of determining whether one provision of law supersedes another based on enactment later in time, and otherwise to ensure that this Act makes no substantive change in existing law, the date of enactment of a provision restated in section 1 or 2 of this Act is deemed to remain unchanged, continuing to be the date of enactment of the underlying provision of public law that is being restated.

“(3) INCONSISTENT LAWS ENACTED AFTER MARCH 31, 2002.—This Act restates certain laws enacted before April 1, 2002. Any law enacted after March 31, 2002, that is inconsistent with this Act, including any law purporting to amend or repeal a provision that is repealed by this Act, supersedes this Act to the extent of the inconsistency.

“(c) REFERENCES.—A reference to a law replaced by section 1 or 2 of this Act, including a reference in a regulation, order, or other law, is deemed to refer to the corresponding provision enacted by this Act.

“(d) CONTINUING EFFECT.—An order, rule, or regulation in effect under a law replaced by section 1 or 2 of this Act continues in effect under the corresponding provision enacted by this Act until repealed, amended, or superseded.

“(e) ACTIONS AND OFFENSES UNDER PRIOR LAW.—An action taken or an offense committed under a law replaced by section 1 or 2 of this Act is deemed to have been taken or committed under the corresponding provision enacted by this Act.

“(f) INFERENCES.—An inference of a legislative construction is not to be drawn by reason of the location in the United States Code of a provision enacted by this Act or by reason of a caption or catch line of the provision.

“(g) SEVERABILITY.—If a provision enacted by this Act is held invalid, all valid provisions that are severable from the invalid provision remain in effect. If a provision enacted by this Act is held invalid in any of its applications, the provision remains valid for all valid applications that are severable from any of the invalid applications.”

REPEALS

Pub. L. 108-178, §2(b), Dec. 15, 2003, 117 Stat. 2640, provided that: “Section 6(b) of Public Law 107-217 (116 Stat. 1304) [see below] is repealed insofar as it relates to the provisions listed below, and the provisions listed below are revived to read as if section 6(b) had not been enacted:

“(1) Section 1(a) of the Act of June 30, 1949 (ch. 288, 63 Stat. 377) [41 U.S.C. 251 note].

“(2) Section 509(b) of the Department of Education Organization Act (Public Law 96-88, 93 Stat. 695) [20 U.S.C. 3508(b)].

“(3) Public Law 101-427 (104 Stat. 927) [23 U.S.C. 101 note].

“(4) Section 7306 of the Federal Acquisition Streamlining Act of 1994 (Public Law 103-355, 108 Stat. 3384).”

Pub. L. 107-217, §6(a), Aug. 21, 2002, 116 Stat. 1304, provided that: “The repeal of a law by this Act may not be construed as a legislative inference that the provision was or was not in effect before its repeal.”

Pub. L. 107-217, §6(b), Aug. 21, 2002, 116 Stat. 1304, as amended by Pub. L. 108-178, §2, Dec. 15, 2003, 117 Stat. 2637, repealed specified laws, except for rights and duties that matured, penalties that were incurred, and proceedings that were begun before Aug. 21, 2002.

SUBTITLE I—FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES

Table with 2 columns: Chapter and Sec.
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3. ORGANIZATION OF GENERAL SERVICES ADMINISTRATION .... 301
5. PROPERTY MANAGEMENT ..... 501
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CHAPTER 1—GENERAL

SUBCHAPTER I—PURPOSE AND DEFINITIONS

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SUBCHAPTER I—PURPOSE AND DEFINITIONS

§ 101. Purpose

The purpose of this subtitle is to provide the Federal Government with an economical and efficient system for the following activities:

- (1) Procuring and supplying property and nonpersonal services, and performing related functions including contracting, inspection, storage, issue, setting specifications, identification and classification, transportation and traffic management, establishment of pools or systems for transportation of Government personnel and property by motor vehicle within specific areas, management of public utility services, repairing and converting, establishment of inventory levels, establishment of

forms and procedures, and representation before federal and state regulatory bodies.

- (2) Using available property.
- (3) Disposing of surplus property.
- (4) Records management.

(Pub. L. 107-217, Aug. 21, 2002, 116 Stat. 1063.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
101 .....	40:471.	June 30, 1949, ch. 288, §2, 63 Stat. 378; Sept. 1, 1954, ch. 1211, §1, 68 Stat. 1126.

SHORT TITLE OF 2006 AMENDMENT

Pub. L. 109-396, §1, Dec. 15, 2006, 120 Stat. 2711, provided that: “This Act [enacting provisions set out as notes under sections 524 and 5102 of this title, provisions listed in a table of Commemorative Works set out under section 8903 of this title, and provisions set out as a note under section 225b of Title 24, Hospitals and Asylums] may be cited as the ‘Federal and District of Columbia Government Real Property Act of 2006.’”

Pub. L. 109-313, §1, Oct. 6, 2006, 120 Stat. 1734, provided that: “This Act [amending sections 303, 321, 549, 573, 604, and 605 of this title, section 5316 of Title 5, Government Organization and Employees, section 2669 of Title 22, Foreign Relations and Intercourse, and section 433 of Title 41, Public Contracts, repealing section 322 of this title, enacting provisions set out as notes under sections 303 and 321 of this title and section 5316 of Title 5, and amending provisions set out as notes under section 2302 of Title 10, Armed Forces, and section 2107 of Title 44, Public Printing and Documents] may be cited as the ‘General Services Administration Modernization Act.’”

SHORT TITLE OF 2003 AMENDMENT

Pub. L. 108-126, title II, §201, Nov. 17, 2003, 117 Stat. 1349, provided that: “This title [amending sections 8901 to 8906 and 8908 of this title and enacting provisions set out as notes under section 8901 of this title] may be cited as the ‘Commemorative Works Clarification and Revision Act of 2003.’”

§ 102. Definitions

The following definitions apply in chapters 1 through 7 of this title and in title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.):

(1) CARE AND HANDLING.—The term “care and handling” includes—

- (A) completing, repairing, converting, rehabilitating, operating, preserving, protecting, insuring, packing, storing, handling, conserving, and transporting excess and surplus property; and
- (B) rendering innocuous, or destroying, property that is dangerous to public health or safety.

(2) CONTRACTOR INVENTORY.—The term “contractor inventory” means—

- (A) property, in excess of amounts needed to complete full performance, that is acquired by and in possession of a contractor or subcontractor under a contract pursuant to which title is vested in the Federal Government; and
- (B) property that the Government is obligated or has the option to take over, under any type of contract, as a result of changes in specifications or plans under the contract, or as a result of termination of the contract

(or a subcontract), prior to completion of the work, for the convenience or at the option of the Government.

(3) EXCESS PROPERTY.—The term “excess property” means property under the control of a federal agency that the head of the agency determines is not required to meet the agency’s needs or responsibilities.

(4) EXECUTIVE AGENCY.—The term “executive agency” means—

- (A) an executive department or independent establishment in the executive branch of the Government; and
- (B) a wholly owned Government corporation.

(5) FEDERAL AGENCY.—The term “federal agency” means an executive agency or an establishment in the legislative or judicial branch of the Government (except the Senate, the House of Representatives, and the Architect of the Capitol, and any activities under the direction of the Architect of the Capitol).

(6) FOREIGN EXCESS PROPERTY.—The term “foreign excess property” means excess property that is not located in the States of the United States, the District of Columbia, Puerto Rico, American Samoa, Guam, the Northern Mariana Islands, the Federated States of Micronesia, the Marshall Islands, Palau, and the Virgin Islands.

(7) MOTOR VEHICLE.—The term “motor vehicle” means any vehicle, self-propelled or drawn by mechanical power, designed and operated principally for highway transportation of property or passengers, excluding—

- (A) a vehicle designed or used for military field training, combat, or tactical purposes, or used principally within the confines of a regularly established military post, camp, or depot; and
- (B) a vehicle regularly used by an agency to perform investigative, law enforcement, or intelligence duties, if the head of the agency determines that exclusive control of the vehicle is essential for effective performance of duties.

(8) NONPERSONAL SERVICES.—The term “nonpersonal services” means contractual services designated by the Administrator of General Services, other than personal and professional services.

(9) PROPERTY.—The term “property” means any interest in property except—

- (A)(i) the public domain;
- (ii) land reserved or dedicated for national forest or national park purposes;
- (iii) minerals in land or portions of land withdrawn or reserved from the public domain which the Secretary of the Interior determines are suitable for disposition under the public land mining and mineral leasing laws; and
- (iv) land withdrawn or reserved from the public domain except land or portions of land so withdrawn or reserved which the Secretary, with the concurrence of the Administrator, determines are not suitable for return to the public domain for disposition under the general public land laws because the lands are substantially changed in character by improvements or otherwise;

(B) naval vessels that are battleships, cruisers, aircraft carriers, destroyers, or submarines; and

(C) records of the Government.

(10) **SURPLUS PROPERTY.**—The term “surplus property” means excess property that the Administrator determines is not required to meet the needs or responsibilities of all federal agencies.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1063.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
102 .....	40:472.	June 30, 1949, ch. 288, § 3, 63 Stat. 378; Sept. 5, 1950, ch. 849, §§ 7(a), 8(a), 64 Stat. 590, 591; July 12, 1952, ch. 703, § 1(a), (b), 66 Stat. 593; Sept. 1, 1954, ch. 1211, § 4(c), 68 Stat. 1129; Aug. 12, 1955, ch. 874, § 2, 69 Stat. 722; Pub. L. 85–337, § 5, Feb. 28, 1958, 72 Stat. 29; Pub. L. 86–70, § 30(a), June 25, 1959, 73 Stat. 148; Pub. L. 86–624, § 27(a), July 12, 1960, 74 Stat. 418; Pub. L. 93–594, Jan. 2, 1975, 88 Stat. 1926.

In this section, the words “and in title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.)” are added to provide an accurate literal translation of the words “this Act”, meaning the Federal Property and Administrative Services Act of 1949. See the revision note under section 111 of this title. The definition of “Administrator” is omitted as unnecessary. The text of 40:472(i) is omitted as unnecessary because of the definition of “person” in 1:1.

In clause (6), the words “the Northern Mariana Islands, the Federated States of Micronesia, the Marshall Islands, Palau” are substituted for “the Trust Territory of the Pacific Islands” because of the termination of the Trust Territory of the Pacific Islands. See 48:1681 note prec.

REFERENCES IN TEXT

The Federal Property and Administrative Services Act of 1949, referred to in text, is act June 30, 1949, ch. 288, 63 Stat. 377, as amended. Title III of the Act is classified generally to subchapter IV (§ 251 et seq.) of chapter 4 of Title 41, Public Contracts. For complete classification of this Act to the Code, see Tables.

The public land mining and mineral leasing laws, referred to in par. (9)(A)(iii), are classified generally to Title 30, Mineral Lands and Mining.

The public land laws, referred to in par. (9)(A)(iv), are classified generally to Title 43, Public Lands.

SUBCHAPTER II—SCOPE

**§ 111. Application to Federal Property and Administrative Services Act of 1949**

In the following provisions, the words “this subtitle” are deemed to refer also to title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.):

- (1) Section 101 of this title.
- (2) Section 112(a) of this title.
- (3) Section 113 of this title.
- (4) Section 121(a) of this title.
- (5) Section 121(c)(1) of this title.
- (6) Section 121(c)(2) of this title.
- (7) Section 121(d)(1) and (2) of this title.
- (8) Section 121(e)(1) of this title.
- (9) Section 121(f) of this title.
- (10) Section 121(g) of this title.

- (11) Section 122(a) of this title.
- (12) Section 123(a) of this title.
- (13) Section 123(c) of this title.
- (14) Section 124 of this title.
- (15) Section 126 of this title.
- (16) Section 311(c) of this title.
- (17) Section 313(a) of this title.
- (18) Section 528 of this title.
- (19) Section 541 of this title.
- (20) Section 549(e)(3)(H)(i)(II) of this title.
- (21) Section 557 of this title.
- (22) Section 558(a) of this title.
- (23) Section 559(f) of this title.
- (24) Section 571(b) of this title.
- (25) Section 572(a)(2)(A) of this title.
- (26) Section 572(b)(4) of this title.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1065.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
111 .....	(no source).	

This section is added to provide an accurate literal translation of the words “this Act”, meaning the Federal Property and Administrative Services Act of 1949. In the positive law codification of title 40, most of the Federal Property and Administrative Services Act of 1949 is restated as subtitle I of title 40. However, title III of the Act, which is outside the scope of the positive law codification, remains classified to the United States Code as 41 U.S.C. 251 et seq. Where the words “this Act” are restated, substituting the words “this subtitle” does not yield an accurate literal translation because “this subtitle” does not include title III of the Act. This section does not subject any provision of law to title III of the Act if that provision was not subject to title III prior to the positive law codification of title 40.

REFERENCES IN TEXT

The Federal Property and Administrative Services Act of 1949, referred to in text, is act June 30, 1949, ch. 288, 63 Stat. 377, as amended. Title III of the Act is classified generally to subchapter IV (§ 251 et seq.) of chapter 4 of Title 41, Public Contracts. For complete classification of this Act to the Code, see Tables.

**§ 112. Applicability of certain policies, procedures, and directives in effect on July 1, 1949**

(a) **IN GENERAL.**—A policy, procedure, or directive described in subsection (b) remains in effect until superseded or amended under this subtitle or other appropriate authority.

(b) **DESCRIPTION.**—A policy, procedure, or directive referred to in subsection (a) is one that was in effect on July 1, 1949, and that was prescribed by—

(1) the Director of the Bureau of Federal Supply or the Secretary of the Treasury and that related to a function transferred to or vested in the Administrator of General Services on June 30, 1949, by the Federal Property and Administrative Services Act of 1949;

(2) an officer of the Federal Government under authority of the Surplus Property Act of 1944 (ch. 479, 58 Stat. 765) or other authority related to surplus property or foreign excess property;

(3) the Federal Works Administrator or the head of a constituent agency of the Federal Works Agency; or

(4) the Archivist of the United States or another officer or body whose functions were