

termines is practicable, consider all the objections and comply with the zoning regulations and planning objectives.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1128.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
903	40:533.	June 30, 1949, ch. 288, title VIII, §804, as added Pub. L. 90-577, title V, §501, Oct. 16, 1968, 82 Stat. 1105.

In subsection (b), the words “and conform to” are omitted as included in “comply with”.

§ 904. Disposal

(a) NOTICE TO LOCAL GOVERNMENT.—Before offering real property situated in an urban area for sale, the Administrator of General Services shall give reasonable notice to the unit of general local government exercising zoning and land use jurisdiction in order to provide an opportunity for zoning so that the property is used in accordance with local comprehensive planning described in subsection (c).

(b) NOTICE TO PROSPECTIVE PURCHASERS.—To the greatest extent practicable, the Administrator shall furnish to all prospective purchasers of real property situated in an urban area complete information concerning—

(1) current zoning regulations, prospective zoning requirements, and objectives for property if it is unzoned; and

(2)(A) the current availability of streets, sidewalks, sewers, water, street lights, and other service facilities; and

(B) the prospective availability of those service facilities if the property is included in local comprehensive planning described in subsection (c).

(c) LOCAL COMPREHENSIVE PLANNING.—Local comprehensive planning referred to in subsections (a) and (b) includes any of the following activities, to the extent the activity is directly related to the needs of a unit of general local government:

(1) As a guide for government policy and action, preparing general plans related to—

(A) the pattern and intensity of land use;

(B) the provision of public facilities (including transportation facilities) and other government services; and

(C) the effective development and use of human and natural resources.

(2) Preparing long-range physical and fiscal plans for government action.

(3) Programming capital improvements and other major expenditures, based on a determination of relative urgency, together with definitive financial planning for expenditures in the earlier years of a program.

(4) Coordinating related plans and activities of state and local governments and agencies.

(5) Preparing regulatory and administrative measures to support activities described in this subsection.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1128.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
904(a), (b) ...	40:532.	June 30, 1949, ch. 288, title VIII, §§803, 806(c), as added Pub. L. 90-577, title V, §501, Oct. 16, 1968, 82 Stat. 1105.
904(c)	40:535(c).	

In subsection (a), the words “Whenever the Administrator contemplates the disposal for or on behalf of any Federal agency of” and “such land” are omitted as unnecessary. The words “the head of the governing body of” are omitted for consistency in the chapter. The words “exercising zoning and land-use jurisdiction” are substituted for “having jurisdiction over zoning and land-use regulation in the geographical area within which the land or lands are located” to eliminate unnecessary words and for consistency in the chapter.

In subsection (c)(2), the word “Preparing” is added for clarity.

§ 905. Waiver

The procedures prescribed in sections 903 and 904 of this title may be waived during a period of national emergency proclaimed by the President.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1129.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
905	40:534.	June 30, 1949, ch. 288, title VIII, §805, as added Pub. L. 90-577, title V, §501, Oct. 16, 1968, 82 Stat. 1105.

CHAPTER 11—SELECTION OF ARCHITECTS AND ENGINEERS

- Sec. 1101. Policy.
- 1102. Definitions.
- 1103. Selection procedure.
- 1104. Negotiation of contract.

§ 1101. Policy

The policy of the Federal Government is to publicly announce all requirements for architectural and engineering services and to negotiate contracts for architectural and engineering services on the basis of demonstrated competence and qualification for the type of professional services required and at fair and reasonable prices.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1129.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
1101	40:542.	June 30, 1949, ch. 288, title IX, §902, as added Pub. L. 92-582, Oct. 27, 1972, 86 Stat. 1279.

The words “The Congress hereby declares” are omitted as unnecessary.

§ 1102. Definitions

In this chapter, the following definitions apply:

(1) AGENCY HEAD.—The term “agency head” means the head of a department, agency, or bureau of the Federal Government.

(2) ARCHITECTURAL AND ENGINEERING SERVICES.—The term “architectural and engineering services” means—

(A) professional services of an architectural or engineering nature, as defined by state law, if applicable, that are required to be performed or approved by a person licensed, registered, or certified to provide the services described in this paragraph;

(B) professional services of an architectural or engineering nature performed by contract that are associated with research, planning, development, design, construction, alteration, or repair of real property; and

(C) other professional services of an architectural or engineering nature, or incidental services, which members of the architectural and engineering professions (and individuals in their employ) may logically or justifiably perform, including studies, investigations, surveying and mapping, tests, evaluations, consultations, comprehensive planning, program management, conceptual designs, plans and specifications, value engineering, construction phase services, soils engineering, drawing reviews, preparation of operating and maintenance manuals, and other related services.

(3) FIRM.—The term “firm” means an individual, firm, partnership, corporation, association, or other legal entity permitted by law to practice the profession of architecture or engineering.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1129.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
1102	40:541.	June 30, 1949, ch. 288, title IX, §901, as added Pub. L. 92-582, Oct. 27, 1972, 86 Stat. 1278; Pub. L. 100-656, title VII, §742, Nov. 15, 1988, 102 Stat. 3897; Pub. L. 100-679, §8, Nov. 17, 1988, 102 Stat. 4068.

In clause (1), the words “Secretary, Administrator, or” are omitted as unnecessary.

§ 1103. Selection procedure

(a) IN GENERAL.—These procedures apply to the procurement of architectural and engineering services by an agency head.

(b) ANNUAL STATEMENTS.—The agency head shall encourage firms to submit annually a statement of qualifications and performance data.

(c) EVALUATION.—For each proposed project, the agency head shall evaluate current statements of qualifications and performance data on file with the agency, together with statements submitted by other firms regarding the proposed project. The agency head shall conduct discussions with at least 3 firms to consider anticipated concepts and compare alternative methods for furnishing services.

(d) SELECTION.—From the firms with which discussions have been conducted, the agency head shall select, in order of preference, at least 3 firms that the agency head considers most highly qualified to provide the services required.

Selection shall be based on criteria established and published by the agency head.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1130.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
1103	40:543.	June 30, 1949, ch. 288, title IX, §903, as added Pub. L. 92-582, Oct. 27, 1972, 86 Stat. 1279.

In subsection (b), the words “engaged in the lawful practice of their profession” are omitted as unnecessary because of the definition of “firm” in section 1102 of the revised title.

In subsection (c), the words “compare alternative methods for furnishing services” are substituted for “the relative utility of alternative methods of approach for furnishing the required services” to eliminate unnecessary words.

ARCHITECTURAL AND ENGINEERING SERVICES

Pub. L. 108–136, div. A, title XIV, §1427(b), Nov. 24, 2003, 117 Stat. 1670, provided that: “Architectural and engineering services (as defined in section 1102 of title 40, United States Code) shall not be offered under multiple-award schedule contracts entered into by the Administrator of General Services or under Government-wide task and delivery order contracts entered into under sections 2304a and 2304b of title 10, United States Code, or sections 303H and 303I of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253h and 253i) unless such services—

“(1) are performed under the direct supervision of a professional architect or engineer licensed, registered, or certified in the State, territory (including the Commonwealth of Puerto Rico), possession, or Federal District in which the services are to be performed; and

“(2) are awarded in accordance with the selection procedures set forth in chapter 11 of title 40, United States Code.”

§ 1104. Negotiation of contract

(a) IN GENERAL.—The agency head shall negotiate a contract for architectural and engineering services at compensation which the agency head determines is fair and reasonable to the Federal Government. In determining fair and reasonable compensation, the agency head shall consider the scope, complexity, professional nature, and estimated value of the services to be rendered.

(b) ORDER OF NEGOTIATION.—The agency head shall attempt to negotiate a contract, as provided in subsection (a), with the most highly qualified firm selected under section 1103 of this title. If the agency head is unable to negotiate a satisfactory contract with the firm, the agency head shall formally terminate negotiations and then undertake negotiations with the next most qualified of the selected firms, continuing the process until an agreement is reached. If the agency head is unable to negotiate a satisfactory contract with any of the selected firms, the agency head shall select additional firms in order of their competence and qualification and continue negotiations in accordance with this section until an agreement is reached.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1130.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
1104	40:544.	June 30, 1949, ch. 288, title IX, §904, as added Pub. L. 92-582, Oct. 27, 1972, 86 Stat. 1279.

CHAPTER 13—PUBLIC PROPERTY

Sec.	
1301.	Charge of property transferred to the Federal Government.
1302.	Lease of buildings.
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1304.	Transfer of federal property to States.
1305.	Disposition of land acquired by devise.
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AMENDMENTS

2002—Pub. L. 107-296, title XVII, §1706(b)(3), Nov. 25, 2002, 116 Stat. 2318, added item 1315 and struck out former item 1315 “Special police”.

§ 1301. Charge of property transferred to the Federal Government

(a) IN GENERAL.—Except as provided in subsection (b), the Administrator of General Services shall have charge of—

- (1) all land and other property which has been or may be assigned, set off, or conveyed to the Federal Government in payment of debts;
- (2) all trusts created for the use of the Government in payment of debts due the Government; and
- (3) the sale and disposal of land—
 - (A) assigned or set off to the Government in payment of debt; or
 - (B) vested in the Government by mortgage or other security for the payment of debts.

(b) NONAPPLICATION.—This section does not apply to—

- (1) real estate which has been or shall be assigned, set off, or conveyed to the Government in payment of debts arising under the Internal Revenue Code of 1986 (26 U.S.C. 1 et seq.); or
- (2) trusts created for the use of the Government in payment of debts arising under the Code and due the Government.

(Pub. L. 107-217, Aug. 21, 2002, 116 Stat. 1131.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
1301	40:301.	R.S. §3750; Pub. L. 89-30, §2, June 2, 1965, 79 Stat. 119.

In subsection (a), the words “Except as provided in subsection (b)” are added for clarity.

In subsection (b)(1), the words “the Internal Revenue Code of 1986 (26 U.S.C. 1 et seq.)” are substituted for

“the internal-revenue laws” for clarity and for consistency in the revised title and with other titles of the United States Code.

REFERENCES IN TEXT

The Internal Revenue Code of 1986, referred to in subsection (b)(1), is classified to Title 26, Internal Revenue Code.

§ 1302. Lease of buildings

Except as otherwise specifically provided by law, the leasing of buildings and property of the Federal Government shall be for a money consideration only. The lease may not include any provision for the alteration, repair, or improvement of the buildings or property as a part of the consideration for the rent to be paid for the use and occupation of the buildings or property. Money derived from the rent shall be deposited in the Treasury as miscellaneous receipts.

(Pub. L. 107-217, Aug. 21, 2002, 116 Stat. 1131.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
1302	40:303b.	June 30, 1932, ch. 314, §321, 47 Stat. 412.

The words “On and after June 30, 1932” are omitted as obsolete.

§ 1303. Disposition of surplus real property

(a) DEFINITION.—In this section, the term “federal agency” means an executive department, independent establishment, commission, board, bureau, division, or office in the executive branch, or other agency of the Federal Government, including wholly owned Government corporations.

(b) ASSIGNMENT OF SPACE OR LEASE OR SALE OF PROPERTY.—

(1) ACTIONS OF ADMINISTRATOR.—When the President, on the recommendation of the Administrator of General Services, or the federal agency having control of any real property the agency acquires that is located outside of the District of Columbia, other than military or naval reservations, declares the property to be surplus to the needs of the agency, the Administrator—

- (A) may assign space in the property to any federal agency;
- (B) pending a sale, may lease the property for not more than 5 years and on terms the Administrator considers to be in the public interest; or
- (C) may sell the property at public sale to the highest responsible bidder on terms and after public advertisement that the Administrator considers to be in the public interest.

(2) REVIEW OF DECISION TO ASSIGN SPACE.—If the federal agency to which space is assigned does not desire to occupy the space, the decision of the Administrator under paragraph (1)(A) is subject to review by the President.

(3) NEGOTIATED SALE.—If no bids which are satisfactory as to price and responsibility of the bidder are received as a result of public advertisement, the Administrator may sell the property by negotiation, on terms as may be