United States, be available for donation under subchapter III of chapter 5 of this title.

(b) IN GENERAL.—An executive agency may donate medical materials or supplies that are not disposed of under section 702 of this title.

(c) CONDITIONS.—A donation under this section is subject to the following conditions:

(1) The medical materials and supplies must be donated for use in a foreign country.

(2) The donation must be made to a nonprofit medical or health organization, which may be an organization qualified to receive assistance under section 214(b) or 607 of the Foreign Assistance Act of 1961 (22 U.S.C. 2174(b), 2357).

(3) The donation must be made without cost to the donee (except for costs of care and handling).

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1126.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
703	40:512(b).	June 30, 1949, ch. 288, title IV, § 402(b), as added Pub. L. 91–426, § 2(d), Sept. 26, 1970, 84 Stat. 883.

§ 704. Other methods of disposal

(a) IN GENERAL.—Foreign excess property not disposed of under section 702 or 703 of this title may be disposed of as provided in this section.

(b) METHODS OF DISPOSAL.—

(1) SALE, EXCHANGE, LEASE, OR TRANSFER.—The head of an executive agency may dispose of foreign excess property by sale, exchange, lease, or transfer, for cash, credit or other property, with or without warranty, under terms and conditions the head of the executive agency considers proper.

(2) EXCHANGE FOR FOREIGN CURRENCY OR CREDIT.—If the head of an executive agency determines that it is in the interest of the United States, foreign excess property may be exchanged for—

(A) foreign currencies or credits; or

(B) substantial benefits or the discharge of claims resulting from the compromise or settlement of claims in accordance with law.

(3) ABANDONMENT, DESTRUCTION, OR DONATION.—The head of an executive agency may authorize the abandonment, destruction, or donation of foreign excess property if the property has no commercial value or if estimated costs of care and handling exceed the estimated proceeds from sale.

(c) ADVERTISING.—The head of an executive agency may dispose of foreign excess property without advertising if the head of the executive agency finds that disposal without advertising is the most practicable and advantageous means for the Federal Government to dispose of the property.

(d) TRANSFER OF TITLE.—The head of an executive agency may execute documents to transfer title or other interests in, and take other action necessary or proper to dispose of, foreign excess property.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1126.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
704	40:512(a).	June 30, 1949, ch. 288, title IV, § 402(a), 63 Stat. 398; Pub. L. 91–426, § 2(a)–(c), Sept. 26, 1970, 84 Stat. 883; Pub. L. 99–627, § 3(a), Nov. 7, 1986, 100 Stat. 3509.

§ 705. Handling of proceeds from disposal

(a) IN GENERAL.—This section applies to proceeds from the sale, lease, or other disposition of foreign excess property under this chapter.

(b) FOREIGN CURRENCIES OR CREDITS.—Proceeds in the form of foreign currencies or credits, must be administered in accordance with procedures that the Secretary of the Treasury may establish.

(c) UNITED STATES CURRENCY.—

(1) SEPARATE FUND IN TREASURY.—Section 572(a) of this title applies to proceeds of foreign excess property disposed of for United States currency under this chapter.

(2) DEPOSITED IN TREASURY AS MISCELLANEOUS RECEIPTS.—Except as provided in paragraph (1), proceeds in the form of United States currency, including foreign currencies or credits that are reduced to United States currency, must be deposited in the Treasury as miscellaneous receipts.

(d) SPECIAL ACCOUNT FOR REFUNDS OR PAYMENTS FOR BREACH.—

(1) DEPOSITS.—A federal agency that disposes of foreign excess property under this chapter may deposit, in a special account in the Treasury, amounts of the proceeds of the dispositions that the agency decides are necessary to permit—

(A) appropriate refunds to purchasers for dispositions that are rescinded or that do not become final; and

(B) payments for breach of warranty.

(2) WITHDRAWALS.—A federal agency that deposits proceeds in a special account under paragraph (1) may withdraw amounts to be refunded or paid from the account without regard to the origin of the amounts withdrawn.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1127.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
705	40:513.	June 30, 1949, ch. 288, title IV, § 403, 63 Stat. 398.

In subsection (d)(1), the words ''in the Treasury'' are substituted for ''with the Treasurer of the United States'' because of section 1 of Reorganization Plan No. 26 of 1950 (eff. July 31, 1950, 64 Stat. 1280), restated as section 321 of title 31.

CHAPTER 9—URBAN LAND USE

Sec.
901. Purpose and policy.
902. Definitions.
903. Acquisition and use.
904. Disposal.
905. Waiver.

§ 901. Purpose and policy

The purpose of this chapter is to promote harmonious intergovernmental relations and en-

courage sound planning, zoning, and land use practices by prescribing uniform policies and procedures for the Administrator of General Services to acquire, use, and dispose of land in urban areas. To the greatest extent practicable, urban land transactions entered into for the General Services Administration and other federal agencies shall be consistent with zoning and land use practices and with the planning and development objectives of local governments and planning agencies.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1127.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
901	40:531.	June 30, 1949, ch. 288, title VIII, § 802, as added Pub. L. 90–577, title V, § 501, Oct. 16, 1968, 82 Stat. 1104.

§ 902. Definitions

In this chapter, the following definitions apply:

(1) UNIT OF GENERAL LOCAL GOVERNMENT.—The term ''unit of general local government'' means a city, county, town, parish, village, or other general-purpose political subdivision of a State.

(2) URBAN AREA.—The term ''urban area'' means—

(A) a geographical area within the jurisdiction of an incorporated city, town, borough, village, or other unit of general local government, except a county or parish, having a population of at least 10,000 inhabitants;

(B) that portion of the geographical area within the jurisdiction of a county, town, township, or similar governmental entity which contains no incorporated unit of general local government but has a population density of at least 1,500 inhabitants per square mile; and

(C) that portion of a geographical area having a population density of at least 1,500 inhabitants per square mile and situated adjacent to the boundary of an incorporated unit of general local government which has a population of at least 10,000.

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

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
902	40:535(a), (b).	June 30, 1949, ch. 288, title VIII, § 806(a), (b), as added Pub. L. 90–577, title V, § 501, Oct. 16, 1968, 82 Stat. 1105.

§ 903. Acquisition and use

(a) NOTICE TO LOCAL GOVERNMENT.—To the extent practicable, before making a commitment to acquire real property situated in an urban area, the Administrator of General Services shall give notice of the intended acquisition and the proposed use of the property to the unit of general local government exercising zoning and land use jurisdiction. If the Administrator determines that providing advance notice would adversely impact the acquisition, the Administrator shall give notice of the acquisition and the proposed use of the property immediately after the property is acquired.

(b) OBJECTIONS TO ACQUISITION OR CHANGE OF USE.—In the acquisition or change of use of real property situated in an urban area as a site for public building, if the unit of general local government exercising zoning and land use jurisdiction objects on grounds that the proposed acquisition or change of use conflicts with zoning regulations or planning objectives, the Administrator shall, to the extent the Administrator determines 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

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
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 deter-

mination 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

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
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

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
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

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
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

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
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