(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 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

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
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 ([former] 41 U.S.C. 253h and 253i) [now 41 U.S.C. 4103, 4105(a) to (c)(1), (d) to (i)] 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.
1303. Disposition of surplus real property.
1304. Transfer of federal property to States.
1305. Disposition of land acquired by devise.
1306. Disposition of abandoned or forfeited personal property.
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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 subsec. (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 considered to be to the best interest of the Government, but at a price not less than that bid by the highest responsible bidder.

(c) DEMOLITION.—The Administrator may demolish any building declared to be surplus to the needs of the Government under this section on deciding that demolition will be in the best interest of the Government. Before proceeding with the demolition, the Administrator shall inform the Secretary of the Interior in writing of the Administrator's intention to demolish the building, and shall not proceed with the demolition until receiving written notice from the Secretary that the building is not an historic building of national significance within the meaning of the Act of August 21, 1935 (16 U.S.C. 461 et seq.) (known as the Historic Sites, Buildings, and Antiquities Act). If the Secretary does not notify the Administrator of the Secretary's decision as to whether the building is an historic building of national significance within 90 days of the receipt of the notice of intention to demolish the building, the Administrator may proceed to demolish the building.

(d) REPAIRS AND ALTERATIONS TO ASSIGNED REAL PROPERTY.—When the Administrator, after investigation, decides that real property referred to in subsection (b) should be used for the accommodation of a federal agency, the Administrator may make any repairs or alterations that the Administrator considers necessary or advisable and may maintain and operate the property.

(e) PAYMENT BY FEDERAL AGENCIES.—

(1) ASSIGNED REAL PROPERTY.—To the extent that the appropriations of the General Services Administration not otherwise allocated are inadequate for repairs, alterations, maintenance, or operation, the Administrator may require each federal agency to which space has been assigned to pay promptly by check to the Administrator out of its appropriation for rent any part of the estimated or actual cost of the repairs, alterations, maintenance, and operation. Payment may be either in advance of, or on or during, occupancy of the space. The Administrator shall determine and equitably apportion the total amount to be paid among the agencies to whom space has been assigned.

(2) LEASED SPACES.—To the extent that the appropriations of the Administration not otherwise required are inadequate, the Administrator may require each federal agency to which leased space has been assigned to pay promptly by check to the Administrator out of its available appropriations any part of the estimated cost of rent, repairs, alterations, maintenance, operation, and moving. Payment may be either in advance or during occupancy of the space. When space in a building is occupied by two or more agencies, the Administrator shall determine and equitably apportion rental, operation, and other charges on the basis of the total amount of space leased.

(f) AUTHORIZATION OF APPROPRIATIONS.—Necessary amounts may be appropriated to cover the costs incident to the sale or lease of real property, or authorized demolition of buildings on the property, declared to be surplus to the needs of any federal agency under this section, and the care, maintenance, and protection of the property, including pay of employees, travel of Government employees, brokers' fees not in excess of rates paid for similar services in the community where the property is situated, appraisals, photographs, surveys, evidence of title and perfecting of defective titles, advertising, and telephone and telegraph charges. However, the agency remains responsible for the proper care, maintenance, and protection of the property until the Administrator assumes custody or other disposition of the property is made.

(g) REGULATIONS.—The Administrator may prescribe regulations as necessary to carry out this section.

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

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
1303(a)	40:304e.	Aug. 27, 1935, ch. 744, §5, 49 Stat. 886.
1303(b)	40:304a.	Aug. 27, 1935, ch. 744, §1, 49 Stat. 885; July 18, 1940, ch. 635, §§1, 3, 54 Stat. 764, 765.
1303(c)	40:304a–2.	Aug. 27, 1935, ch. 744, §§6, 7, as added July 18, 1940, ch. 635, §2, 54 Stat. 764.
1303(d)	40:304b (1st sentence).	Aug. 27, 1935, ch. 744, §2, 49 Stat. 886; July 18, 1940, ch. 635, §3, 54 Stat. 765; June 14, 1946, ch. 404, §4, 60 Stat. 257.
1303(e)(1)	40:304b (last sentence).	

HISTORICAL AND REVISION NOTES—CONTINUED

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
1303(e)(2)	40:304c.	Aug. 27, 1935, ch. 744, §3, 49 Stat. 886; July 18, 1940, ch. 635, §3, 54 Stat. 765; June 14, 1946, ch. 404, §4, 60 Stat. 257; Pub. L. 85–493, §2, July 2, 1958, 72 Stat. 294.
1303(f)	40:304a–1.	
1303(g)	40:304d.	Aug. 27, 1935, ch. 744, §4, 49 Stat. 886; July 18, 1940, ch. 635, §3, 54 Stat. 765.

In this chapter, the words ''Administrator of General Services'' are substituted for ''Federal Works Administrator'' and ''Commissioner of Public Buildings'' because of section 103(a) of the Federal Property and Administrative Services Act of 1949 (ch. 288, 63 Stat. 380), which is restated as section 303(c) [303(b)] of the revised title.

In subsection (a), the words ''wholly owned Government corporations'' are substituted for ''corporations wholly owned by the United States'' for consistency in the revised title and with other titles of the United States Code.

In subsection (b)(1), before subclause (A), the words ''Notwithstanding any other provision of law'', ''heretofore or hereafter'', and ''by judicial process or otherwise in the collection of debts, purchase, donation, condemnation, devise, forfeiture, lease, or in any other manner'' are omitted as unnecessary. In subclause (A), the words ''or reassign'' are omitted as unnecessary.

In subsection (e), the words ''General Services Administration'', ''Administrator'', and ''Administration'' are substituted for ''Public Buildings Administration'' because of section 103(a) of the Federal Property and Administrative Services Act of 1949 (ch. 288, 63 Stat. 380), which is restated as section 303(c) [303(b)] of the revised title.

In subsection (f), the words ''as hereinafter'' are omitted as obsolete. The words ''which have been or may hereafter be'' and ''notwithstanding any declaration that the same is in excess of its needs'' are omitted as unnecessary.

REFERENCES IN TEXT

The Historic Sites, Buildings, and Antiquities Act, referred to in subsec. (c), is the popular name for act Aug. 21, 1935, ch. 593, 49 Stat. 666, as amended, also known as the Historic Sites Act of August 21, 1935, which is classified generally to sections 461 to 467 of Title 16, Conservation. For complete classification of this Act to the Code, see Short Title note set out under section 461 of Title 16 and Tables.

§ 1304. Transfer of federal property to States

(a) OBSOLETE BUILDINGS AND SITES.—

(1) IN GENERAL.—The Administrator of General Services, in the Administrator's discretion, on terms the Administrator considers proper, and under regulations the Administrator may prescribe, may sell property described in paragraph (2) to a State or a political subdivision of a State for public use if the Administrator considers the sale to be in the best interest of the Federal Government.

(2) APPLICABLE PROPERTY.—The property referred to in paragraph (1) is any federal building, building site, or part of a building site under the Administrator's control that has been replaced by a new structure and that the Administrator determines is no longer needed by the Government.

(3) PRICE.—The purchase price for a sale under this section must be at least 50 percent of the value of the land as appraised by the Administrator.

(4) PROCEEDS OF SALE.—The proceeds of a sale under this section shall be deposited in the Treasury as miscellaneous receipts.

(5) PAYMENT TERMS.—The Administrator may enter into a long term contract for the payment of the purchase price in installments that the Administrator considers fair and reasonable. The Administrator may waive any requirement for interest charges on deferred payment.

(6) CONVEYANCE.—The Administrator may convey property sold under this section by the usual quitclaim deed.

(b) WIDENING OF PUBLIC ROADS.—

(1) DEFINITION.—In this subsection, the term ''executive agency'' means an executive department or independent establishment in the executive branch of the Government, including any wholly owned Government corporation.

(2) IN GENERAL.—When a State or a political subdivision of a State applies for a conveyance or transfer of real property of the Government in connection with an authorized widening of a public highway, street, or alley, the head of the executive agency that controls the affected real property may convey or transfer to the State or political subdivision, with or without consideration, an interest in the real property that the agency head determines is not adverse to the interests of the Government. A conveyance or transfer under this subsection is subject to terms and conditions the agency head considers necessary to protect the interests of the Government.

(3) LIMITATION ON TRANSFERS FOR HIGHWAY PURPOSES.—An interest in real property which can be transferred to a State or a political subdivision of a State for highway purposes under title 23 may not be conveyed or transferred under this subsection.

(4) LIMITATION ON ISSUANCE OF RIGHTS OF WAY.—Rights of way over, under, and through public lands and lands in the National Forest System may not be granted under this subsection.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1133.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
1304(a)	40:345b.	Aug. 26, 1935, ch. 684, § 1, 49 Stat. 800; Pub. L. 86–608, July 7, 1960, 74 Stat. 363.
1304(b)(1)–(3).	40:345c.	Aug. 26, 1935, ch. 684, § 2, as added Pub. L. 86–608, July 7, 1960, 74 Stat. 363.
1304(b)(4)	40:345c note.	Pub. L. 94–579, title VII, § 706(a) (related to the Act of July 7, 1960 (Pub. L. 86–608, 74 Stat. 363)), Oct. 21, 1976, 90 Stat. 2793.

In subsection (a), the words ''Administrator of General Services'' and ''Administrator'' are substituted for ''Treasury Department'' and ''Secretary of the Treasury'' in the Act of August 26, 1935 because of sections 301 and 303 of Reorganization Plan No. I of 1939 (eff. July 1, 1939, 53 Stat. 1426, 1427) and section 103(a) of the Federal Property and Administrative Services Act of 1949 (ch. 288, 63 Stat. 380), which is restated as section 303(c) [303(b)] of the revised title. In paragraph (1), the words ''a State or a political subdivision of a State'' are substituted for ''States, counties, municipalities, or other duly constituted political subdivisions of States'' for consistency with subsection (b).

§ 1305. Disposition of land acquired by devise

The General Services Administration may take custody, for disposal as excess property under this subtitle and division C (except sections 3302, 3501(b), 3509, 3906, 4710, and 4711) of subtitle I of title 41, of land acquired by the Federal Government by devise.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1134; Pub. L. 111–350, § 5(*l*)(12), Jan. 4, 2011, 124 Stat. 3852.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
1305	40:304.	Mar. 3, 1903, ch. 1007, [§] 1 (4th complete par. on p. 1112), 32 Stat. 1112; Oct. 31, 1951, ch. 654, § 4(8), 65 Stat. 709.

The words ''and 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 word ''this Act'', meaning the Federal Property and Administrative Services Act of 1949. See the revision note under section 111 of this title. The words ''as have been or may hereafter be'' are omitted as unnecessary.

AMENDMENTS

2011—Pub. L. 111–350 substituted ''division C (except sections 3302, 3501(b), 3509, 3906, 4710, and 4711) of subtitle I of title 41'' for ''title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.)''.

§ 1306. Disposition of abandoned or forfeited personal property

(a) DEFINITIONS.—In this section—

(1) AGENCY.—The term ''agency'' includes any executive department, independent establishment, board, commission, bureau, service, or division of the Federal Government, and any corporation in which the Government owns at least a majority of the stock.

(2) PROPERTY.—The term ''property'' means all personal property, including vessels, vehicles, and aircraft.

(b) VOLUNTARILY ABANDONED PROPERTY.—Property voluntarily abandoned to any agency in a way that vests title to the property in the Government may be retained by the agency and devoted to official use only. If the agency does not desire to retain the property, the head of the agency immediately shall notify the Administrator of General Services to that effect, and the Administrator, within a reasonable time, shall—

(1) order the agency to deliver the property to another agency that requests the property and that the Administrator believes should be given the property; or

(2) order disposal of the property as otherwise provided by law.

(c) FORFEITED PROPERTY.—

(1) AGENCY RETAINS PROPERTY.—An agency that seizes property that has been forfeited to the Government other than by court decree may retain the property and devote it only to official use instead of disposing of the property as otherwise provided by law if competent authority does not order the property returned to any claimant.

(2) AGENCY DOES NOT DESIRE TO RETAIN PROPERTY.—If the agency does not desire to retain

the property, the head of the agency immediately shall notify the Administrator to that effect, and the property—

(A) if not ordered by competent authority to be returned to any claimant, or disposed of as otherwise provided by law, shall be delivered by the agency, on order of the Administrator given within a reasonable time, to another agency that requests the property and that the Administrator believes should be given the property; or

(B) on order of the Administrator given within a reasonable time, shall be disposed of as otherwise provided by law.

(d) PROPERTY SUBJECT TO COURT PROCEEDING FOR FORFEITURE.—

(1) NOTIFICATION OF ADMINISTRATOR.—If a proceeding has begun for the forfeiture of any property by court decree, the agency that seized the property immediately shall notify the Administrator and at the same time may file with the Administrator a request for the property for its official use.

(2) APPLICATION FOR COURT ORDER TO DELIVER PROPERTY.—

(A) IN GENERAL.—Before entry of a decree, the Administrator shall apply to the court to order delivery of the property in accordance with this paragraph.

(B) DELIVERY TO SEIZING AGENCY.—If the agency that seized the property files a request for the property under paragraph (1), the Administrator shall apply to the court to order delivery of the property to the agency that seized the property.

(C) DELIVERY TO OTHER REQUESTING AGENCY.—If the agency that seized the property does not file a request for the property under paragraph (1) but another agency requests the property, the Administrator shall apply to the court to order delivery of the property to the requesting agency if the Administrator believes that the requesting agency should be given the property.

(D) DELIVERY TO SEIZING AGENCY FOR TEMPORARY HOLDING.—If application to the court cannot be made under subparagraph (B) or (C) and the Administrator believes the property may later become necessary to any agency for official use, the Administrator shall apply to the court to order delivery of the property to the agency that seized the property, to be retained in its custody. Within a reasonable time, the Administrator shall order the agency to—

(i) deliver the property to another agency that requests the property and that the Administrator believes should be given the property; or

(ii) dispose of the property as otherwise provided by law.

(3) FORFEITURE DECREED.—If forfeiture is decreed and the property is not ordered by competent authority to be returned to any claimant, the court shall order delivery as provided in paragraph (2).

(4) WHEN NO APPLICATION MADE.—The court shall dispose of property for which no application is made in accordance with law.

(e) RETENTION OR DELIVERY OF PROPERTY DEEMED SALE.—Retention or delivery of forfeited or abandoned property under this section is deemed to be a sale of the property for the purpose of laws providing for informer's fees or remission or mitigation of a forfeiture. Property acquired under this section when no longer needed for official use shall be disposed of in the same manner as other surplus property.

(f) PAYMENT OF COSTS RELATED TO PROPERTY.—

(1) AVAILABILITY OF APPROPRIATIONS.—The appropriation available to an agency for the purchase, hire, operation, maintenance, and repair of any property is available for—

(A) the payment of expenses of operation, maintenance, and repair of property of the same kind the agency receives under this section for official use;

(B) the payment of a lien recognized and allowed under law;

(C) the payment of amounts found to be due a person on the authorized remission or mitigation of a forfeiture; and

(D) reimbursement of other agencies as provided in paragraph (2).

(2) PAYMENT AND REIMBURSEMENT OF CERTAIN COSTS.—The agency that receives property under this section shall pay the cost of hauling, transporting, towing, and storing the property. If the property is later delivered to another agency for official use under this section, the agency to which the property is delivered shall make reimbursement for all of those costs incurred prior to the date the property is delivered.

(g) REPORT.—With the approval of the Secretary of the Treasury, the Administrator may require an agency to make a report of all property abandoned to it or seized and the disposal of the property.

(h) ADMINISTRATIVE.—

(1) REGULATIONS.—With the approval of the Secretary, the Administrator may prescribe regulations necessary to carry out this section.

(2) OTHER LAWS NOT REPEALED.—This section does not repeal any other laws relating to the disposition of forfeited or abandoned property, except provisions of those laws directly in conflict with this section which were enacted prior to August 27, 1935.

(3) PROPERTY NOT SUBJECT TO ALLOCATION UNDER THIS SECTION.—The following classes of property are not subject to allocation under this section, but shall be disposed of in the manner otherwise provided by law:

(A) narcotic drugs, as defined in the Controlled Substances Act (21 U.S.C. 801 et seq.).

(B) firearms, as defined in section 5845 of the Internal Revenue Code of 1986 (26 U.S.C. 5845).

(C) other classes or kinds of property the disposal of which the Administrator, with the approval of the Secretary, may consider in the public interest, and may by regulation provide.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1134.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
1306(a)	40:304f.	Aug. 27, 1935, ch. 740, title III, §§301–307, 49 Stat. 879.
1306(b)	40:304g.	
1306(c)	40:304h.	
1306(d)	40:304i.	
1306(e)	40:304k.	
1306(f)	40:304j.	
1306(g)	40:304*l* (related to report).	
1306(h)(1)	40:304*l* (related to regulations).	
1306(h)(2), (3).	40:304m.	Aug. 27, 1935, ch. 740, title III, §308, 49 Stat. 880; Pub. L. 91–513, title III, §1102(*o*), Oct. 27, 1970, 84 Stat. 1293.

In this section, the words ''Administrator'' and ''Administrator of General Services'' are substituted for ''Director'' and ''Director of the Procurement Division of the Treasury Department of the United States'' [subsequently changed to ''Bureau of Federal Supply'' by regulation §5.7 of subpart A of Part 5 of Title 41, Public Contracts, eff. January 1, 1947, 11 F. R. 13636] because of section 102(a) of the Federal Property and Administrative Services Act of 1949 (ch. 288, 63 Stat. 380), which is restated as section 303(a)(1) of the revised title.

In subsection (a), the text of 40:304f(3) is omitted because the complete name of the Administrator of General Services is used the first time the term appears in a section.

In subsection (c)(1), the words ''(including advertisement for sale, and sale)'' are omitted as unnecessary.

In subsection (d)(3), the words ''as provided in paragraph (2)'' are substituted for ''accordingly'' for clarity.

In subsection (g), the words ''from time to time'' are omitted as unnecessary.

In subsection (h)(2), the words ''which were enacted prior to August 27, 1935'' are added for clarity.

In subsection (h)(3), the text of 40:304m(1) is omitted because section 4 of the Act of June 15, 1917 (22:404) was repealed by section 2 of the Act of August 13, 1953 (ch. 434, 67 Stat. 577). In subclause (C), the words ''the disposal of which'' are substituted for ''as'' for clarity.

REFERENCES IN TEXT

The Controlled Substances Act, referred to in subsec. (h)(3)(A), is title II of Pub. L. 91–513, Oct. 27, 1970, 84 Stat. 1242, as amended, which is classified principally to subchapter I (§801 et seq.) of chapter 13 of Title 21, Food and Drugs. For complete classification of this Act to the Code, see Short Title note set out under section 801 of Title 21 and Tables.

§ 1307. Disposition of securities

The President, or an officer, agent, or agency the President may designate, may dispose of any securities acquired on behalf of the Federal Government under the provisions of the Transportation Act of 1920 (ch. 91, 41 Stat. 456), including any securities acquired as an incident to a case under title 11, under a receivership or reorganization proceeding, by assignment, transfer, substitution, or issuance, or by acquisition of collateral given for the payment of obligations to the Government, or may make arrangements for the extension of the maturity of the securities, in the manner, in amounts, at prices, for cash, securities, or other property or any combination of cash, securities, or other property, and on terms and conditions the President or designee considers advisable and in the public interest.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1137.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
1307	40:316.	Feb. 28, 1920, ch. 91, §213, as added Aug. 13, 1940, ch. 666, 54 Stat. 788; Pub. L. 95–598, title III, §325, Nov. 6, 1978, 92 Stat. 2679.

The words ''sell, exchange, or otherwise'', ''bonds, notes, or other'', ''purchase, default, or other'', and ''(whether at a foreclosure sale or otherwise)'' are omitted as unnecessary.

REFERENCES IN TEXT

The Transportation Act of 1920, referred to in text, is act Feb. 28, 1920, ch. 91, 41 Stat. 456, as amended, which was classified to section 316 of former Title 40, Public Buildings, Property, and Works, section 1375a of former Title 10, Army and Air Force, sections 131 to 146 of Title 45, Railroads, and sections 1 to 5, 6, 10 to 15a, 16, 17, 18, 19a, 20, 20a, 25 to 27, 71 to 74, 76 to 79, 141, and 142 of Title 49, Transportation. For complete classification of this Act to the Code, see Tables. Numerous sections of the Act that were classified to Title 49 were repealed by Pub. L. 95–473, §4(b), Oct. 13, 1978, 92 Stat. 1467, the first section of which enacted subtitle IV (§10101 et seq.) of Title 49. For distribution of former sections of Title 49 into the revised Title 49, see table at the beginning of Title 49. Section 316 of former Title 40 was repealed and reenacted as this section by Pub. L. 107–217, §§1, 6(b), Aug. 21, 2002, 116 Stat. 1062, 1304.

§ 1308. Disposition of unfit horses and mules

Subject to applicable regulations under this subtitle and division C (except sections 3302, 3501(b), 3509, 3906, 4710, and 4711) of subtitle I of title 41, horses and mules belonging to the Federal Government that have become unfit for service may be destroyed or put out to pasture, either on pastures belonging to the Government or those belonging to financially sound and reputable humane organizations whose facilities permit them to care for the horses and mules during the remainder of their natural lives, at no cost to the Government.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1137; Pub. L. 111–350, §5(*l*)(13), Jan. 4, 2011, 124 Stat. 3852.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
1308	40:311b.	June 15, 1938, ch. 400, 52 Stat. 693; June 3, 1939, ch. 176, 53 Stat. 808; Oct. 31, 1951, ch. 654, §2(24), 65 Stat. 707.

The words ''and 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 word ''this Act'', meaning the Federal Property and Administrative Services Act of 1949. See the revision note under section 111 of this title.

AMENDMENTS

2011—Pub. L. 111–350 substituted ''division C (except sections 3302, 3501(b), 3509, 3906, 4710, and 4711) of subtitle I of title 41'' for ''title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.)''.

§ 1309. Preservation, sale, or collection of wrecked, abandoned, or derelict property

The Administrator of General Services may make contracts and provisions for the preserva-

tion, sale, or collection of property, or the proceeds of property, which may have been wrecked, been abandoned, or become derelict, if the Administrator considers the contracts and provisions to be in the interest of the Federal Government and the property is within the jurisdiction of the United States and should come to the Government. A contract may provide compensation the Administrator considers just and reasonable to any person who gives information about the property or actually preserves, collects, surrenders, or pays over the property. Under each specific agreement for obtaining, preserving, collecting, or receiving property or making property available, the costs or claim chargeable to the Government may not exceed amounts realized and received by the Government.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1137.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
1309	40:310.	R.S. § 3755; Pub. L. 89–30, § 4, June 2, 1965, 79 Stat. 119.

The words ''or of any moneys, dues, and other interests lately in the possession of or due to the so-called Confederate States, or their agents, and now belonging to the United States, which are now withheld or retained by any person, corporation or municipality whatever, and which ought to have come into the possession and custody of, or been collected or received by, the United States'' in section 3755 of the Revised Statues [sic] and ''debts, dues, or interests, which shall not be paid from such moneys as shall be realized and received from the property so collected, under each specific agreement'' are omitted as obsolete.

§ 1310. Sale of war supplies, land, and buildings

(a) IN GENERAL.—The President, through the head of any executive department and on terms the head of the department considers expedient, may sell to a person, another department of the Federal Government, or the government of a foreign country engaged in war against a country with which the United States is at war—

(1) war supplies, material, and equipment;

(2) by-products of the war supplies, material, and equipment; and

(3) any building, plant, or factory, including the land on which the plant or factory may be situated, acquired since April 6, 1917, for the production of war supplies, materials, and equipment that, during the emergency existing on July 9, 1918, may have been purchased, acquired, or manufactured by the Government.

(b) LIMITATION ON SALE OF GUNS AND AMMUNITION.—Sales of guns and ammunition authorized under any law shall be limited to—

(1) other departments of the Government;

(2) governments of foreign countries engaged in war against a country with which the United States is at war; and

(3) members of the National Rifle Association and of other recognized associations organized in the United States for the encouragement of small-arms target practice.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1137.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
1310	40:314.	July 9, 1918, ch. 143 (last par. on p. 850), 40 Stat. 850; Feb. 25, 1919, ch. 39, § 3, 40 Stat. 1173; May 29, 1928, ch. 901, § 1(8), 45 Stat. 986; Aug. 7, 1946, ch. 770, (55), 60 Stat. 870.

In this section, the words ''government of a foreign country'' are substituted for ''foreign State or Government'', and the words ''against a country'' are substituted for ''against any Government'', for consistency in the revised title and with other titles of the United States Code.

In subsection (a), before clause (1), the words ''partnership, association'' are omitted because of the definition of person in 1:1.

In subsection (b), before clause (1), the words ''in this section or . . . other'' are omitted as unnecessary.

§ 1311. Authority of President to obtain release

For the use or benefit of the Federal Government, the President may obtain from an individual or officer to whom land has been or will be conveyed a release of the individual's or officer's interest to the Government.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1138.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
1311	40:305.	R.S. § 3752.

§ 1312. Release of real estate in certain cases

(a) IN GENERAL.—Real estate that has become the property of the Federal Government in payment of a debt which afterward is fully paid in money and received by the Government may be conveyed by the Administrator of General Services to the debtor from whom it was taken or to the heirs or devisees of the debtor or the person that they may appoint.

(b) NONAPPLICATION.—This section does not apply to real estate the Government acquires in payment of any debt arising under the Internal Revenue Code of 1986 (26 U.S.C. 1 et seq.).

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1138.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
1312	40:306.	R.S. § 3751; Pub. L. 89–30, § 3, June 2, 1965, 79 Stat. 119.

In subsection (a), the words ''by conveyance, extent, or otherwise'' are omitted as unnecessary. The words ''General Counsel for the Department of the Treasury'' were substituted for ''Solicitor of the Treasury'' in section 3751 of the Revised Statutes because section 512(b) of the Revenue Act of 1934 (ch. 277, 48 Stat. 759) abolished the offices of General Counsel and Assistant General Counsel for the Bureau of Internal Revenue and the offices of Solicitor and Assistant Solicitor of the Treasury and transferred the powers, duties, and functions of those offices to the General Counsel for the Department of the Treasury. The words ''release by deed or otherwise'' and ''if he is living, or, if such debtor is dead'' are omitted as unnecessary.

In subsection (b), 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 consist-

ency in the revised title and with other titles of the Code.

REFERENCES IN TEXT

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

§ 1313. Releasing property from attachment

(a) STIPULATION OF DISCHARGE.—

(1) PERSON ASSERTING CLAIM ENTITLED TO BENEFITS.—In a judicial proceeding under the laws of a State, district, territory, or possession of the United States, when property owned or held by the Federal Government, or in which the Government has or claims an interest, is seized, arrested, attached, or held for the security or satisfaction of a claim made against the property, the Attorney General may direct the United States Attorney for the district in which the property is located to enter a stipulation that on discharge of the property from the seizure, arrest, attachment, or proceeding, the person asserting the claim against the property becomes entitled to all the benefits of this section.

(2) NONAPPLICATION.—This subsection does not—

(A) recognize or concede any right to enforce by seizure, arrest, attachment, or any judicial process a claim against property—

(i) of the Government; or

(ii) held, owned, or employed by the Government, or by a department of the Government, for a public use; or

(B) waive an objection to a proceeding brought to enforce the claim.

(b) PAYMENT.—After a discharge, a final judgment which affirms the claim for the security or satisfaction and the right of the person asserting the claim to enforce it against the property, notwithstanding the claims of the Government, is deemed to be a full and final determination of the rights of the person and entitles the person, as against the Government, to the rights the person would have had if possession of the property had not been changed. When the claim is for the payment of money found to be due, presentation of an authenticated copy of the record of the judgment and proceedings is sufficient evidence to the proper accounting officers for the allowance of the claim, which shall be allowed and paid out of amounts in the Treasury not otherwise appropriated. The amount allowed and paid shall not exceed the value of the interest of the Government in the property.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1138.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
1313(a)	40:308.	R.S. § 3753; Pub. L. 89–30, § 1(a), June 2, 1965, 79 Stat. 118.
1313(b)	40:309.	R.S. § 3754; Pub. L. 89–30, § 1(b), June 2, 1965, 79 Stat. 119.

In subsection (a)(1), the words ''territory, or possession of the United States'' are substituted for ''or territory'' for consistency in the revised title and with other titles of the United States Code. The words ''in his discretion'' are omitted as unnecessary. The words ''General Counsel for the department of Treasury'' were substituted for ''Solicitor of the Treasury'' in section 3753 of the Revised Statutes because section 512(b) of the Revenue Act of 1934 (ch. 277, 48 Stat. 759) abolished the offices of General Counsel and Assistant General Counsel for the Bureau of Internal Revenue and the offices of Solicitor and Assistant Solicitor of the Treasury and transferred the powers, duties, and functions of those offices to the General Counsel for the Department of the Treasury.

In subsection (b), the words ''in the court of last resort to which the Attorney General may deem proper to cause such proceedings to be carried'', ''to all intents and purposes'', ''and the same is by such judgment found to be due'', and ''duly'' are omitted as unnecessary.

§ 1314. Easements

(a) DEFINITIONS.—In this section—

(1) EXECUTIVE AGENCY.—The term ''executive agency'' means an executive department or independent establishment in the executive branch of the Federal Government, including a wholly owned Government corporation.

(2) REAL PROPERTY OF THE GOVERNMENT.—The term ''real property of the Government'' excludes—

(A) public land (including minerals, vegetative, and other resources) in the United States, including—

(i) land reserved or dedicated for national forest purposes;

(ii) land the Secretary of the Interior administers or supervises in accordance with the Act of August 25, 1916 (16 U.S.C. 1, 2, 3, 4) (known as the National Park Service Organic Act);

(iii) Indian-owned trust and restricted land; and

(iv) land the Government acquires primarily for fish and wildlife conservation purposes and the Secretary administers;

(B) land withdrawn from the public domain primarily under the jurisdiction of the Secretary; and

(C) land acquired for national forest purposes.

(3) STATE.—The term ''State'' means a State of the United States, the District of Columbia, Puerto Rico, and the territories and possessions of the United States.

(b) GRANT OF EASEMENT.—When a State, a political subdivision or agency of a State, or a person applies for the grant of an easement in, over, or on real property of the Government, the executive agency having control of the real property may grant to the applicant, on behalf of the Government, an easement that the head of the agency decides will not be adverse to the interests of the Government, subject to reservations, exceptions, limitations, benefits, burdens, terms, or conditions that the head of the agency considers necessary to protect the interests of the Government. The grant may be made without consideration, or with monetary or other consideration, including an interest in real property.

(c) RELINQUISHMENT OF LEGISLATIVE JURISDICTION.—In connection with the grant of an easement, the executive agency concerned may relinquish to the State in which the real property

is located legislative jurisdiction that the executive agency considers necessary or desirable. Relinquishment of legislative jurisdiction may be accomplished by filing with the chief executive officer of the State a notice of relinquishment to take effect upon acceptance or by proceeding in the manner that the laws applicable to the State may provide.

(d) TERMINATION OF EASEMENT.—

(1) WHEN TERMINATION OCCURS.—The instrument granting the easement may provide for termination of any part of the easement if there has been—

(A) a failure to comply with a term or condition of the grant;

(B) a nonuse of the easement for a consecutive 2-year period for the purpose for which granted; or

(C) an abandonment of the easement.

(2) NOTICE REQUIRED.—If a termination provision is included, it shall require that written notice of the termination be given to the grantee, or its successors or assigns.

(3) EFFECTIVE DATE.—The termination is effective as of the date of the notice.

(e) ADDITIONAL EASEMENT AUTHORITY.—The authority conferred by this section is in addition to, and shall not affect or be subject to, any other law under which an executive agency may grant easements.

(f) LIMITATION ON ISSUANCE OF RIGHTS OF WAY.—Rights of way over, under, and through public lands and lands in the National Forest System may not be granted under this section.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1139.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
1314(a)	40:319c.	Pub. L. 87–852, Oct. 23, 1962, 76 Stat. 1129.
1314(b)	40:319 (1st, 2d sentences).	
1314(c)	40:319 (3d, last sentences).	
1314(d)	40:319a.	
1314(e)	40:319b.	
1314(f)	40:319 note, 319a note, 319b note, 319c note.	Pub. L. 94–579, title VII, § 706(a) (related to the Act of Oct. 23, 1962 (Pub. L. 87—852, 76 Stat. 1129)), Oct. 21, 1976, 90 Stat. 2793.

In subsection (a), the text of 40:319c(c) is omitted because of 1:1. In clause (3), the words ''territories and'' are added for consistency in the revised title and with other titles of the United States Code.

In subsection (b), the words ''for a right-of-way or other purpose'' are omitted as unnecessary.

In subsection (c), the words ''affected'' and ''concerned'' before ''a notice'' are omitted as unnecessary. The words ''chief executive officer'' are substituted for ''Governor'' for clarity.

REFERENCES IN TEXT

The National Park Service Organic Act, referred to in subsec. (a)(2)(A)(ii), is act Aug. 25, 1916, ch. 408, 39 Stat. 35, as amended, which is classified generally to sections 1, 2, 3, and 4 of Title 16, Conservation. For complete classification of this Act to the Code, see Short Title note set out under section 1 of Title 16 and Tables.

§ 1315. Law enforcement authority of Secretary of Homeland Security for protection of public property

(a) IN GENERAL.—To the extent provided for by transfers made pursuant to the Homeland Security Act of 2002, the Secretary of Homeland Security (in this section referred to as the ''Secretary'') shall protect the buildings, grounds, and property that are owned, occupied, or secured by the Federal Government (including any agency, instrumentality, or wholly owned or mixed-ownership corporation thereof) and the persons on the property.

(b) OFFICERS AND AGENTS.—

(1) DESIGNATION.—The Secretary may designate employees of the Department of Homeland Security, including employees transferred to the Department from the Office of the Federal Protective Service of the General Services Administration pursuant to the Homeland Security Act of 2002, as officers and agents for duty in connection with the protection of property owned or occupied by the Federal Government and persons on the property, including duty in areas outside the property to the extent necessary to protect the property and persons on the property.

(2) POWERS.—While engaged in the performance of official duties, an officer or agent designated under this subsection may—

(A) enforce Federal laws and regulations for the protection of persons and property;

(B) carry firearms;

(C) make arrests without a warrant for any offense against the United States committed in the presence of the officer or agent or for any felony cognizable under the laws of the United States if the officer or agent has reasonable grounds to believe that the person to be arrested has committed or is committing a felony;

(D) serve warrants and subpoenas issued under the authority of the United States;

(E) conduct investigations, on and off the property in question, of offenses that may have been committed against property owned or occupied by the Federal Government or persons on the property; and

(F) carry out such other activities for the promotion of homeland security as the Secretary may prescribe.

(c) REGULATIONS.—

(1) IN GENERAL.—The Secretary, in consultation with the Administrator of General Services, may prescribe regulations necessary for the protection and administration of property owned or occupied by the Federal Government and persons on the property. The regulations may include reasonable penalties, within the limits prescribed in paragraph (2), for violations of the regulations. The regulations shall be posted and remain posted in a conspicuous place on the property.

(2) PENALTIES.—A person violating a regulation prescribed under this subsection shall be fined under title 18, United States Code, imprisoned for not more than 30 days, or both.

(d) DETAILS.—

(1) REQUESTS OF AGENCIES.—On the request of the head of a Federal agency having charge or control of property owned or occupied by the Federal Government, the Secretary may detail officers and agents designated under this section for the protection of the property and persons on the property.

(2) APPLICABILITY OF REGULATIONS.—The Secretary may—

(A) extend to property referred to in paragraph (1) the applicability of regulations prescribed under this section and enforce the regulations as provided in this section; or

(B) utilize the authority and regulations of the requesting agency if agreed to in writing by the agencies.

(3) FACILITIES AND SERVICES OF OTHER AGENCIES.—When the Secretary determines it to be economical and in the public interest, the Secretary may utilize the facilities and services of Federal, State, and local law enforcement agencies, with the consent of the agencies.

(e) AUTHORITY OUTSIDE FEDERAL PROPERTY.—For the protection of property owned or occupied by the Federal Government and persons on the property, the Secretary may enter into agreements with Federal agencies and with State and local governments to obtain authority for officers and agents designated under this section to enforce Federal laws and State and local laws concurrently with other Federal law enforcement officers and with State and local law enforcement officers.

(f) SECRETARY AND ATTORNEY GENERAL APPROVAL.—The powers granted to officers and agents designated under this section shall be exercised in accordance with guidelines approved by the Secretary and the Attorney General.

(g) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to—

(1) preclude or limit the authority of any Federal law enforcement agency; or

(2) restrict the authority of the Administrator of General Services to promulgate regulations affecting property under the Administrator's custody and control.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1140; Pub. L. 107–296, title XVII, §1706(b)(1), Nov. 25, 2002, 116 Stat. 2316.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
1315(a)	40:318(a).	June 1, 1948, ch. 359, §1, 62 Stat. 281; Pub. L. 100–678, §8(a), (b), Nov. 17, 1988, 102 Stat. 4052.
1315(b)	40:318(b).	
1315(c)	40:318b (words before semicolon).	June 1, 1948, ch. 359, §3, 62 Stat. 281; Pub. L. 100–678, §8(a), (c)(2), Nov. 17, 1988, 102 Stat. 4052, 4053.
1315(d)	40:318b (words after semicolon).	
1315(e)	40:318d.	June 1, 1948, ch. 359, §5, as added Pub. L. 87–275, Sept. 22, 1961, 75 Stat. 574.
1315(f)	40:318a.	June 1, 1948, ch. 359, §2, 62 Stat. 281; Pub. L. 100–678, §8(a), (c)(1), Nov. 17, 1988, 102 Stat. 4052, 4053.
1315(g)	40:318c.	June 1, 1948, ch. 359, §4, 62 Stat. 281; Pub. L. 104–201, div. A, title X, §1067, Sept. 23, 1996, 110 Stat. 2654.

In this section, the word "duly" is omitted as unnecessary.

In subsection (e), the words "who have been" are omitted as unnecessary.

In subsection (g)(1), the words "fined under title 18" are substituted for "fined not more than $50" for consistency with chapter 227 of title 18.

In subsection (g)(2)(B), the words "similar offense" are substituted for "like or similar offense" to eliminate unnecessary words. The words "of the United States" are added for consistency in the revised title and with other titles of the United States Code.

REFERENCES IN TEXT

The Homeland Security Act of 2002, referred to in subsecs. (a) and (b)(1), is Pub. L. 107–296, Nov. 25, 2002, 116 Stat. 2135, which is classified principally to chapter 1 (§101 et seq.) of Title 6, Domestic Security. For complete classification of this Act to the Code, see Short Title note set out under section 101 of Title 6 and Tables.

AMENDMENTS

2002—Pub. L. 107–296 amended catchline and text generally. Prior to amendment, text read as follows:

"(a) APPOINTMENT.—The Administrator of General Services, or an official of the General Services Administration authorized by the Administrator, may appoint uniformed guards of the Administration as special police without additional compensation for duty in connection with the policing of all buildings and areas owned or occupied by the Federal Government and under the charge and control of the Administrator.

"(b) POWERS.—Special police appointed under this section have the same powers as sheriffs and constables on property referred to in subsection (a) to enforce laws enacted for the protection of individuals and property, prevent breaches of the peace, suppress affrays or unlawful assemblies, and enforce regulations prescribed by the Administrator or an official of the Administration authorized by the Administrator for property under their jurisdiction. However, the jurisdiction and policing powers of special police do not extend to the service of civil process.

"(c) DETAIL.—On the application of the head of a department or agency of the Government having property of the Government under its administration and control, the Administrator or an official of the Administration authorized by the Administrator may detail special police for the protection of the property and, if the Administrator considers it desirable, may extend to the property the applicability of regulations and enforce them as provided in this section.

"(d) USE OF OTHER LAW ENFORCEMENT AGENCIES.—When it is considered economical and in the public interest, the Administrator or an official of the Administration authorized by the Administrator may utilize the facilities and services of existing federal law enforcement agencies, and, with the consent of a state or local agency, the facilities and services of state or local law enforcement agencies.

"(e) NONUNIFORMED SPECIAL POLICE.—The Administrator, or an official of the Administration authorized by the Administrator, may empower officials or employees of the Administration authorized to perform investigative functions to act as nonuniformed special police to protect property under the charge and control of the Administration and to carry firearms, whether on federal property or in travel status. When on real property under the charge and control of the Administration, officials or employees empowered to act as nonuniformed special police have the power to enforce federal laws for the protection of individuals and property and to enforce regulations for that purpose that the Administrator or an official of the Administration authorized by the Administrator prescribes and publishes. The special police may make arrests without warrant for any offense committed on the property if the police have reasonable grounds to believe the offense constitutes a felony under the laws of the United States and that the individual to be arrested is guilty of that offense.

"(f) ADMINISTRATIVE.—The Administrator or an official of the Administration authorized by the Administrator may prescribe regulations necessary for the government of the property under their charge and control, and may annex to the regulations reasonable penalties, within the limits prescribed in subsection (g),

that will ensure their enforcement. The regulations shall be posted and kept posted in a conspicuous place on the property.

''(g) PENALTIES.—

''(1) IN GENERAL.—Except as provided in paragraph (2), a person violating a regulation prescribed under subsection (f) shall be fined under title 18, imprisoned for not more than 30 days, or both.

''(2) EXCEPTION FOR MILITARY TRAFFIC REGULATION.—

''(A) DEFINITION.—For purposes of this paragraph, the term 'military traffic regulation' means a regulation for the control of vehicular or pedestrian traffic on military installations that the Secretary of Defense prescribes under subsection (f).

''(B) IN GENERAL.—A person violating a military traffic regulation shall be fined an amount not exceeding the amount of the maximum fine for a similar offense under the criminal or civil law of the State, district, territory, or possession of the United States where the military installation in which the violation occurred is located, imprisoned for not more than 30 days, or both.''

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107–296 effective 60 days after Nov. 25, 2002, see section 4 of Pub. L. 107–296, set out as an Effective Date note under section 101 of Title 6, Domestic Security.

TRANSFER OF FUNCTIONS

For transfer of functions, personnel, assets, and liabilities of the Federal Protective Service of the General Services Administration, including the functions of the Administrator of General Services relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see sections 203(3), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

DELEGATION OF AUTHORITY

Pub. L. 107–296, title XVII, §1706(b)(2), Nov. 25, 2002, 116 Stat. 2318, provided that: ''The Secretary may delegate authority for the protection of specific buildings to another Federal agency where, in the Secretary's discretion, the Secretary determines it necessary for the protection of that building.''

[For definition of ''Secretary'' as used in section 1706(b)(2) of Pub. L. 107–296, set out above, see section 101(14) of Title 6, Domestic Security.]

FEDERAL PROTECTIVE SERVICE GUARD CONTRACTING REFORM

Pub. L. 110–356, Oct. 8, 2008, 122 Stat. 3996, provided that:

''SECTION 1. SHORT TITLE.

''This Act may be cited as the 'Federal Protective Service Guard Contracting Reform Act of 2008'.

''SEC. 2. FEDERAL PROTECTIVE SERVICE CONTRACTS.

''(a) PROHIBITION ON AWARD OF CONTRACTS TO ANY BUSINESS CONCERN OWNED, CONTROLLED, OR OPERATED BY AN INDIVIDUAL CONVICTED OF A FELONY.—

''(1) IN GENERAL.—The Secretary of Homeland Security, acting through the Assistant Secretary of U.S. Immigration and Customs Enforcement—

''(A) shall promulgate regulations establishing guidelines for the prohibition of contract awards for the provision of guard services under the contract security guard program of the Federal Protective Service to any business concern that is owned, controlled, or operated by an individual who has been convicted of a felony; and

''(B) may consider permanent or interim prohibitions when promulgating the regulations.

''(2) CONTENTS.—The regulations under this subsection shall—

''(A) identify which serious felonies may prohibit a contractor from being awarded a contract;

''(B) require contractors to provide information regarding any relevant felony convictions when submitting bids or proposals; and

''(C) provide guidelines for the contracting officer to assess present responsibility, mitigating factors, and the risk associated with the previous conviction, and allow the contracting officer to award a contract under certain circumstances.

''(b) REGULATIONS.—Not later than 6 months after the date of the enactment of this Act [Oct. 8, 2008], the Secretary shall issue regulations to carry out this section.

''SEC. 3. REPORT ON GOVERNMENT-WIDE APPLICABILITY.

''Not later than 18 months after the date of enactment of the [probably should be ''this''] Act, the Administrator for Federal Procurement Policy shall submit a report on establishing similar guidelines government-wide to the Committee on Homeland Security and Governmental Affairs and the Committee on Oversight and Government Reform of the House of Representatives.''

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87.	**PHYSICAL DEVELOPMENT OF NATIONAL CAPITAL REGION**	**8701**
89.	**NATIONAL CAPITAL MEMORIALS AND COMMEMORATIVE WORKS**	**8901**
91.	**COMMISSION OF FINE ARTS**	**9101**
93.	**THEODORE ROOSEVELT ISLAND**	**9301**
95.	**WASHINGTON AQUEDUCT AND OTHER PUBLIC WORKS IN THE DISTRICT OF COLUMBIA**	**9501**