

(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 consistency 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, pres-

entation 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.

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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.)

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 Serv-

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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.