

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 preservation, 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 Statutes [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 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.

(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 section 100101(a), chapter 1003, and sections 100751(a), 100752, 100753, and 102101 of title 54;

(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,