

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; Pub. L. 113–287, § 5(j)(3), Dec. 19, 2014, 128 Stat. 3269.)

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).	
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.

AMENDMENTS

2014—Subsec. (c). Pub. L. 113–287 substituted “chapter 3201 of title 54” for “the Act of August 21, 1935 (16 U.S.C. 461 et seq.) (known as the Historic Sites, Buildings, and Antiquities Act)”.

§ 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