

The Classification Act of 1949 was reenacted as chapter 51 and subchapter III of chapter 53 of title 5. See especially 5:5102 and 5103.

In subsection (c)(1), the words “Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2451 et seq.)” are substituted for “section 32(b)(2) of the Surplus Property Act of 1944, as amended” because of section 111(a)(1) and (c) of the Mutual Educational and Cultural Exchange Act of 1961 (Public Law 87-257, 75 Stat. 538). The words “Foreign Service Buildings Act, 1926” are substituted for “Foreign Service Buildings Act of May 7, 1926, as amended” because of section 8 of the Foreign Service Buildings Act (22:299). The words “(including section 295b of title 22)” are omitted as executed and obsolete.

In subsection (c)(2), the words “Secretary of State” are substituted for “Department of State” because of 22:2651.

**Editorial Notes**

REFERENCES IN TEXT

The Mutual Educational and Cultural Exchange Act of 1961, referred to in subsec. (c)(1)(A), is Pub. L. 87-256, Sept. 21, 1961, 75 Stat. 527, as amended, which is classified principally to chapter 33 (§2451 et seq.) of Title 22, Foreign Relations and Intercourse. For complete classification of this Act to the Code, see Short Title note set out under section 2451 of Title 22 and Tables.

The Foreign Service Buildings Act, 1926, referred to in subsec. (c)(1)(B), is act May 7, 1926, ch. 250, 44 Stat. 403, as amended, which is classified generally to chapter 8 (§292 et seq.) of Title 22, Foreign Relations and Intercourse. For complete classification of this Act to the Code, see section 299 of Title 22 and Tables.

**§ 702. Return of foreign excess property to United States**

(a) IN GENERAL.—Under regulations prescribed pursuant to subsection (b), foreign excess property may be returned to the United States for handling as excess or surplus property under subchapter II of chapter 5 of this title or section 549 or 551 of this title when the head of the executive agency concerned, or the Administrator of General Services after consultation with the agency head, determines that return of the property to the United States for such handling is in the interest of the United States.

(b) REGULATIONS.—The Administrator shall prescribe regulations to carry out this section. The regulations must require that transportation costs for returning foreign excess property to the United States are paid by the federal agency, state agency, or donee receiving the property.

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

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
702 .....	40:512(c).	June 30, 1949, ch. 288, title IV, § 402(c), as added Pub. L. 91-426, § 2(d), Sept. 26, 1970, 84 Stat. 883; Pub. L. 94-519, § 4, Oct. 17, 1976, 90 Stat. 2455.

**§ 703. Donation of medical supplies for use in foreign country**

(a) APPLICATION.—This section applies to medical materials or supplies that are in a foreign country but that would, if situated within the United States, be available for donation under subchapter III of chapter 5 of this title.

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

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

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

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

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

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

HISTORICAL AND REVISION NOTES

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

**§ 704. Other methods of disposal**

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

(b) METHODS OF DISPOSAL.—

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

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

(A) foreign currencies or credits; or

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

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

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

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

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

HISTORICAL AND REVISION NOTES

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

**§ 705. Handling of proceeds from disposal**

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

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

(c) UNITED STATES CURRENCY.—

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

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

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

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

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

(B) payments for breach of warranty.

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

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

HISTORICAL AND REVISION NOTES

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

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

**CHAPTER 9—URBAN LAND USE**

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

**§ 901. Purpose and policy**

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

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

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

HISTORICAL AND REVISION NOTES

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

**§ 902. Definitions**

In this chapter, the following definitions apply:

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

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

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

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

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

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

HISTORICAL AND REVISION NOTES

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

**§ 903. Acquisition and use**

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