

SHORT TITLE OF 2013 AMENDMENT

Pub. L. 113-50, § 1, Nov. 21, 2013, 127 Stat. 578, provided that: “This Act [amending sections 3144 and 3703 of this title] may be cited as the ‘Streamlining Claims Processing for Federal Contractor Employees Act’.”

Pub. L. 113-26, § 1, Aug. 9, 2013, 127 Stat. 502, provided that: “This Act [amending section 549 of this title] may be cited as the ‘Formerly Owned Resources for Veterans to Express Thanks for Service Act of 2013’ or the ‘FOR VETS Act of 2013’.”

SHORT TITLE OF 2010 AMENDMENT

Pub. L. 111-338, § 1, Dec. 22, 2010, 124 Stat. 3590, provided that: “This Act [amending section 549 of this title] may be cited as the ‘Formerly Owned Resources for Veterans to Express Thanks for Service Act of 2010’ or ‘FOR VETS Act of 2010’.”

Pub. L. 111-263, § 1, Oct. 8, 2010, 124 Stat. 2787, provided that: “This Act [amending section 502 of this title] may be cited as the ‘Federal Supply Schedules Usage Act of 2010’.”

SHORT TITLE OF 2008 AMENDMENT

Pub. L. 110-371, § 1, Oct. 8, 2008, 122 Stat. 4037, provided that: “This Act [enacting section 14508 of this title and amending sections 14102, 14321, 14502 to 14507, 14526, 14703, and 14704 of this title] may be cited as the ‘Appalachian Regional Development Act Amendments of 2008’.”

Pub. L. 110-248, § 1, June 26, 2008, 122 Stat. 2316, provided that: “This Act [amending section 502 of this title] may be cited as the ‘Local Preparedness Acquisition Act’.”

SHORT TITLE OF 2006 AMENDMENT

Pub. L. 109-396, § 1, Dec. 15, 2006, 120 Stat. 2711, provided that: “This Act [enacting provisions set out as notes under sections 524 and 5102 of this title, provisions listed in a table of Commemorative Works set out under section 8903 of this title, and provisions set out as a note under section 225b of Title 24, Hospitals and Asylums] may be cited as the ‘Federal and District of Columbia Government Real Property Act of 2006’.”

Pub. L. 109-313, § 1, Oct. 6, 2006, 120 Stat. 1734, provided that: “This Act [amending sections 303, 321, 549, 573, 604, and 605 of this title, section 5316 of Title 5, Government Organization and Employees, section 2669 of Title 22, Foreign Relations and Intercourse, and section 433 of Title 41, Public Contracts, repealing section 322 of this title, enacting provisions set out as notes under sections 303 and 321 of this title and section 5316 of Title 5, and amending provisions set out as notes under section 2302 of Title 10, Armed Forces, and section 2107 of Title 44, Public Printing and Documents] may be cited as the ‘General Services Administration Modernization Act’.”

SHORT TITLE OF 2003 AMENDMENT

Pub. L. 108-126, title II, § 201, Nov. 17, 2003, 117 Stat. 1349, provided that: “This title [amending sections 8901 to 8906 and 8908 of this title and enacting provisions set out as notes under section 8901 of this title] may be cited as the ‘Commemorative Works Clarification and Revision Act of 2003’.”

§ 102. Definitions

Except as provided in subchapter VII of chapter 5 of this title, the following definitions apply in chapters 1 through 7 of this title and in division C (except sections 3302, 3501(b), 3509, 3906, 4710, and 4711) of subtitle I of title 41:

(1) CARE AND HANDLING.—The term “care and handling” includes—

(A) completing, repairing, converting, rehabilitating, operating, preserving, protecting, insuring, packing, storing, handling,

conserving, and transporting excess and surplus property; and

(B) rendering innocuous, or destroying, property that is dangerous to public health or safety.

(2) CONTRACTOR INVENTORY.—The term “contractor inventory” means—

(A) property, in excess of amounts needed to complete full performance, that is acquired by and in possession of a contractor or subcontractor under a contract pursuant to which title is vested in the Federal Government; and

(B) property that the Government is obligated or has the option to take over, under any type of contract, as a result of changes in specifications or plans under the contract, or as a result of termination of the contract (or a subcontract), prior to completion of the work, for the convenience or at the option of the Government.

(3) EXCESS PROPERTY.—The term “excess property” means property under the control of a federal agency that the head of the agency determines is not required to meet the agency’s needs or responsibilities.

(4) EXECUTIVE AGENCY.—The term “executive agency” means—

(A) an executive department or independent establishment in the executive branch of the Government; and

(B) a wholly owned Government corporation.

(5) FEDERAL AGENCY.—The term “federal agency” means an executive agency or an establishment in the legislative or judicial branch of the Government (except the Senate, the House of Representatives, and the Architect of the Capitol, and any activities under the direction of the Architect of the Capitol).

(6) FOREIGN EXCESS PROPERTY.—The term “foreign excess property” means excess property that is not located in the States of the United States, the District of Columbia, Puerto Rico, American Samoa, Guam, the Northern Mariana Islands, the Federated States of Micronesia, the Marshall Islands, Palau, and the Virgin Islands.

(7) MOTOR VEHICLE.—The term “motor vehicle” means any vehicle, self-propelled or drawn by mechanical power, designed and operated principally for highway transportation of property or passengers, excluding—

(A) a vehicle designed or used for military field training, combat, or tactical purposes, or used principally within the confines of a regularly established military post, camp, or depot; and

(B) a vehicle regularly used by an agency to perform investigative, law enforcement, or intelligence duties, if the head of the agency determines that exclusive control of the vehicle is essential for effective performance of duties.

(8) NONPERSONAL SERVICES.—The term “non-personal services” means contractual services designated by the Administrator of General Services, other than personal and professional services.

(9) PROPERTY.—The term “property” means any interest in property except—

- (A)(i) the public domain;
 - (ii) land reserved or dedicated for national forest or national park purposes;
 - (iii) minerals in land or portions of land withdrawn or reserved from the public domain which the Secretary of the Interior determines are suitable for disposition under the public land mining and mineral leasing laws; and
 - (iv) land withdrawn or reserved from the public domain except land or portions of land so withdrawn or reserved which the Secretary, with the concurrence of the Administrator, determines are not suitable for return to the public domain for disposition under the general public land laws because the lands are substantially changed in character by improvements or otherwise;
- (B) naval vessels that are battleships, cruisers, aircraft carriers, destroyers, or submarines; and
- (C) records of the Government.

(10) SURPLUS PROPERTY.—The term “surplus property” means excess property that the Administrator determines is not required to meet the needs or responsibilities of all federal agencies.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1063; Pub. L. 111–350, §5(l)(2), Jan. 4, 2011, 124 Stat. 3850; Pub. L. 114–318, §3(b)(2), Dec. 16, 2016, 130 Stat. 1613.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
102	40:472.	June 30, 1949, ch. 288, §3, 63 Stat. 378; Sept. 5, 1950, ch. 849, §§7(a), 8(a), 64 Stat. 590, 591; July 12, 1952, ch. 703, §1(a), (b), 66 Stat. 593; Sept. 1, 1954, ch. 1211, §4(c), 68 Stat. 1129; Aug. 12, 1955, ch. 874, §2, 69 Stat. 722; Pub. L. 85–337, §5, Feb. 28, 1958, 72 Stat. 29; Pub. L. 86–70, §30(a), June 25, 1959, 73 Stat. 148; Pub. L. 86–624, §27(a), July 12, 1960, 74 Stat. 418; Pub. L. 93–594, Jan. 2, 1975, 88 Stat. 1926.

In this section, the words “and in 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 words “this Act”, meaning the Federal Property and Administrative Services Act of 1949. See the revision note under section 111 of this title. The definition of “Administrator” is omitted as unnecessary. The text of 40:472(i) is omitted as unnecessary because of the definition of “person” in 1:1.

In clause (6), the words “the Northern Mariana Islands, the Federated States of Micronesia, the Marshall Islands, Palau” are substituted for “the Trust Territory of the Pacific Islands” because of the termination of the Trust Territory of the Pacific Islands. See 48:1681 note prec.

Editorial Notes

AMENDMENTS

2016—Pub. L. 114–318 substituted “Except as provided in subchapter VII of chapter 5 of this title, the” for “The” in introductory provisions.

2011—Pub. L. 111–350 substituted “division C (except sections 3302, 3501(b), 3509, 3906, 4710, and 4711) of sub-

title I of title 41” for “title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.)” in introductory provisions.

SUBCHAPTER II—SCOPE

§ 111. Application to division C (except sections 3302, 3501(b), 3509, 3906, 4710, and 4711) of subtitle I of title 41

In the following provisions, the words “this subtitle” are deemed to refer also to division C (except sections 3302, 3501(b), 3509, 3906, 4710, and 4711) of subtitle I of title 41:

- (1) Section 101 of this title.
- (2) Section 112(a) of this title.
- (3) Section 113 of this title.
- (4) Section 121(a) of this title.
- (5) Section 121(c)(1) of this title.
- (6) Section 121(c)(2) of this title.
- (7) Section 121(d)(1) and (2) of this title.
- (8) Section 121(e)(1) of this title.
- (9) Section 121(f) of this title.
- (10) Section 121(g) of this title.
- (11) Section 122(a) of this title.
- (12) Section 123(a) of this title.
- (13) Section 123(c) of this title.
- (14) Section 124 of this title.
- (15) Section 126 of this title.
- (16) Section 311(c) of this title.
- (17) Section 313(a) of this title.
- (18) Section 528 of this title.
- (19) Section 541 of this title.
- (20) Section 549(e)(3)(H)(i)(II) of this title.
- (21) Section 557 of this title.
- (22) Section 558(a) of this title.
- (23) Section 559(f) of this title.
- (24) Section 571(b) of this title.
- (25) Section 572(a)(2)(A) of this title.
- (26) Section 572(b)(4) of this title.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1065; Pub. L. 111–350, §5(l)(3), Jan. 4, 2011, 124 Stat. 3850.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
111	(no source).	

This section is added to provide an accurate literal translation of the words “this Act”, meaning the Federal Property and Administrative Services Act of 1949. In the positive law codification of title 40, most of the Federal Property and Administrative Services Act of 1949 is restated as subtitle I of title 40. However, title III of the Act, which is outside the scope of the positive law codification, remains classified to the United States Code as 41 U.S.C. 251 et seq. Where the words “this Act” are restated, substituting the words “this subtitle” does not yield an accurate literal translation because “this subtitle” does not include title III of the Act. This section does not subject any provision of law to title III of the Act if that provision was not subject to title III prior to the positive law codification of title 40.

Editorial Notes

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 “Federal Property and Administrative Services Act of 1949” in section catchline and for “title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.)” in introductory provisions.