

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, [§11 (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.

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 “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 cannot be made under subparagraph (B) or (C) and the Administrator believes the property may later become necessary to any agency for official use, the Administrator shall apply to the court to order delivery of the property to the agency that seized the property, to be retained in its custody. Within a reasonable time, the Administrator shall order the agency to—

(i) deliver the property to another agency that requests the property and that the Administrator believes should be given the property; or

(ii) dispose of the property as otherwise provided by law.

(3) FORFEITURE DECREED.—If forfeiture is decreed and the property is not ordered by competent authority to be returned to any claimant, the court shall order delivery as provided in paragraph (2).

(4) WHEN NO APPLICATION MADE.—The court shall dispose of property for which no application is made in accordance with law.

(e) RETENTION OR DELIVERY OF PROPERTY DEEMED SALE.—Retention or delivery of forfeited or abandoned property under this section is deemed to be a sale of the property for the purpose of laws providing for informer's fees or remission or mitigation of a forfeiture. Property acquired under this section when no longer needed for official use shall be disposed of in the same manner as other surplus property.

(f) PAYMENT OF COSTS RELATED TO PROPERTY.—

(1) AVAILABILITY OF APPROPRIATIONS.—The appropriation available to an agency for the purchase, hire, operation, maintenance, and repair of any property is available for—

(A) the payment of expenses of operation, maintenance, and repair of property of the same kind the agency receives under this section for official use;

(B) the payment of a lien recognized and allowed under law;

(C) the payment of amounts found to be due a person on the authorized remission or mitigation of a forfeiture; and

(D) reimbursement of other agencies as provided in paragraph (2).

(2) PAYMENT AND REIMBURSEMENT OF CERTAIN COSTS.—The agency that receives property under this section shall pay the cost of hauling, transporting, towing, and storing the property. If the property is later delivered to another agency for official use under this section, the agency to which the property is delivered shall make reimbursement for all of those costs incurred prior to the date the property is delivered.

(g) REPORT.—With the approval of the Secretary of the Treasury, the Administrator may require an agency to make a report of all property abandoned to it or seized and the disposal of the property.

(h) ADMINISTRATIVE.—

(1) REGULATIONS.—With the approval of the Secretary, the Administrator may prescribe

regulations necessary to carry out this section.

(2) OTHER LAWS NOT REPEALED.—This section does not repeal any other laws relating to the disposition of forfeited or abandoned property, except provisions of those laws directly in conflict with this section which were enacted prior to August 27, 1935.

(3) PROPERTY NOT SUBJECT TO ALLOCATION UNDER THIS SECTION.—The following classes of property are not subject to allocation under this section, but shall be disposed of in the manner otherwise provided by law:

(A) narcotic drugs, as defined in the Controlled Substances Act (21 U.S.C. 801 et seq.).

(B) firearms, as defined in section 5845 of the Internal Revenue Code of 1986 (26 U.S.C. 5845).

(C) other classes or kinds of property the disposal of which the Administrator, with the approval of the Secretary, may consider in the public interest, and may by regulation provide.

(Pub. L. 107-217, Aug. 21, 2002, 116 Stat. 1134.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
1306(a)	40:304f.	Aug. 27, 1935, ch. 740, title III, §§301-307, 49 Stat. 879.
1306(b)	40:304g.	
1306(c)	40:304h.	
1306(d)	40:304i.	
1306(e)	40:304k.	
1306(f)	40:304j.	
1306(g)	40:304l (related to report).	
1306(h)(1)	40:304l (related to regulations).	
1306(h)(2), (3).	40:304m.	Aug. 27, 1935, ch. 740, title III, §308, 49 Stat. 880; Pub. L. 91-513, title III, §1102(o), Oct. 27, 1970, 84 Stat. 1293.

In this section, the words "Administrator" and "Administrator of General Services" are substituted for "Director" and "Director of the Procurement Division of the Treasury Department of the United States" [subsequently changed to "Bureau of Federal Supply" by regulation §5.7 of subpart A of Part 5 of Title 41, Public Contracts, eff. January 1, 1947, 11 F. R. 13636] because of section 102(a) of the Federal Property and Administrative Services Act of 1949 (ch. 288, 63 Stat. 380), which is restated as section 303(a)(1) of the revised title.

In subsection (a), the text of 40:304f(3) is omitted because the complete name of the Administrator of General Services is used the first time the term appears in a section.

In subsection (c)(1), the words "(including advertisement for sale, and sale)" are omitted as unnecessary.

In subsection (d)(3), the words "as provided in paragraph (2)" are substituted for "accordingly" for clarity.

In subsection (g), the words "from time to time" are omitted as unnecessary.

In subsection (h)(2), the words "which were enacted prior to August 27, 1935" are added for clarity.

In subsection (h)(3), the text of 40:304m(1) is omitted because section 4 of the Act of June 15, 1917 (22:404) was repealed by section 2 of the Act of August 13, 1953 (ch. 434, 67 Stat. 577). In subclause (C), the words "the disposal of which" are substituted for "as" for clarity.

Editorial Notes

REFERENCES IN TEXT

The Controlled Substances Act, referred to in subsec. (h)(3)(A), is title II of Pub. L. 91-513, Oct. 27, 1970, 84 Stat. 1242, which is classified principally to subchapter

I (§ 801 et seq.) of chapter 13 of Title 21, Food and Drugs. For complete classification of this Act to the Code, see Short Title note set out under section 801 of Title 21 and Tables.

§ 1307. Disposition of securities

The President, or an officer, agent, or agency the President may designate, may dispose of any securities acquired on behalf of the Federal Government under the provisions of the Transportation Act of 1920 (ch. 91, 41 Stat. 456), including any securities acquired as an incident to a case under title 11, under a receivership or reorganization proceeding, by assignment, transfer, substitution, or issuance, or by acquisition of collateral given for the payment of obligations to the Government, or may make arrangements for the extension of the maturity of the securities, in the manner, in amounts, at prices, for cash, securities, or other property or any combination of cash, securities, or other property, and on terms and conditions the President or designee considers advisable and in the public interest.

(Pub. L. 107-217, Aug. 21, 2002, 116 Stat. 1137.)

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 “sell, exchange, or otherwise”, “bonds, notes, or other”, “purchase, default, or other”, and “(whether at a foreclosure sale or otherwise)” are omitted as unnecessary.

Editorial Notes

REFERENCES IN TEXT

The Transportation Act of 1920, referred to in text, is act Feb. 28, 1920, ch. 91, 41 Stat. 456, as amended, which was classified to section 316 of former Title 40, Public Buildings, Property, and Works, section 1375a of former Title 10, Army and Air Force, sections 131 to 146 of Title 45, Railroads, and sections 1 to 5, 6, 10 to 15a, 16, 17, 18, 19a, 20, 20a, 25 to 27, 71 to 74, 76 to 79, 141, and 142 of Title 49, Transportation. For complete classification of this Act to the Code, see Tables. Numerous sections of the Act that were classified to Title 49 were repealed by Pub. L. 95-473, §4(b), Oct. 13, 1978, 92 Stat. 1467, the first section of which enacted subtitle IV (§10101 et seq.) of Title 49. For distribution of former sections of Title 49 into the revised Title 49, see table at the beginning of Title 49. Section 316 of former Title 40 was repealed and reenacted as this section by Pub. L. 107-217, §§1, 6(b), Aug. 21, 2002, 116 Stat. 1062, 1304.

§ 1308. Disposition of unfit horses and mules

Subject to applicable regulations under this subtitle and division C (except sections 3302, 3501(b), 3509, 3906, 4710, and 4711) of subtitle I of title 41, horses and mules belonging to the Federal Government that have become unfit for service may be destroyed or put out to pasture, either on pastures belonging to the Government or those belonging to financially sound and reputable humane organizations whose facilities permit them to care for the horses and mules during the remainder of their natural lives, at no cost to the Government.

(Pub. L. 107-217, Aug. 21, 2002, 116 Stat. 1137; Pub. L. 111-350, §5(l)(13), Jan. 4, 2011, 124 Stat. 3852.)

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§ 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. § 8755; 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