

Aug. 17, 1961, Pub. L. 87-144, title VI, §616, 75 Stat. 378.
 July 7, 1960, Pub. L. 86-601, title V, §516, 74 Stat. 352.
 Aug. 18, 1959, Pub. L. 86-166, title VI, §616, 73 Stat. 381.
 Aug. 22, 1958, Pub. L. 85-724, title VI, §617, 72 Stat. 727.
 Aug. 2, 1957, Pub. L. 85-117, title VI, §618, 71 Stat. 326.
 July 2, 1956, ch. 488, title VI, §618, 70 Stat. 471.
 July 13, 1955, ch. 358, title VI, §622, 69 Stat. 319.
 June 30, 1954, ch. 432, title VII, §723, 68 Stat. 355.
 Aug. 1, 1953, ch. 305, title VI, §630, 67 Stat. 355.
 July 10, 1952, ch. 630, title VI, §633, 66 Stat. 537.

§ 483b. Utilization of excess furniture

Notwithstanding the provisions of any other law, no funds shall be available in this or any other Act for the purchase of furniture by any department or agency in any branch of the Government if such requirements can reasonably be met, as determined by the Administrator of General Services, by transfer of excess furniture including rehabilitated furniture from other departments and agencies pursuant to the Federal Property and Administrative Services Act of 1949, as amended [40 U.S.C. 471 et seq.].

(Aug. 7, 1953, ch. 340, Ch. XIII, title I, §1316, 67 Stat. 439.)

REFERENCES IN TEXT

This Act, referred to in text, is the Supplemental Appropriation Act, 1954, approved Aug. 7, 1953, ch. 340, 67 Stat. 418, which in general is not classified to the Code. For specific classifications to the Code, see Tables.

The Federal Property and Administrative Services Act of 1949, as amended, referred to in text, is act June 30, 1949, ch. 288, 63 Stat. 377, as amended. Provisions relating to transfer of excess furniture are contained in section 483 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 471 of this title and Tables.

CODIFICATION

Section enacted as part of the Supplemental Appropriation Act, 1954, and not as a part of the Federal Property and Administrative Services Act of 1949, part of which comprises this chapter.

§ 483c. Excess personal property held by grantee of Federal agency; certification of authorized use; title to grantee; re-transfer of property used for unauthorized purpose

Notwithstanding any other provision of law, and except as the Administrator of General Services may otherwise provide on recommendation of the head of an affected Federal agency, excess personal property acquired by a Federal agency pursuant to the authority of section 202 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 483) and furnished to and held by a grantee of such agency prior to October 17, 1977, under grants made pursuant to programs established by law shall be regarded as surplus property. The Administrator of General Services upon receipt of a certification by the head of an agency that the property is being used by the grantee for the purposes for which it was furnished shall transfer title to the property to the grantee. The grantor agency shall survey Federal property acquired from excess sources in the possession of its grantees and shall notify the Administrator of General Services, not later than two hundred and forty days from October 17, 1976, of those items of property which are being used by each grantee for the purpose for which it was furnished, and those items which

are not being used by each grantee. If the property is not being so used, the Administrator shall transfer such property to an appropriate State agency, upon its request, for distribution in accordance with subsection 203(j) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(j)). Property not so transferred shall be otherwise disposed of pursuant to the provisions of that Act [40 U.S.C. 471 et seq.]. (Pub. L. 94-519, §5, Oct. 17, 1976, 90 Stat. 2456.)

REFERENCES IN TEXT

That Act, referred to in text, is act June 30, 1949, ch. 288, 63 Stat. 377, as amended, known as the Federal Property and Administrative Services Act of 1949. For complete classification of this Act to the Code, see Short Title note set out under section 471 of this title and Tables.

CODIFICATION

Section was not enacted as part of the Federal Property and Administrative Services Act of 1949, part of which comprises this chapter.

EFFECTIVE DATE

Section effective Oct. 17, 1977, see section 9 of Pub. L. 94-519 set out as an Effective Date of 1976 Amendment note under section 484 of this title.

§ 483d. Dredge vessel disposal

Notwithstanding any other provision of law, the Administrator of the General Services Administration, pursuant to the provisions of sections 483 and 484(j) of this title, may dispose of any Corps of Engineers vessel used for dredging that is declared to be in excess of Federal needs by the Secretary, together with related equipment owned by the United States and under the control of the Chief of Engineers, through sale or lease to a foreign government as part of a Corps of Engineers technical assistance program, or to a Federal or State maritime academy for training purposes, or to a non-Federal public body for scientific, educational, or cultural purposes, or through sale solely for scrap to foreign or domestic interests. Any such vessel shall not be disposed of under this section or any other provision of law for use within the United States for the purpose of engaging in dredging activities. Amounts collected from the sale or lease of any such vessel or equipment shall be deposited into the revolving fund authorized by section 576 of title 33, to be available, as provided in appropriations Acts, for the operation and maintenance of vessels under the control of the Corps of Engineers.

(Pub. L. 99-662, title IX, §945, Nov. 17, 1986, 100 Stat. 4200.)

CODIFICATION

Section was enacted as part of the Water Resources Development Act of 1986, and not as part of the Federal Property and Administrative Services Act of 1949, part of which comprises this chapter.

DEFINITIONS

Secretary means the Secretary of the Army, see section 2201 of Title 33, Navigation and Navigable Waters.

§ 484. Disposal of surplus property

(a) Supervision and direction

Except as otherwise provided in this section, the Administrator shall have supervision and di-

rection over the disposition of surplus property. Such property shall be disposed of to such extent, at such time, in such areas, by such agencies, at such terms and conditions, and in such manner, as may be prescribed in or pursuant to this Act.

(b) Care and handling

The care and handling of surplus property, pending its disposition, and the disposal of surplus property, may be performed by the General Services Administration or, when so determined by the Administrator, by the executive agency in possession thereof or by any other executive agency consenting thereto.

(c) Method of disposition

Any executive agency designated or authorized by the Administrator to dispose of surplus property may do so by sale, exchange, lease, permit, or transfer, for cash, credit, or other property, with or without warranty, and upon such other terms and conditions as the Administrator deems proper, and it may execute such documents for the transfer of title or other interest in property and take such other action as it deems necessary or proper to dispose of such property under the provisions of this subchapter.

(d) Validity of deed, bill of sale, lease, etc.

A deed, bill of sale, lease, or other instrument executed by or on behalf of any executive agency purporting to transfer title or any other interest in surplus property under this subchapter shall be conclusive evidence of compliance with the provisions of this subchapter insofar as concerns title or other interest of any bona fide grantee or transferee for value and without notice of lack of such compliance.

(e) Bids for disposal; advertising; procedure; disposal by negotiation; explanatory statement

(1) All disposals or contracts for disposal of surplus property (other than by abandonment, destruction, donation, or through contract brokers) made or authorized by the Administrator shall be made after publicly advertising for bids, under regulations prescribed by the Administrator, except as provided in paragraphs (3) and (5) of this subsection.

(2) Whenever public advertising for bids is required under paragraph (1) of this subsection—

(A) the advertisement for bids shall be made at such time previous to the disposal or contract, through such methods, and on such terms and conditions as shall permit that full and free competition which is consistent with the value and nature of the property involved;

(B) all bids shall be publicly disclosed at the time and place stated in the advertisement;

(C) award shall be made with reasonable promptness by notice to the responsible bidder whose bid, conforming to the invitation for bids, will be most advantageous to the Government, price and other factors considered: *Provided*, That all bids may be rejected when it is in the public interest to do so.

(3) Disposals and contracts for disposal may be negotiated, under regulations prescribed by the Administrator, without regard to paragraphs (1) and (2) of this subsection but subject to obtain-

ing such competition as is feasible under the circumstances, if—

(A) necessary in the public interest during the period of a national emergency declared by the President or the Congress, with respect to a particular lot or lots of personal property or, for a period not exceeding three months, with respect to a specifically described category or categories of personal property as determined by the Administrator;

(B) the public health, safety, or national security will thereby be promoted by a particular disposal of personal property;

(C) public exigency will not admit of the delay incident to advertising certain personal property;

(D) the personal property involved is of a nature and quantity which, if disposed of under paragraphs (1) and (2) of this subsection, would cause such an impact on an industry or industries as adversely to affect the national economy, and the estimated fair market value of such property and other satisfactory terms of disposal can be obtained by negotiation;

(E) the estimated fair market value of the property involved does not exceed \$15,000;

(F) bid prices after advertising therefor are not reasonable (either as to all or some part of the property) or have not been independently arrived at in open competition;

(G) with respect to real property only, the character or condition of the property or unusual circumstances make it impractical to advertise publicly for competitive bids and the fair market value of the property and other satisfactory terms of disposal can be obtained by negotiation;

(H) the disposal will be to States, Territories, possessions, political subdivisions thereof, or tax-supported agencies therein, and the estimated fair market value of the property and other satisfactory terms of disposal are obtained by negotiation; or

(I) otherwise authorized by this Act or other law.

(4) Disposals and contracts for disposal of surplus real and related personal property through contract realty brokers employed by the Administrator shall be made in the manner followed in similar commercial transactions under such regulations as may be prescribed by the Administrator: *Provided*, That such regulations shall require that wide public notice of availability of the property for disposal be given by the brokers.

(5)(A) Negotiated sales of personal property at fixed prices may be made by the Administrator either directly or through the use of disposal contractors without regard to the limitations set forth in paragraphs (1) and (2) of this subsection: *Provided*, That such sales shall be publicized to the extent consistent with the value and nature of the property involved, that the prices established shall reflect the estimated fair market value thereof, and that such sales shall be limited to those categories of personal property as to which the Administrator determines that such method of disposal will best serve the interests of the Government.

(B) Under regulations and restrictions to be prescribed by the Administrator, property to be

sold pursuant to this paragraph may be offered to organizations specified in paragraph (3)(H) of this subsection that have expressed an interest in the property to permit such an organization a prior opportunity to purchase at the prices fixed for such property.

(6)(A) Except as otherwise provided by subparagraph (C) of this paragraph, an explanatory statement shall be prepared of the circumstances of each disposal by negotiation of—

(i) any personal property which has an estimated fair market value in excess of \$15,000;

(ii) any real property that has an estimated fair market value in excess of \$100,000, except that any real property disposed of by lease or exchange shall only be subject to clauses (iii) through (v) of this subparagraph;

(iii) any real property disposed of by lease for a term of 5 years or less, if the estimated fair annual rent is in excess of \$100,000 for any of such years;

(iv) any real property disposed of by lease for a term of more than 5 years, if the total estimated rent over the term of the lease is in excess of \$100,000; or

(v) any real property or real and related personal property disposed of by exchange, regardless of value, or any property any part of the consideration for which is real property.

(B) Each such statement shall be transmitted to the appropriate committees of the Congress in advance of such disposal, and a copy thereof shall be preserved in the files of the executive agency making such disposal.

(C) No such statement need be transmitted to any such committee with respect to any disposal of personal property made under paragraph (5) at a fixed price, or to property disposals authorized by any other provision of law to be made without advertising.

(D) The annual report of the Administrator under section 492 of this title shall contain or be accompanied by a listing and description of any negotiated disposals of surplus property having an estimated fair market value of more than \$15,000, in the case of real property, or \$5,000, in the case of any other property, other than disposals for which an explanatory statement has been transmitted under this paragraph.

(7) Section 5 of title 41 shall not apply to disposals or contracts for disposal made under this subsection.

(f) Contractor inventories

Subject to regulations of the Administrator, any executive agency may authorize any contractor with such agency or subcontractor thereunder to retain or dispose of any contractor inventory.

(g) Agricultural commodities, foods, and cotton or woolen goods

The Administrator, in formulating policies with respect to the disposal of surplus agricultural commodities, surplus foods processed from agricultural commodities and surplus cotton or woolen goods, shall consult with the Secretary of Agriculture. Such policies shall be so formulated as to prevent surplus agricultural commodities, or surplus food processed from agricultural commodities, from being dumped on the

market in a disorderly manner and disrupting the market prices for agricultural commodities.

(h) Transfer to Department of Agriculture for price support or stabilization reasons; deposit of receipts; limitation on sale of surplus farm commodities

Whenever the Secretary of Agriculture determines such action to be required to assist him in carrying out his responsibilities with respect to price support or stabilization, the Administrator shall transfer without charge to the Department of Agriculture any surplus agricultural commodities, foods, or cotton or woolen goods to be disposed of. Receipts resulting from disposal by the Department of Agriculture under this subsection shall be deposited pursuant to any authority available to the Secretary of Agriculture, except that net proceeds of any sale of surplus property so transferred shall be credited pursuant to section 485(b) of this title, when applicable. Surplus farm commodities so transferred shall not be sold, other than for export, in quantities in excess of, or at prices less than, those applicable with respect to sales of such commodities by the Commodity Credit Corporation.

(i) Vessels; laws governing sales

The Maritime Administration shall dispose of surplus vessels of one thousand five hundred gross tons or more which the Administration determines to be merchant vessels or capable of conversion to merchant use, and such vessels shall be disposed of only in accordance with the provisions of the Merchant Marine Act, 1936, as amended [46 App. U.S.C. 1101 et seq.], and other laws authorizing the sale of such vessels.

(j) Transfers for donation of property to State agencies; State plan of operation; "public agency" and "State" defined

(1) Under such regulations as he may prescribe, the Administrator is authorized in his discretion to transfer, without cost (except for costs of care and handling), any personal property under the control of any executive agency which has been determined to be surplus property to the State agency in each State designated under State law as the agency responsible for the fair and equitable distribution, through donation, of all property transferred in accordance with the provisions of paragraphs (2) and (3) of this subsection. In determining whether the property is to be transferred for donation under this subsection, no distinction shall be made between property capitalized in a working-capital fund established under section 2208 of title 10, or any similar fund, and any other property.

(2) In the case of surplus personal property under the control of the Department of Defense, the Secretary of Defense shall determine whether such property is usable and necessary for educational activities which are of special interest to the armed services, such as maritime academies, or military, naval, Air Force, or Coast Guard preparatory schools. If the Secretary determines that such property is usable and necessary for said purposes, the Secretary shall allocate it for transfer by the Administrator to the appropriate State agency for distribution,

through donation, to such educational activities. If the Secretary determines that such property is not usable and necessary for such purposes, it may be disposed of in accordance with paragraph (3) of this subsection.

(3) Except for surplus personal property transferred pursuant to paragraph (2) of this subsection, the Administrator shall, pursuant to criteria which are based on need and utilization and established after such consultation with State agencies as is feasible, allocate such property among the States in¹ a fair and equitable basis (taking into account the condition of the property as well as the original acquisition cost thereof), and transfer to the State agency property selected by it for distribution through donation within the State—

(A) to any public agency for use in carrying out or promoting for the residents of a given political area one or more public purposes, such as conservation, economic development, education, parks and recreation, public health, and public safety; or

(B) to nonprofit educational or public health institutions or organizations, such as medical institutions, hospitals, clinics, health centers, drug abuse treatment centers, providers of assistance to homeless individuals, providers of assistance to families or individuals whose annual incomes are below the poverty line (as that term is defined in section 9902 of title 42), schools, colleges, universities, schools for the mentally retarded, schools for the physically handicapped, child care centers, radio and television stations licensed by the Federal Communications Commission as educational radio or educational television stations, museums attended by the public, and libraries serving free all residents of a community, district, State, or region, which are exempt from taxation under section 501 of title 26, for purposes of education or public health (including research for any such purpose).

The Administrator, in allocating and transferring property under this paragraph, shall give fair consideration, consistently with the established criteria, to expressions of need and interest on the part of public agencies and other eligible institutions within that State, and shall give special consideration to requests by eligible recipients, transmitted through the State agency, for specific items of property.

(4)(A) Before property may be transferred to any State agency, such State shall develop, according to State law, a detailed plan of operation, developed in conformity with the provisions of this subsection, which shall include adequate assurance that the State agency has the necessary organizational and operational authority and capability, including staff, facilities, means and methods of financing, and procedures with respect to: accountability, internal and external audits, cooperative agreements, compliance and utilization reviews, equitable distribution and property disposal, determination of eligibility, and assistance through consultation with advisory bodies and public and private groups. The chief executive officer shall certify

and submit the plan to the Administrator. In the event that a State legislature has not developed, according to State law, a State plan within two hundred and seventy calendar days after October 17, 1976, the chief executive officer of the State shall approve, and submit to the Administrator, a temporary State plan. No such plan, and no major amendment thereof, shall be filed with the Administrator until sixty days after general notice of the proposed plan or amendment has been published and interested persons have been given at least thirty days during which to submit comments. In developing and implementing the State plan, the relative needs and resources of all public agencies and other eligible institutions within the State shall be taken into consideration. The Administrator may consult with interested Federal agencies for purposes of obtaining their views concerning the administration and operation of this subsection.

(B) The State plan shall provide for the fair and equitable distribution of property within such State based on the relative needs and resources of interested public agencies and other eligible institutions within the State and their abilities to utilize the property.

(C)(i) The State plan of operation shall require the State agency to utilize a management control system and accounting system for donable property transferred under this section of the same types as are required by State law for State-owned property, except that the State agency, with the approval of the chief executive officer of the State, may elect, in lieu of such systems, to utilize such other management control and accounting systems as are effective to govern the utilization, inventory control, accountability, and disposal of property under this subsection.

(ii) The State plan of operation shall require the State agency to provide for the return of donable property for further distribution if such property, while still usable, has not been placed in use for the purpose for which it was donated within one year of donation or ceases to be used by the donee for such purposes within one year of being placed in use.

(iii) The State plan shall require the State agency, insofar as practicable, to select property requested by a public agency or other eligible institution within the State and, if so requested by the recipient, to arrange shipment of that property, when acquired, directly to the recipient.

(D) Where the State agency is authorized to assess and collect service charges from participating recipients to cover direct and reasonable indirect costs of its activities, the method of establishing such charges shall be set out in the State plan of operation. Such charges shall be fair and equitable and shall be based on services performed by the State agency, including, but not limited to, screening, packing, crating, removal, and transportation.

(E) The State plan of operation shall provide that the State agency may impose reasonable terms, conditions, reservations, and restrictions on the use of property to be donated under paragraph (3) of this subsection and shall impose such terms, conditions, reservations, and re-

¹ So in original. Probably should be "on".

strictions in the case of any passenger motor vehicle and any item of other property having a unit acquisition cost of \$5,000 or more. If the Administrator finds that an item or items have characteristics that require special handling or use limitations, he may impose appropriate conditions on the donation of such property.

(F) The State plan of operation shall provide that surplus property which the State agency determines cannot be utilized by eligible recipients shall be disposed of—

(i) subject to the disapproval of the Administrator within thirty days after notice to him, through transfer by the State agency to another State agency or through abandonment or destruction where the property has no commercial value or the estimated cost of its continued care and handling would exceed the estimated proceeds from its sale; or

(ii) otherwise pursuant to the provisions of this Act under such terms and conditions and in such manner as may be prescribed by the Administrator.

Notwithstanding sections 485 and 512(c) of this title, the Administrator, from the proceeds of sale of any such property, may reimburse the State agency for such expenses relating to the care and handling of such property as he shall deem appropriate.

(5) As used in this subsection, (A) the term “public agency” means any State, political subdivision thereof (including any unit of local government or economic development district), or any department, agency, instrumentality thereof (including instrumentalities created by compact or other agreement between States or political subdivisions), or any Indian tribe, band, group, pueblo, or community located on a State reservation and (B) the term “State” means the several States, the District of Columbia, the Commonwealth of Puerto Rico, Virgin Islands, Guam, and American Samoa.

(k) Disposals by Secretary of Education, Secretary of Health and Human Services, Secretary of the Interior, and Secretary of Defense

(1) Under such regulations as he may prescribe, the Administrator is authorized, in his discretion, to assign to the Secretary of Education or the Secretary of Health and Human Services for disposal such surplus real property, including buildings, fixtures, and equipment situated thereon, as is recommended by the Secretary of Education or the Secretary of Health and Human Services as being needed for school, classroom, or other educational use, or for use in the protection of public health, including research.

(A) Subject to the disapproval of the Administrator within thirty days after notice to him by the Secretary of Education of a proposed transfer of property for school, classroom, or other educational use, the Secretary of Education through such officers or employees of the Department of Education as he may designate, may sell or lease such real property, including buildings, fixtures, and equipment situated thereon, for educational purposes to the States and their political subdivisions and instrumentalities, and tax-supported edu-

cational institutions, and to other nonprofit educational institutions which have been held exempt from taxation under section 501(c)(3) of title 26.

(B) Subject to the disapproval of the Administrator within thirty days after notice to him by the Secretary of Health and Human Services of a proposed transfer of property for public-health use, the Secretary of Health and Human Services, through such officers or employees of the Department of Health and Human Services as he may designate, may sell or lease such real property for public-health purposes, including research, to the States and their political subdivisions and instrumentalities, and to tax-supported medical institutions, and to hospitals or other similar institutions not operated for profit which have been held exempt from taxation under section 501(c)(3) of title 26.

(C) In fixing the sale or lease value of property to be disposed of under subparagraph (A) and subparagraph (B) of this paragraph, the Secretary of Education and the Secretary of Health and Human Services shall take into consideration any benefit which has accrued or may accrue to the United States from the use of such property by any such State, political subdivision, instrumentality, or institution.

(D) “States” as used in this subsection includes the District of Columbia, the Commonwealth of Puerto Rico, and the Territories and possessions of the United States.

(2) Under such regulations as he may prescribe, the Administrator is authorized, in his discretion, to assign to the Secretary of the Interior for disposal, such surplus real property, including buildings, fixtures, and equipment situated thereon, as is recommended by the Secretary of the Interior as needed for use as a public park or recreation area.

(A) Subject to the disapproval of the Administrator within thirty days after notice to him by the Secretary of the Interior of a proposed transfer of property for public park or public recreational use, the Secretary of the Interior, through such officers or employees of the Department of the Interior as he may designate, may sell or lease such real property, including buildings, fixtures, and equipment situated thereon, for public park or public recreational purposes to any State, political subdivision, instrumentalities thereof, or municipality.

(B) In fixing the sale or lease value of property to be disposed of under subparagraph (A) of this paragraph, the Secretary of the Interior shall take into consideration any benefit which has accrued or may accrue to the United States from the use of such property by any such State, political subdivision, instrumentality, or municipality.

(C) The deed of conveyance of any surplus real property disposed of under the provisions of this subsection—

(i) shall provide that all such property shall be used and maintained for the purpose for which it was conveyed in perpetuity, and that in the event that such property ceases to be used or maintained for such purpose during such period, all or any portion of

such property shall in its then existing condition, at the option of the United States, revert to the United States; and

(ii) may contain such additional terms, reservations, restrictions, and conditions as may be determined by the Secretary of the Interior to be necessary to safeguard the interests of the United States.

(D) “States” as used in this subsection includes the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States.

(3) Without monetary consideration to the United States, the Administrator may convey to any State, political subdivision, instrumentalities thereof, or municipality, all of the right, title, and interest of the United States in and to any surplus real and related personal property which the Secretary of the Interior has determined is suitable and desirable for use as a historic monument, for the benefit of the public. No property shall be determined to be suitable or desirable for use as a historic monument except in conformity with the recommendation of the Advisory Board on National Parks, Historic Sites, Buildings and Monuments established by section 463 of title 16, and only so much of any such property shall be so determined to be suitable or desirable for which such use as is necessary for the preservation and proper observation of its historic features.

(A) The Administrator may authorize use of any property conveyed under this subsection or the Surplus Property Act of 1944, as amended, for revenue-producing activities if the Secretary of the Interior (i) determines that such activities are compatible with use of the property for historic monument purposes, (ii) approves the grantee’s plan for repair, rehabilitation, restoration, and maintenance of the property, and (iii) approves the grantee’s plan for financing repair, rehabilitation, restoration, and maintenance of the property. The Secretary shall not approve a financial plan unless it provides that incomes in excess of costs of repair, rehabilitation, restoration, and maintenance shall be used by the grantee only for public historic preservation, park, or recreational purposes. The Administrator may not authorize any uses under this subsection until the Secretary has examined and approved the accounting and financial procedures used by the grantee. The Secretary may periodically audit the records of the grantee, directly related to the property conveyed.

(B) The deed of conveyance of any surplus real property disposed of under the provisions of this subsection—

(i) shall provide that all such property shall be used and maintained for historical monument purposes in perpetuity, and that in the event that the property ceases to be used or maintained for that purpose, all or any portion of the property shall, in its then existing condition, at the option of the United States, revert to the United States; and

(ii) may contain such additional terms, reservations, restrictions, and conditions as may be determined by the Administrator to be necessary to safeguard the interests of the United States.

(C) “States” as used in this subsection, includes the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States.

(4) Subject to the disapproval of the Administrator within thirty days after notice to him of any action to be taken under this subsection, except with respect to personal property transferred pursuant to subsection (j) of this section—

(A) The² Secretary of Education, through such officers or employees of the Department of Education as he may designate, in the case of property transferred pursuant to the Surplus Property Act of 1944, as amended, and pursuant to this Act, to States, political subdivisions, and instrumentalities thereof, and tax-supported and other nonprofit educational institutions for school, classroom, or other educational use;

(B) the Secretary of Health and Human Services, through such officers or employees of the Department of Health and Human Services as he may designate, in the case of property transferred pursuant to the Surplus Property Act of 1944, as amended, and pursuant to this Act, to States, political subdivisions and instrumentalities thereof, tax-supported medical institutions, and to hospitals and other similar institutions not operated for profit, for use in the protection of public health (including research);

(C) the Secretary of the Interior, in the case of property transferred pursuant to the Surplus Property Act of 1944, as amended, and pursuant to this Act, to States, political subdivisions, and instrumentalities thereof, and municipalities for use as a public park, public recreational area, or historic monument for the benefit of the public;

(D) the Secretary of Defense, in the case of property transferred pursuant to the Surplus Property Act of 1944, as amended, to States, political subdivisions, and tax-supported instrumentalities thereof for use in the training and maintenance of civilian components of the armed forces; or

(E) the Secretary of Housing and Urban Development, through such officers or employees of the Department of Housing and Urban Development as the Secretary may designate, in the case of property transferred under paragraph (6).³

is authorized and directed—

(i) to determine and enforce compliance with the terms, conditions, reservations, and restrictions contained in any instrument by which such transfer was made;

(ii) to reform, correct, or amend any such instrument by the execution of a corrective, reformative or amendatory instrument where necessary to correct such instrument or to conform such transfer to the requirements of applicable law; and

(iii) to (I) grant releases from any of the terms, conditions, reservations and restrictions contained in, and (II) convey, quitclaim, or release to the transferee or other eligible

² So in original. Probably should not be capitalized.

³ So in original. The period probably should be a comma.

user any right or interest reserved to the United States by, any instrument by which such transfer was made, if he determines that the property so transferred no longer serves the purpose for which it was transferred, or that such release, conveyance, or quitclaim deed will not prevent accomplishment of the purpose for which such property was so transferred: *Provided*, That any such release, conveyance, or quitclaim deed may be granted on, or made subject to, such terms and conditions as he shall deem necessary to protect or advance the interests of the United States.

(5)(A) Under such regulations as the Administrator may prescribe, the Administrator is authorized, in the discretion of the Administrator, to assign to the Chief Executive Officer of the Corporation for National and Community Service for disposal such surplus property as is recommended by the Chief Executive Officer as being needed for national service activities.

(B) Subject to the disapproval of the Administrator, within 30 days after notice to the Administrator by the Chief Executive Officer of the Corporation for National and Community Service of a proposed transfer of property for such activities, the Chief Executive Officer, through such officers or employees of the Corporation as the Chief Executive Officer may designate, may sell, lease, or donate such property to any entity that receives financial assistance under the National and Community Service Act of 1990 [42 U.S.C. 12501 et seq.] for such activities.

(C) In fixing the sale or lease value of such property, the Chief Executive Officer of the Corporation for National and Community Service shall comply with the requirements of paragraph (1)(C).

(6)(A) Under such regulations as the Administrator may prescribe, the Administrator may, in the discretion of the Administrator, assign to the Secretary of Housing and Urban Development for disposal such surplus real property, including buildings, fixtures, and equipment situated thereon, as is recommended by the Secretary as being needed for providing housing or housing assistance for low-income individuals or families.

(B) Subject to the disapproval of the Administrator within 30 days after notice to the Administrator by the Secretary of Housing and Urban Development of a proposed transfer of property for the purpose of providing such housing or housing assistance, the Secretary, through such officers or employees of the Department of Housing and Urban Development as the Secretary may designate, may sell or lease such property for that purpose to any State, any political subdivision or instrumentality of a State, or any nonprofit organization that exists for the primary purpose of providing housing or housing assistance for low-income individuals or families.

(C) The Administrator shall disapprove a proposed transfer of property under this paragraph unless the Administrator determines that the property will be used for low-income housing opportunities through the construction, rehabilitation, or refurbishment of self-help housing, under terms that require that—

(i) any individual or family receiving housing or housing assistance constructed, reha-

bilitated, or refurbished through use of the property shall contribute a significant amount of labor toward the construction, rehabilitation, or refurbishment; and

(ii) dwellings constructed, rehabilitated, or refurbished through use of the property shall be quality dwellings that comply with local building and safety codes and standards and shall be available at prices below prevailing market prices.

(D)(i) The Administrator shall ensure that nonprofit organizations that are sold or leased property under subparagraph (B) shall develop and use guidelines to take into consideration any disability of an individual for the purposes of fulfilling any self-help requirement under subparagraph (C)(i).

(ii) For purposes of this subparagraph, the term "disability" has the meaning given such term under section 12102(2) of title 42.

(E)(i) In fixing the sale or lease value of property to be disposed of under this paragraph, the Secretary of Housing and Urban Development shall take into consideration and discount the value with respect to any benefit which has accrued or may accrue to the United States from the use of such property by any such State, political subdivision, instrumentality, or nonprofit organization.

(ii) The amount of the discount under clause (i) shall be 75 percent of the market value of the property, except that the Secretary may discount by a greater percentage if the Secretary, in consultation with the Administrator, determines that a higher percentage is justified.

(I) Donations to American Red Cross

Under such regulations as he may prescribe, the Administrator is authorized in his discretion to donate to the American National Red Cross, for charitable purposes, such property, which was processed, produced, or donated by the American National Red Cross, as shall have been determined to be surplus property.

(m) Possession of abandoned or unclaimed property on Government premises; disposal; claims by former owners

The Administrator is authorized to take possession of abandoned and other unclaimed property on premises owned or leased by the Government, to determine when title thereto vested in the United States, and to utilize, transfer or otherwise dispose of such property. Former owners of such property upon proper claim filed within three years from the date of vesting of title in the United States shall be paid the proceeds realized from the disposition of such property or, if the property is used or transferred, the fair value therefor as of the time title was vested in the United States as determined by the Administrator, less in either case the costs incident to the care and handling of such property as determined by the Administrator.

(n) Cooperative agreements with State agencies

For the purpose of carrying into effect the provisions of subsection (j) of this section, the Administrator or the head of any Federal agency designated by the Administrator, and, with respect to subsection (k)(1) of this section, the Secretary of Education, the Secretary of Health

and Human Services, or the head of any Federal agency designated by the Secretary, are authorized to enter into cooperative agreements with State surplus property distribution agencies designated in conformity with subsection (j) of this section. Such cooperative agreements may provide for utilization by such Federal agency, with or without payment or reimbursement, of the property, facilities, personnel, and services of the State agency in carrying out any such program, and for making available to such State agency, with or without payment or reimbursement, property, facilities, personnel, or services of such Federal agency in connection with such utilization. Payment or reimbursement, if any, from the State agency shall be credited to the fund or appropriation against which charges would be made if no payment or reimbursement were received. In addition, under such cooperative agreements and subject to such other conditions as may be imposed by the Administrator, or with respect to subsection (k)(1) of this section by the Secretary of Education or the Secretary of Health and Human Services, any surplus property transferred to the State agency for distribution pursuant to subsection (j)(3) of this section may be retained by the State agency for use in performing its functions. Unless otherwise directed by the Administrator, title to property so retained shall vest in the State agency.

(o) Biennial reports to Congress by Administrator; copies to Comptroller General

(1) Six months after the end of the first full fiscal year after November 5, 1988, and biennially thereafter, the Administrator shall transmit a report to the Congress that covers the initial period from November 5, 1988, and each succeeding biennial period and contains—

(A) a full and independent evaluation of the operation of programs for the donation of Federal surplus personal property,

(B) statistical information on the amount of excess personal property transferred to Federal agencies and provided to grantees and non-Federal organizations and surplus personal property approved for donation to the State Agencies for Surplus Property and donated to eligible non-Federal organizations during each succeeding biennial period, and

(C) such recommendations as the Administrator determines to be necessary or desirable.

(2) A copy of each report made under paragraph (3)⁴ shall also be simultaneously furnished to the Comptroller General of the United States. The Comptroller General shall review and evaluate the report and make any comments and recommendations to the Congress thereon, as he deems necessary or desirable.

(p) Transfer or conveyance of property for correctional facility use; consideration-free transfers; reimbursement for interim transfers; law enforcement or emergency management response purposes; reversion option; terms and conditions

(1)(A) Under such regulations as he may prescribe, the Administrator is authorized in his

discretion to transfer or convey to the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, the Commonwealth of the Northern Mariana Islands, or any political subdivision or instrumentality thereof, surplus real and related personal property determined by the Attorney General to be required for correctional facility use by the authorized transferee or grantee under an appropriate program or project for the care or rehabilitation of criminal offenders as approved by the Attorney General. Transfers or conveyance under this authority shall be made by the Administrator without monetary consideration to the United States. If the Attorney General determines that any surplus property transferred or conveyed pursuant to an agreement entered into between March 1, 1982, and the enactment of this subsection was suitable for transfer or conveyance under this subsection, the Administrator shall reimburse the transferee for any monetary consideration paid to the United States for such transfer or conveyance.

(B)(i) The Administrator may exercise the authority under subparagraph (A) with respect to such surplus real and related property needed by the transferee or grantee for—

(I) law enforcement purposes, as determined by the Attorney General; or

(II) emergency management response purposes, including fire and rescue services, as determined by the Director of the Federal Emergency Management Agency.

(ii) The authority provided under this subparagraph shall terminate on December 31, 1999.

(2) The deed of conveyance of any surplus real and related personal property disposed of under the provisions of this subsection—

(A) shall provide that all such property shall be used and maintained for the purpose for which it was conveyed in perpetuity, and that in the event the property ceases to be used or maintained for that purpose, all or any portion of the property shall, in its then existing condition, at the option of the United States, revert to the United States; and

(B) may contain such additional terms, reservations, restrictions, and conditions as may be determined by the Administrator to be necessary to safeguard the interests of the United States.

(3) With respect to surplus real and related personal property conveyed pursuant to this subsection, the Administrator is authorized and directed—

(A) to determine and enforce compliance with the terms, conditions, reservations, and restrictions contained in any instrument by which such transfer was made;

(B) to reform, correct, or amend any such instrument by the execution of a corrective reformatory or amendatory instrument where necessary to correct such instrument or to conform such transfer to the requirements of applicable law; and

(C) to (i) grant releases from any of the terms, conditions, reservations, and restrictions contained in, and (ii) convey, quitclaim,

⁴ So in original. Probably should be paragraph "(1)".

or release to the transferee or other eligible user any right or interest reserved to the United States by any instrument by which such transfer was made, if he determines that the property so transferred no longer serves the purpose for which it was transferred, or that such release, conveyance, or quitclaim deed will not prevent accomplishment of the purpose for which such property was so transferred: *Provided*, That any such release, conveyance, or quitclaim deed may be granted on, or made subject to, such terms and conditions as he or she shall deem necessary to protect or advance the interests of the United States.

(q) Military installation closures or realignments

(1) Under such regulations as the Administrator, after consultation with the Secretary of Defense, may prescribe, the Administrator, or the Secretary of Defense, in the case of property located at a military installation closed or realigned pursuant to a base closure law, may, in his or her discretion, assign to the Secretary of Transportation for disposal such surplus real property, including buildings, fixtures, and equipment situated thereon, as is recommended by the Secretary of Transportation as being needed for the development or operation of a port facility.

(2) Subject to the disapproval of the Administrator or the Secretary of Defense within 30 days after notice by the Secretary of Transportation of a proposed conveyance of property for any of the purposes described in paragraph (1), the Secretary of Transportation, through such officers or employees of the Department of Transportation as he or she may designate, may convey, at no consideration to the United States, such surplus real property, including buildings, fixtures, and equipment situated thereon, for use in the development or operation of a port facility to any State, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, the Commonwealth of the Northern Mariana Islands, or any political subdivision, municipality, or instrumentality thereof.

(3) No transfer of property may be made under this subsection until the Secretary of Transportation has—

(A) determined, after consultation with the Secretary of Labor, that the property to be conveyed is located in an area of serious economic disruption;

(B) received and, after consultation with the Secretary of Commerce, approved an economic development plan submitted by an eligible grantee and based on assured use of the property to be conveyed as part of a necessary economic development program; and

(C) transmitted to Congress an explanatory statement that contains information substantially similar to the information contained in statements prepared under subsection (e)(6) of this section.

(4) The instrument of conveyance of any surplus real property and related personal property disposed of under this subsection shall—

(A) provide that all such property shall be used and maintained in perpetuity for the pur-

pose for which it was conveyed, and that if the property ceases to be used or maintained for that purpose, all or any portion of the property shall, in its then existing condition, at the option of the United States, revert to the United States; and

(B) contain such additional terms, reservations, restrictions, and conditions as the Secretary of Transportation shall by regulation require to assure use of the property for the purposes for which it was conveyed and to safeguard the interests of the United States.

(5) With respect to surplus real property and related personal property conveyed pursuant to this subsection, the Secretary of Transportation shall—

(A) determine and enforce compliance with the terms, conditions, reservations, and restrictions contained in any instrument by which such conveyance was made;

(B) reform, correct, or amend any such instrument by the execution of a corrective, reformative, or amendatory instrument if necessary to correct such instrument or to conform such conveyance to the requirements of applicable law; and

(C)(i) grant releases from any of the terms, conditions, reservations, and restrictions contained in, and (ii) convey, quitclaim, or release to the grantee any right or interest reserved to the United States by, any instrument by which such conveyance was made, if the Secretary of Transportation determines that the property so conveyed no longer serves the purpose for which it was conveyed, or that such release, conveyance, or quitclaim deed will not prevent accomplishment of the purpose for which such property was so conveyed, except that any such release, conveyance, or quitclaim deed may be granted on, or made subject to, such terms and conditions as the Secretary of Transportation considers necessary to protect or advance the interests of the United States.

(6) In this section, the term “base closure law” means the following:

(A) Title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note).

(B) The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note).

(C) Section 2687 of title 10, United States Code.

(r) Donation of surplus law enforcement canines to their handlers

The head of a Federal agency having control of a canine that has been used by a Federal agency in the performance of law enforcement duties and that has been determined by the agency to be no longer needed for official purposes may donate the canine to an individual who has experience handling canines in the performance of those duties.

(June 30, 1949, ch. 288, title II, §203, 63 Stat. 385; Aug. 10, 1949, ch. 412, §12(a), (g), 63 Stat. 591; Sept. 5, 1950, ch. 849, §4, 64 Stat. 579; July 12, 1952, ch. 703, §1(i), (j), 66 Stat. 593; Aug. 8, 1953,

ch. 399, 67 Stat. 521; July 14, 1954, ch. 481, 68 Stat. 474; June 3, 1955, ch. 130, §§1, 2(a), 3, 5, 6, 69 Stat. 83, 84; Aug. 1, 1955, ch. 442, 69 Stat. 430; July 3, 1956, ch. 513, §§1-3, 70 Stat. 493, 494; Aug. 3, 1956, ch. 942, 70 Stat. 1020; Pub. L. 85-486, July 2, 1958, 72 Stat. 288; Pub. L. 87-94, July 20, 1961, 75 Stat. 213; Pub. L. 87-786, Oct. 10, 1962, 76 Stat. 805; Pub. L. 89-348, §2(4), Nov. 8, 1965, 79 Stat. 1312; Pub. L. 91-485, §§2-4, Oct. 22, 1970, 84 Stat. 1084, 1085; Pub. L. 92-362, §1, Aug. 4, 1972, 86 Stat. 503; Pub. L. 90-351, title I, §525, as added Pub. L. 93-83, §2, Aug. 6, 1973, 87 Stat. 216; Pub. L. 94-519, §1, Oct. 17, 1976, 90 Stat. 2451; Pub. L. 96-88, title III, §301(a)(2)(P), (b), title V, §§507, 509(b), Oct. 17, 1979, 93 Stat. 678, 692, 695; Pub. L. 97-31, §12(15), Aug. 6, 1981, 95 Stat. 154; Pub. L. 98-473, title II, §§701, 702, Oct. 12, 1984, 98 Stat. 2129, 2130; Pub. L. 99-386, title II, §§201, 207, Aug. 22, 1986, 100 Stat. 822, 823; Pub. L. 99-514, §2, Oct. 22, 1986, 100 Stat. 2095; Pub. L. 100-77, title V, §502(a), July 22, 1987, 101 Stat. 510; Pub. L. 100-612, §§3-5, Nov. 5, 1988, 102 Stat. 3180, 3181; Pub. L. 100-690, title II, §2081(b), Nov. 18, 1988, 102 Stat. 4216; Pub. L. 103-82, title II, §202(f), Sept. 21, 1993, 107 Stat. 888; Pub. L. 103-160, div. B, title XXIX, §2927, Nov. 30, 1993, 107 Stat. 1932; Pub. L. 104-66, title II, §2091(a), Dec. 21, 1995, 109 Stat. 730; Pub. L. 105-27, §1, July 18, 1997, 111 Stat. 244; Pub. L. 105-50, Oct. 6, 1997, 111 Stat. 1167; Pub. L. 105-119, title I, §118, Nov. 26, 1997, 111 Stat. 2468.)

REFERENCES IN TEXT

This Act, referred to in subsecs. (a), (e)(3)(I), (j)(4)(F)(ii), and (k)(4)(A) to (C), is act June 30, 1949, ch. 288, 63 Stat. 377, as amended, known as the Federal Property and Administrative Services Act of 1949. For complete classification of this Act to the Code, see Short Title note set out under section 471 of this title and Tables.

The Merchant Marine Act, 1936, as amended, referred to in subsec. (i), is act June 29, 1936, ch. 858, 49 Stat. 1985, as amended, which is classified principally to chapter 27 (§1101 et seq.) of Title 46, Appendix, Shipping. For complete classification of this Act to the Code, see section 1245 of Title 46, Appendix, and Tables.

For classification and history of the Surplus Property Act of 1944, as amended, referred to in subsec. (k)(3)(A), (4), see note set out under section 473 of this title.

The National and Community Service Act of 1990, referred to in subsec. (k)(5)(B), is Pub. L. 101-610, Nov. 16, 1990, 104 Stat. 3127, as amended, which is classified principally to chapter 129 (§12501 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 12501 of Title 42 and Tables.

CODIFICATION

In subsec. (k)(1)(A), (B), "section 501(c)(3) of title 26" substituted for "section 101(6) of title 26" on authority of section 7852(b) of Title 26, Internal Revenue Code, which provides that a reference in other laws to the Internal Revenue Code of 1939 is deemed a reference to the corresponding provision of the Internal Revenue Code of 1986.

November 5, 1988, referred to in subsec. (o)(1), was in the original "the date of enactment of this paragraph and such effective date", which was translated as meaning the date of enactment of Pub. L. 100-612, which amended subsec. (o) generally, to reflect the probable intent of Congress.

Section was formerly classified to section 233 of Title 41, Public Contracts.

AMENDMENTS

1997—Subsec. (j)(3)(B). Pub. L. 105-50, §1, inserted "providers of assistance to families or individuals

whose annual incomes are below the poverty line (as that term is defined in section 9902 of title 42)," after "homeless individuals".

Subsec. (k)(4)(E). Pub. L. 105-50, §2(b), added subpar. (E).

Subsec. (k)(6). Pub. L. 105-50, §2(a), added par. (6).

Subsec. (p)(1). Pub. L. 105-119, §118, designated existing provisions as subpar. (A) and added subpar. (B).

Subsec. (r). Pub. L. 105-27 added subsec. (r).

1995—Subsec. (o). Pub. L. 104-66 redesignated par. (3) as (2) and substituted "(3)" for "(2)" after "made under paragraph", redesignated par. (2) as (1), and struck out former par. (1) which read as follows: "With respect to real and related personal property transferred or conveyed under subsection (p) or (q) of this section and real property disposed of under subsection (k) of this section and section 13(g) of the Surplus Property Act of 1944 (50 U.S.C. App. 1622(g)), the head of each executive agency disposing of such property shall submit during the calendar quarter following the close of each fiscal year a report to the Congress and to the Administrator showing the acquisition cost and the sale or lease value of all real and related personal property so disposed of during the preceding fiscal year. Such reports shall also show transfers or conveyances of property according to State, and may include such other information and recommendations as the Administrator or other executive agency head concerned deems appropriate."

1993—Subsec. (k)(5). Pub. L. 103-82 added par. (5).

Subsec. (o). Pub. L. 103-160, §2927(1), substituted "subsection (p) or (q)" for "subsection (p)".

Subsec. (q). Pub. L. 103-160, §2927(2), added subsec. (q).

1988—Subsec. (e)(3)(E). Pub. L. 100-612, §4(b), substituted "\$15,000" for "\$1,000".

Subsec. (e)(5). Pub. L. 100-612, §3, designated existing provisions as subpar. (A) and added subpar. (B).

Subsec. (e)(6). Pub. L. 100-612, §4(a), amended par. (6) generally. Prior to amendment, par. (6) read as follows: "Except as otherwise provided by this paragraph, an explanatory statement of the circumstances of each disposal by negotiation of any real or personal property having a fair market value in excess of \$1,000 shall be prepared. Each such statement shall be transmitted to the appropriate committees of the Congress in advance of such disposal, and a copy thereof shall be preserved in the files of the executive agency making such disposal. No such statement need be transmitted to any such committee with respect to any disposal of personal property made under paragraph (5) at a fixed price, or to property disposals authorized by any other provision of law to be made without advertising."

Subsec. (j)(3)(B). Pub. L. 100-690 inserted "drug abuse treatment centers" after "health centers".

Subsec. (o). Pub. L. 100-612, §5, amended subsec. (o) generally. Prior to amendment, subsec. (o) read as follows: "The Administrator with respect to property disposed of under subsection (j) or (p) of this section, and the head of each executive agency disposing of property under subsection (k) of this section, or under section 13(d) or 13(g) of the Surplus Property Act of 1944 (50 U.S.C. App. 1622(d) or (g)), shall submit during the calendar quarter following the close of each fiscal year a report to the Senate (or to the Secretary of the Senate if the Senate is not in session) and to the House of Representatives (or to the Clerk of the House if the House is not in session) showing the acquisition cost of all property so disposed of during the preceding fiscal year. Such reports shall also show disposals of property according to State, and may include such other information and recommendations as the Administrator or other executive agency head concerned deems appropriate."

1987—Subsec. (j)(3)(B). Pub. L. 100-77 inserted "providers of assistance to homeless individuals" after "health centers,".

1986—Subsec. (j)(3)(B). Pub. L. 99-514 substituted "Internal Revenue Code of 1986" for "Internal Revenue Code of 1954", which for purposes of codification was translated as "title 26" thus requiring no change in text.

Subsec. (j)(4)(E). Pub. L. 99-386, §207, substituted "\$5,000" for "\$3,000".

Subsec. (o). Pub. L. 99-386, §201, substituted "with respect to property disposed of under subsection (j) or (p) of this section" for "with respect to personal property donated under subsection (j) of this section and with respect to real and related personal property transferred or conveyed under subsection (p) of this section", "disposing of property under subsection (k) of this section, or under section 13(d) or 13(g) of the Surplus Property Act of 1944 (50 U.S.C. App. 1622(d) or (g)), shall submit" for "disposing of real property under subsection (k) of this section, shall submit", "cost of all property" for "cost of all personal property so donated and of all real property", and "show disposals of" for "show donations and transfers of".

1984—Subsec. (o). Pub. L. 98-473, §702, amended first sentence generally, inserting provisions requiring Administrator to make an annual report to Congress on total acquisition value of all personal and real property transferred pursuant to subsection (p) of this section.

Subsec. (p). Pub. L. 98-473, §701, added subsec. (p).

1981—Subsec. (i). Pub. L. 97-31 substituted references to the Maritime Administration for reference to the United States Maritime Commission.

1976—Subsec. (j). Pub. L. 94-519, §1(1), enlarged activities and types of recipients to be benefited through property donations, permitted transfers to any public agency for use in carrying out or promoting for the residents of a given political area one or more public purposes, such as conservation, economic development, education, parks and recreation, public health, and public safety, provided that in allocating and transferring surplus property the Administrator give fair consideration to expressions of need and interest on the part of public agencies or other eligible institutions within States as transmitted through State agencies, and inserted requirement that there be developed a State plan of operation.

Subsec. (k)(4). Pub. L. 94-519, §1(2), inserted " , except with respect to personal property transferred pursuant to subsection (j) of this section" in provisions preceding subpar. (A) and struck out subpar. (E) which provided for action by the Federal Civil Defense Administrator in the case of property transferred to civil defense organizations of the States or political subdivisions or instrumentalities thereof established by or pursuant to State law.

Subsec. (n). Pub. L. 94-519, §1(3), transferred to the Administrator the authority to enter into cooperative agreements with State agencies to carry out subsecs. (j) of this section or to designate other Federal agency heads to enter into such agreements.

Subsec. (o). Pub. L. 94-519, §1(4), required that the Administrator submit the annual reports concerning donations of personal property formerly submitted by the Secretary of Health, Education, and Welfare, and provided that the reports show donations according to States and include other information and recommendations deemed appropriate by the Administrator.

1973—Subsec. (n). Pub. L. 93-83 provided for the authority of the Administrator, Law Enforcement Assistance Administration, in connection with cooperative agreements respecting surplus property and for donation of surplus property in any State for purposes of law enforcement programs.

1972—Subsec. (k)(3), (4). Pub. L. 92-362 added par. (3) and redesignated former par. (3) as (4).

1970—Subsec. (k)(2), (3). Pub. L. 91-485, §2, added par. (2) and redesignated former par. (2) as (3).

Subsec. (n). Pub. L. 91-485, §3, substituted "(k)(1)" for (k) in first sentence.

Subsec. (o). Pub. L. 91-485, §4, substituted reference to fiscal year for reference to calendar quarter and struck out reference to distribution to educational or public health institutions in each State, Territory and possession and the requirement that the first report be submitted during the first calendar quarter beginning after the enactment of the subsection.

1965—Subsec. (o). Pub. L. 89-348 required the Secretary of Health, Education, and Welfare to report

semiannually instead of quarterly to the Senate and the House of Representatives with respect to personal property donations to State surplus property agencies and real property disposals to public health and educational institutions.

1962—Subsec. (j)(3), (7). Pub. L. 87-786 inserted provisions in par. (3) authorizing distribution to schools for the mentally retarded, schools for the physically handicapped, radio and television stations licensed by the Federal Communications Commission as educational radio or educational television stations, and to public libraries, and added par. (7).

1961—Subsec. (n). Pub. L. 87-94 authorized use by State surplus property distribution agencies of surplus personal property determined to be useful and needed in administering the surplus property donation program.

1958—Subsec. (e). Pub. L. 85-486 amended subsec. (e) generally to require surplus property to be disposed of by public advertising, except in certain instances where disposal may be made by negotiation, to establish the advertising procedure, to make the authority of the Administrator to dispose of property by negotiation permanent, to provide for disposal of property through contract brokers employed by the Administrator, and to exempt from the requirement of the explanatory statement, negotiated disposals of property with a market value of less than \$1,000.

1956—Subsec. (e). Act Aug. 3, 1956, extended provisions of subsec. (e) from June 30, 1955, to July 31, 1958.

Subsec. (j)(1). Act July 3, 1956, §1, permitted donation of surplus property for civil defense purposes, or for research for educational, public health or civil defense purposes, and restricted donation only to the State agency designated for the purpose of distributing allocated property.

Subsec. (j)(2). Act July 3, 1956, §1, redesignated par. (3) as (2), and permitted disposal for civil defense purposes. Former par. (2) redesignated (3).

Subsec. (j)(3). Act July 3, 1956, §1, redesignated par. (2) as (3), and struck out provisions authorizing distribution to State departments of health or education, required transfer by Administrator to the State agency designated for the purpose of distributing allocated property, and substituted "section 501(c)(3) of Title 26, Internal Revenue Code of 1954" for "section 101(6) of Title 26, Internal Revenue Code". Former par. (3) redesignated (2).

Subsec. (j)(4). Act July 3, 1956, §1, added par. (4), and redesignated former par. (4) as (5).

Subsec. (j)(5), (6). Act July 3, 1956, §1, redesignated par. (4) as (5), and included the Federal Civil Defense Administrator and property donated under par. (4). Former par. (5) redesignated (6).

Subsec. (k)(2)(E). Act July 3, 1956, §2, added subpar. (E).

Subsec. (n). Act July 3, 1956, §3, permitted the Federal Civil Defense Administrator to enter into cooperative agreements with State surplus property distribution agencies.

1955—Subsec. (j)(1). Act June 3, 1955, §§1(a), 6(b), permitted donation of property acquired from working-capital or similar funds, and substituted "any State" for "the States, Territories, and possessions".

Subsec. (j)(2). Act June 3, 1955, §§1(b), 6(a), restricted transfer of property until the Secretary of Health, Education, and Welfare has received a certification that such property is usable and needed for educational or public health purposes, and substituted "Secretary of Health, Education, and Welfare" for "Federal Security Administrator".

Subsec. (j)(4), (5). Act June 3, 1955, §§2(a), 6(b), added pars. (4) and (5).

Subsec. (k). Act June 3, 1955, §6(a)(c), substituted "Secretary of Health, Education, and Welfare" for "Federal Security Administrator", and "Department of Health, Education, and Welfare" for "Federal Security Agency", wherever appearing, and included the Commonwealth of Puerto Rico in definition of "States".

Subsec. (l). Act Aug. 1, 1955, added subsec. (l), redesignated former subsec. (l) as (m).

Subsec. (m). Act Aug. 1, 1955, redesignated subsec. (l) as (m). Former subsec. (m) redesignated (n).

Act June 3, 1955, §3, added subsec. (m).

Subsec. (n). Act Aug. 1, 1955, redesignated subsec. (m) as (n). Former subsec. (n) redesignated (o).

Act June 3, 1955, §5, added subsec. (n).

Subsec. (o). Act Aug. 1, 1955, redesignated subsec. (n) as (o).

1954—Subsec. (e). Act July 14, 1954, substituted “June 30, 1955” for “June 30, 1954”.

1953—Subsec. (e). Act Aug. 8, 1953, substituted “June 30, 1954” for “June 30, 1953”.

1952—Subsec. (e). Act July 12, 1952, §1(i), extended time for disposal of surplus property without advertising from Dec. 31, 1950, to June 30, 1953, and required a report to Congress.

Subsec. (k)(2)(iii). Act July 12, 1952, §1(j), substituted “transferred, or that” for “transferred, and that”.

1950—Subsec. (j)(1), (2). Act Sept. 5, 1950, authorized the Administrator in his discretion to donate surplus personal property, such as equipment, materials, books, or other supplies for public health purposes.

EFFECTIVE DATE OF 1993 AMENDMENT

Amendment by Pub. L. 103-82 effective Oct. 1, 1993, see section 202(i) of Pub. L. 103-82, set out as an Effective Date note under section 12651 of Title 42, The Public Health and Welfare.

EFFECTIVE DATE OF 1976 AMENDMENT

Section 9 of Pub. L. 94-519 provided that: “The provisions of this Act [enacting sections 476, 483c, 484c and 493 of this title, amending this section and sections 483 and 512 of this title, repealing section 3193 of Title 42, The Public Health and Welfare, and enacting provisions set out as notes under this section] shall become effective one year after the date of enactment of this Act [Oct. 17, 1976].”

EFFECTIVE DATE OF 1973 AMENDMENT

Amendment by Pub. L. 93-83 effective on and after July 1, 1973, see section 3 of Pub. L. 93-83, set out as a note under section 3701 of Title 42, The Public Health and Welfare.

EFFECTIVE DATE OF 1956 AMENDMENT

Section 5 of act July 3, 1956, provided that:

“(a) Except as provided by subsection (b), the amendments made by this Act [amending this section] shall become effective on the first day of the first month beginning after the date of enactment of this Act [July 3, 1956].

“(b) In the case of any State which on the date of enactment of this Act [July 3, 1956] has not designated a single State agency for the purpose of distributing surplus property pursuant to subsection 203(j) of the Federal Property and Administrative Services Act of 1949, as amended [subsec. (j) of this section], transfers of such property may be made by the Administrator of General Services under such subsection, as amended by this Act, to the State agency heretofore designated in such State to distribute property in conformity with such subsection for purposes of education and public health to the extent that such agency is authorized under State law to receive and distribute any class of property transferred pursuant to such subsection, or in the absence of any such agency or in the absence of authority of such agency to receive and distribute any such class of property, to any State agency or official authorized under State law to receive and distribute such property, until ninety calendar days have passed after the close of the first regular session of the legislature of such State beginning after the date of enactment of this Act.”

EFFECTIVE DATE OF 1955 AMENDMENT

Section 2(b) of Act June 3, 1955, provided that: “The amendment made by subsection (a) [amending this section] shall apply only with respect to property donated after the date of enactment of this Act [June 3, 1955].”

SAVINGS PROVISIONS; PRIOR RESTRICTIONS, TERMS, AND CONDITIONS

Section 2 of Pub. L. 94-519 provided that: “Except to the extent that the Administrator of General Services, in the case of specific items or categories of property, has determined otherwise, no term, condition, reservation, or restriction imposed pursuant to subsection (j)(5) of section 203 of the Federal Property and Administrative Services Act of 1949 [subsec. (j)(5) of this section] (as in effect prior to the date of enactment of this Act [Oct. 17, 1976]), on the use of any item of personal property donated pursuant to subsection (j)(3) or (j)(4) of section 203 [subsec. (j)(3) or (j)(4) of this section] prior to the effective date of this Act [Oct. 17, 1977] as provided in section 9(a) [set out as an Effective Date of 1976 Amendment note above] shall remain in effect beyond the thirtieth day after such effective date. This section shall not be deemed to terminate any civil or criminal liability arising out of a violation of such a term, condition, reservation, or restriction which occurred prior to such effective date if a judicial proceeding to enforce such liability is pending on such effective date, or is commenced within one year after such date.”

TRANSFER OF FUNCTIONS

References to the Secretary of Education, Department of Education, Secretary of Health and Human Services, and Department of Health and Human Services were substituted, as appropriate, for “Secretary of Health, Education, and Welfare” and “Department of Health, Education, and Welfare” in subsecs. (k)(1), (4)(A), (B), and (n) pursuant to sections 301(a)(2)(P), (b), 507, and 509(b) of Pub. L. 96-88, which are classified to sections 3441(a)(2)(P), (b), 3507, and 3508(b) of Title 20, Education, and which transferred functions (with respect to donations of surplus property for educational purposes under subsec. (k) of this section) and offices (relating to education) of the Secretary and Department of Health, Education, and Welfare to the Secretary and Department of Education, and redesignated the Secretary and Department of Health, Education, and Welfare as the Secretary and Department of Health and Human Services.

TERMINATION OF TRUST TERRITORY OF THE PACIFIC ISLANDS

For termination of Trust Territory of the Pacific Islands, see note set out preceding section 1681 of Title 48, Territories and Insular Possessions.

TERMINATION OF ADVISORY COMMITTEES

Advisory committees in existence on Jan. 5, 1973, to terminate not later than the expiration of the 2-year period following Jan. 5, 1973, unless, in the case of a committee established by the President or an officer of the Federal Government, such committee is renewed by appropriate action prior to the expiration of such 2-year period, or in the case of a committee established by the Congress, its duration is otherwise provided by law. See section 14 of Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 776, set out in the Appendix to Title 5, Government Organization and Employees.

DONATION OF SURPLUS PROPERTY TO STATE AGRICULTURAL EXTENSION AGENCIES

Pub. L. 86-570, July 5, 1960, 74 Stat. 307, provided: “That, notwithstanding any provision of the Federal Property and Administrative Services Act of 1949, as amended [see Short Title note set out under section 471 of this title], or any other law, the Postmaster General and the Administrator of General Services are hereby authorized and directed to transfer, as soon as practicable after date of enactment hereof [July 5, 1960], without cost, to any State or county agency engaged in cooperative agricultural extension work pursuant to the Act of May 8, 1914, as amended (7 U.S.C. 341-348), for the use of such agency, all right, title, and interest in

and to any office equipment, materials, books, or other supplies (whether or not capitalized in a working capital fund established under section 405 of the National Security Act of 1947, as amended [section 172d of former title 5, Executive Departments and Government Officers and Employees, and now covered by section 2208 of Title 10, Armed Forces], or any similar fund) which have heretofore been assigned for use to any such State or county agency by the Post Office Department [now the United States Postal Service] or the General Services Administration, respectively.”

TERMINATION OF PRIOR RESTRICTIONS

Section 4 of act June 3, 1955, provided that:

“(a) In the case of personal property donated or sold at a discount for educational, public health or memorial purposes, including research, under any provision of law enacted prior to the enactment of the Federal Property and Administrative Services Act of 1949 [see Short Title note set out under section 471 of this title], no term, condition, reservation, or restriction imposed on the use of such property shall remain in effect after the date of the enactment of this Act [June 3, 1955]. This subsection shall not be deemed to terminate any civil or criminal liability arising out of a violation of such a term, condition, reservation, or restriction which occurred prior to the enactment of this Act, if a judicial proceeding to enforce such liability is pending at the time of, or commenced within one year after the enactment of this Act.

“(b) No term, condition, reservation, or restriction imposed upon the use of any single item of property donated under section 203(j) of the Federal Property and Administrative Services Act of 1949 [subsec. (j) of this section] prior to the enactment of this Act [June 3, 1955] which has an acquisition cost of less than \$2,500 shall remain in effect after the expiration of the one-year period which begins on the date of the enactment of this Act [June 3, 1955]. This subsection shall not be deemed to terminate any civil or criminal liability arising out of a violation of such a term, condition, reservation, or restriction if (1) such violation occurred prior to the expiration of such one-year period and (2) a judicial proceeding to enforce such liability is pending at the time of enactment of this Act or is commenced not later than one year after the expiration of such one-year period.”

EX. ORD. NO. 12999. EDUCATIONAL TECHNOLOGY: ENSURING OPPORTUNITY FOR ALL CHILDREN IN THE NEXT CENTURY

Ex. Ord. No. 12999, Apr. 17, 1996, 61 F.R. 17227, provided:

In order to ensure that American children have the skills they need to succeed in the information-intensive 21st century, the Federal Government is committed to working with the private sector to promote four major developments in American education: making modern computer technology an integral part of every classroom; providing teachers with the professional development they need to use new technologies effectively; connecting classrooms to the National Information Infrastructure; and encouraging the creation of excellent educational software. This Executive order streamlines the transfer of excess and surplus Federal computer equipment to our Nation’s classrooms and encourages Federal employees to volunteer their time and expertise to assist teachers and to connect classrooms.

Accordingly, by the authority vested in me as President by the Constitution and the laws of the United States of America, including the provisions of the Stevenson-Wylder Technology Innovation Act of 1980, as amended (15 U.S.C. 3701 *et seq.*), the Federal Property and Administrative Services Act of 1949, ch. 288, 63 Stat. 377 [see Short Title note set out under section 471 of this title], and the National Defense Authorization Act for Fiscal Year 1996, Public Law 104-106 [see Tables for classification], it is hereby ordered as follows:

SECTION 1. Protection of Educationally Useful Federal Equipment. (a) Educationally useful Federal equipment is a vital national resource. To the extent such equipment can be used as is, separated into parts for other computers, or upgraded—either by professional technicians, students, or other recycling efforts—educationally useful Federal equipment is a valuable tool for computer education. Therefore, to the extent possible, all executive departments and agencies (hereinafter referred to as “agencies”) shall protect and safeguard such equipment, particularly when declared excess or surplus, so that it may be recycled and transferred, if appropriate, pursuant to this order.

SEC. 2. Efficient Transfer of Educationally Useful Federal Equipment to Schools and Nonprofit Organizations. (a) To the extent permitted by law, all agencies shall give highest preference to schools and nonprofit organizations, including community-based educational organizations, (“schools and nonprofit organizations”) in the transfer, through gift or donation, of educationally useful Federal equipment.

(b) Agencies shall attempt to give particular preference to schools and nonprofit organizations located in the Federal enterprise communities and empowerment zones established in the Omnibus Reconciliation Act of 1993, Public Law 103-66 [see 26 U.S.C. 1391 *et seq.*].

(c) Each agency shall, to the extent permitted by law and where appropriate, identify educationally useful Federal equipment that it no longer needs and transfer it to a school or nonprofit organization by:

(1) conveying research equipment directly to the school or organization pursuant to 15 U.S.C. 3710(i); or

(2) reporting excess equipment to the General Services Administration (GSA) for donation when declared surplus in accordance with section 203(j) of the Federal Property and Administrative Services Act of 1949, as amended, 40 U.S.C. 484(j). Agencies shall report such equipment as far as possible in advance of the date the equipment becomes excess, so that GSA may attempt to arrange direct transfers from the donating agency to recipients eligible under this order.

(d) In transfers made pursuant to paragraph (c)(1) of this section, title shall transfer directly from the agency to the schools or nonprofit organizations as required by 15 U.S.C. 3710(i). All such transfers shall be reported to the GSA. At the direction of the recipient institution or organization, and if appropriate, transferred equipment may be conveyed initially to a nonprofit reuse or recycling program that will upgrade it before transfer to the school or nonprofit organization holding title.

(e) All transfers to schools or nonprofit organizations, whether made directly or through GSA, shall be made at the lowest cost to the school or nonprofit organization permitted by law.

(f) The availability of educationally useful Federal equipment shall be made known to eligible recipients under this order by all practicable means, including newspaper, community announcements, and the Internet.

(g) The regional Federal Executive Boards shall help facilitate the transfer of educationally useful Federal equipment from the agencies they represent to recipients eligible under this order.

SEC. 3. Assisting Teachers’ Professional Development: Connecting Classrooms. (a) Each agency that has employees who have computer expertise shall, to the extent permitted by law and in accordance with the guidelines of the Office of Personnel Management, encourage those employees to:

(1) help connect America’s classrooms to the National Information Infrastructure;

(2) assist teachers in learning to use computers to teach; and

(3) provide ongoing maintenance of and technical support for the educationally useful Federal equipment transferred pursuant to this order.

(b) Each agency described in subsection (a) shall submit to the Office of Science and Technology Policy,

within 6 months of the date of this order, an implementation plan to advance the developments described in this order, particularly those required in this section. The plan shall be consistent with approved agency budget totals and shall be coordinated through the Office of Science and Technology Policy.

(c) Nothing in this order shall be interpreted to bar a recipient of educationally useful Federal equipment from lending that equipment, whether on a permanent or temporary basis, to a teacher, administrator, student, employee, or other designated person in furtherance of educational goals.

SEC. 4. *Definitions.* For the purposes of this order: (a) "Schools" means individual public or private education institutions encompassing prekindergarten through twelfth grade, as well as public school districts.

(b) "Community-based educational organizations" means nonprofit entities that are engaged in collaborative projects with schools or that have education as their primary focus. Such organizations shall qualify as nonprofit educational institutions or organizations for purposes of section 203(j) of the Federal Property and Administrative Services Act of 1949, as amended.

(c) "Educationally useful Federal equipment" means computers and related peripheral tools (e.g., printers, modems, routers, and servers), including telecommunications and research equipment, that are appropriate for use in prekindergarten, elementary, middle, or secondary school education. It shall also include computer software, where the transfer of licenses is permitted.

(d) "Nonprofit reuse or recycling program" means a 501(c) organization able to upgrade computer equipment at no or low cost to the school or nonprofit organization taking title to it.

(e) "Federal Executive Boards," as defined in 5 C.F.R. Part 960, are regional organizations of each Federal agency's highest local officials.

SEC. 5. This order shall supersede Executive Order No. 12821 of November 16, 1992.

SEC. 6. *Judicial Review.* This order is not intended, and should not be construed, to create any right or benefit, substantive or procedural, enforceable at law by a party against the United States, its agencies, its officers, or its employees.

WILLIAM J. CLINTON.

CROSS REFERENCES

Eligibility of State and local agencies and nonprofit organizations and institutions receiving funds appropriated for programs for older individuals to receive surplus property, see section 3020d of Title 42, The Public Health and Welfare.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 475, 481, 483, 483c, 484c, 483d, 490, 512 of this title; title 8 section 1324; title 10 section 2577; title 14 section 641; title 20 section 3441; title 22 section 2358; title 28 section 604; title 36 section 493; title 38 section 8162; title 42 sections 11411, 11412; title 45 section 1212.

§ 484-1. Transfer of miscellaneous books to District Public Library

Any books of a miscellaneous character no longer required for the use of any executive department, or bureau, or commission of the Government, and not deemed an advisable addition to the Library of Congress, shall, if appropriate to the uses of the Free Public Library of the District of Columbia, subject to applicable regulations under the Federal Property and Administrative Services Act of 1949, as amended [40 U.S.C. 471 et seq.], be turned over to that library for general use as a part thereof.

(Feb. 25, 1903, ch. 755, §1, 32 Stat. 865; Oct. 31, 1951, ch. 654, §2(1), 65 Stat. 706.)

REFERENCES IN TEXT

The Federal Property and Administrative Services Act of 1949, as amended, referred to in text, is act June 30, 1949, ch. 288, 63 Stat. 377, as amended. Regulations provisions of the Act are contained in section 486 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 471 of this title and Tables.

CODIFICATION

Section was not enacted as part of the Federal Property and Administrative Services Act of 1949, part of which comprises this chapter.

Section was formerly classified to section 110 of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, §1, Sept. 6, 1966, 80 Stat. 378.

Section is also classified to section 37-109 of the District of Columbia Code.

CROSS REFERENCES

Transfer by Librarian of Congress of books to other libraries, see section 149 of Title 2, The Congress.

§ 484a. Omitted

CODIFICATION

Section, Pub. L. 86-626, title I, §101, July 12, 1960, 74 Stat. 434, which provided for disposal of surplus real estate and buildings by local governmental units under a comprehensive and coordinated plan of use and procurement, was from the Independent Offices Appropriation Act, 1961, and was not repeated in subsequent appropriation acts.

§ 484b. Repealed. Pub. L. 98-181, title I, § 126(a)(1), Nov. 30, 1983, 97 Stat. 1175

Section, Pub. L. 91-152, title IV, §414, Dec. 24, 1969, 83 Stat. 400; Pub. L. 91-609, title IX, §919, Dec. 31, 1970, 84 Stat. 1816; Pub. L. 95-557, title III, §317, Oct. 31, 1978, 92 Stat. 2100; Pub. L. 96-399, title V, §504, Oct. 8, 1980, 94 Stat. 1669, related to transfer of surplus real property to Secretary of Housing and Urban Development or the Secretary of Agriculture for sale or lease.

TRANSFERRED PROPERTIES; REQUESTS PRIOR TO NOVEMBER 30, 1983; CONTINUING APPLICATION OF SUBSEC. (b)

Section 126(a)(2) and (3) of Pub. L. 98-181 provided that:

"(2) Notwithstanding paragraph (1) [repealing this section], the Secretary of Housing and Urban Development and the Secretary of Agriculture may dispose of Federal surplus real property pursuant to the terms of section 414 of such Act [this section] if, prior to the date of the enactment of this Act [Nov. 30, 1983], either Secretary had requested the Administrator of General Services to transfer such property for such disposition.

"(3) Notwithstanding paragraph (1), section 414(b) of such Act shall continue to apply, where applicable, to all property transferred by either Secretary pursuant to section 414 of such Act, including properties transferred pursuant to paragraph (2)."

§ 484c. Transfer of personnel and other resources from Department of Health, Education, and Welfare to General Services Administration by Director of Office of Management and Budget

(a) So much of the personnel, property, records, and unexpended balance of appropriations, allocations, and other funds as are, in the judgment of the Director of the Office of Management and Budget, employed, used, held, available, or to be made available in relation to those personal property functions which the