

§ 529. Annual executive agency reports on excess personal property

(a) IN GENERAL.—During the calendar quarter following the close of each fiscal year, each executive agency shall submit to the Administrator of General Services a report on personal property—

(1) obtained as—

(A) excess property; or

(B) personal property determined to be no longer required for the purpose of the appropriation used to make the purchase; and

(2) furnished within the United States to a recipient other than a federal agency.

(b) REQUIRED INFORMATION.—The report must set out the categories of equipment and show—

(1) the acquisition cost of the property;

(2) the recipient of the property; and

(3) other information the Administrator may require.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1086.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
529	40:483(e).	June 30, 1949, ch. 288, title II, § 202(e), as added Pub. L. 94–519, § 3, Oct. 17, 1976, 90 Stat. 2454.

In subsection (a)(2), the words “in any manner whatsoever” are omitted as unnecessary.

In subsection (b), the words “set out the categories of equipment” are substituted for “showing . . . categories of equipment” to clarify the required form and content of the report. The words “The Administrator shall submit 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) summarizing and analyzing the reports of the executive agencies” are omitted pursuant to section 3003 of the Federal Reports Elimination and Sunset Act of 1995 (31 U.S.C. 1113 note). See, also, page 173 of House Document No. 103–7.

SUBCHAPTER III—DISPOSING OF PROPERTY

§ 541. Supervision and direction

Except as otherwise provided in this subchapter, the Administrator of General Services shall supervise and direct the disposition of surplus property in accordance with this subtitle.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1086.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
541	40:484(a).	June 30, 1949, ch. 288, title II, § 203(a), 63 Stat. 385.

The words “shall supervise and direct the disposition of surplus property in accordance with this subtitle” are substituted for “shall have supervision and direction 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” for clarity and to eliminate unnecessary words.

Statutory Notes and Related Subsidiaries

TRANSFERRED PROPERTIES; REQUESTS PRIOR TO NOVEMBER 30, 1983

Pub. L. 98–181, title I [title I, § 126(a)(2), (3)], Nov. 30, 1983, 97 Stat. 1175, provided that:

“(2) Notwithstanding paragraph (1) [repealing former 40 U.S.C. 484b], 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 [former 40 U.S.C. 484b] 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) [former 40 U.S.C. 484b(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).”

§ 542. Care and handling

The disposal of surplus property, and the care and handling of the property pending disposition, may be performed by the General Services Administration or, when the Administrator of General Services decides, by the executive agency in possession of the property or by any other executive agency that agrees.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1086.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
542	40:484(b).	June 30, 1949, ch. 288, title II, § 203(b), 63 Stat. 385.

§ 543. Method of disposition

An executive agency designated or authorized by the Administrator of General Services 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, on terms and conditions that the Administrator considers proper. The agency may execute documents to transfer title or other interest in the property and may take other action it considers necessary or proper to dispose of the property under this chapter.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1086.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
543	40:484(c).	June 30, 1949, ch. 288, title II, § 203(c), 63 Stat. 385.

§ 544. Validity of transfer instruments

A deed, bill of sale, lease, or other instrument executed by or on behalf of an executive agency purporting to transfer title or other interest in surplus property under this chapter is conclusive evidence of compliance with the provisions of this chapter concerning title or other interest of a bona fide grantee or transferee for value and without notice of lack of compliance.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1087.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
544	40:484(d).	June 30, 1949, ch. 288, title II, §203(d), 63 Stat. 385.

§ 545. Procedure for disposal

(a) PUBLIC ADVERTISING FOR BIDS.—

(1) REQUIREMENT.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Administrator of General Services may make or authorize a disposal or a contract for disposal of surplus property only after public advertising for bids, under regulations the Administrator prescribes.

(B) EXCEPTIONS.—This subsection does not apply to disposal or a contract for disposal of surplus property—

(i) under subsection (b) or (d); or

(ii) by abandonment, destruction, or donation or through a contract broker.

(2) TIME, METHOD, AND TERMS.—The time, method, and terms and conditions of advertisement must permit full and free competition consistent with the value and nature of the property involved.

(3) PUBLIC DISCLOSURE.—Bids must be publicly disclosed at the time and place stated in the advertisement.

(4) AWARDS.—An award shall be made with reasonable promptness by notice to the responsible bidder whose bid, conforming to the invitation for bids, is most advantageous to the Federal Government, price and other factors considered. However, all bids may be rejected if it is in the public interest to do so.

(b) NEGOTIATED DISPOSAL.—Under regulations the Administrator prescribes, disposals and contracts for disposal may be negotiated without regard to subsection (a), but subject to obtaining competition that is feasible under the circumstances, if—

(1) necessary in the public interest—

(A) during the period of a national emergency declared by the President or Congress, with respect to a particular lot of personal property; or

(B) for a period not exceeding three months, with respect to a specifically described category of personal property as determined by the Administrator;

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

(3) public exigency will not allow delay incident to advertising certain personal property;

(4) the nature and quantity of personal property involved are such that disposal under subsection (a) would impact an industry to an extent that would adversely affect the national economy, and the estimated fair market value of the property and other satisfactory terms of disposal can be obtained by negotiation;

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

(6) after advertising under subsection (a), the bid prices for the property, or part of the property, are not reasonable or have not been independently arrived at in open competition;

(7) with respect to real property, 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;

(8) the disposal will be to a State, territory, or possession of the United States, or to a political subdivision of, or a tax-supported agency in, a State, territory, or possession, and the estimated fair market value of the property and other satisfactory terms of disposal are obtained by negotiation; or

(9) otherwise authorized by law.

(c) DISPOSAL THROUGH CONTRACT BROKERS.—

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 regulations the Administrator prescribes. The regulations must require that brokers give wide public notice of the availability of the property for disposal.

(d) NEGOTIATED SALE AT FIXED PRICE.—

(1) AUTHORIZATION.—The Administrator may make a negotiated sale of personal property at a fixed price, either directly or through the use of a disposal contractor, without regard to subsection (a). However, the sale must be publicized to an extent consistent with the value and nature of the property involved and the price established must reflect the estimated fair market value of the property. Sales under this subsection are limited to categories of personal property for which the Administrator determines that disposal under this subsection best serves the interests of the Government.

(2) FIRST OFFER.—Under regulations and restrictions the Administrator prescribes, an opportunity to purchase property at a fixed price under this subsection may be offered first to an entity specified in subsection (b)(8) that has expressed an interest in the property.

(e) EXPLANATORY STATEMENTS FOR NEGOTIATED DISPOSALS.—

(1) REQUIREMENT.—

(A) IN GENERAL.—Except as provided in subparagraph (B), an explanatory statement of the circumstances shall be prepared for each disposal by negotiation of—

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

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

(iii) real property disposed of by lease for a term of not more than 5 years, if the estimated fair annual rent is more than \$100,000 for any year;

(iv) 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 more than \$100,000; or

(v) real property or real and related personal property disposed of by exchange, re-

ardless of value, or any property for which any part of the consideration is real property.

(B) EXCEPTION.—An explanatory statement is not required for a disposal of personal property under subsection (d), or for a disposal of real or personal property authorized by any other law to be made without advertising.

(2) TRANSMITTAL TO CONGRESS.—The explanatory statement shall be transmitted to the appropriate committees of Congress in advance of the disposal, and a copy of the statement shall be preserved in the files of the executive agency making the disposal.

(3) LISTING IN REPORT.—A report of the Administrator under section 126 of this title must include 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 subsection.

(f) APPLICABILITY OF OTHER LAW.—Section 6101(b)–(d) of title 41 does not apply to a disposal or contract for disposal made under this section. (Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1087; Pub. L. 111–350, § 5(l)(10), Jan. 4, 2011, 124 Stat. 3852.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
545	40:484(e).	June 30, 1949, ch. 288, title II, § 203(e), 63 Stat. 386; July 12, 1952, ch. 703, § 1(i), 66 Stat. 593; Aug. 8, 1953, ch. 399, 67 Stat. 521; July 14, 1954, ch. 481, 68 Stat. 474; Aug. 3, 1956, ch. 942, 70 Stat. 1020; Pub. L. 85–486, July 2, 1958, 72 Stat. 288; Pub. L. 100–612, §§ 3, 4, Nov. 5, 1988, 102 Stat. 3180.

In subsection (e)(3), the words “A report” are substituted for “the annual report” for consistency in the revised title. See the revision note under section 126 of this title.

Editorial Notes

AMENDMENTS

2011—Subsec. (f). Pub. L. 111–350 substituted “Section 6101(b)–(d) of title 41” for “Section 3709 of the Revised Statutes (41 U.S.C. 5)”.

Statutory Notes and Related Subsidiaries

DISPOSAL OF SURPLUS PROPERTY TO LOCAL GOVERNMENTS AND NONPROFIT INSTITUTIONS

Act Oct. 3, 1944, ch. 479, § 13, 58 Stat. 770; Sept. 18, 1945, ch. 368, § 2, 59 Stat. 533; May 3, 1946, ch. 248, § 5, 60 Stat. 169; 1947 Reorg. Plan No. 1, § 501, eff. July 1, 1947, 12 F.R. 4535, 61 Stat. 952; July 30, 1947, ch. 404, 61 Stat. 678; June 10, 1948, ch. 433, §§ 1, 2, 62 Stat. 350; June 29, 1948, ch. 727, 62 Stat. 1103; June 30, 1949, ch. 288, title I, § 105, title VI, § 602(a)(1), formerly title V, § 502(a)(1), 63 Stat. 381, 399, renumbered Sept. 5, 1950, ch. 849, § 6(a), (b), 64 Stat. 583; amended Oct. 1, 1949, ch. 589, §§ 1, 5, 63 Stat. 701; Pub. L. 85–726, title XIV, § 1402(c), Aug. 23, 1958, 72 Stat. 807; Pub. L. 87–90, July 20, 1961, 75 Stat. 211; Pub. L. 91–258, title I, § 52(b)(6), May 21, 1970, 84 Stat. 235; Pub. L. 91–485, § 5, Oct. 22, 1970, 84 Stat. 1085; Pub. L. 92–362, § 2,

Aug. 4, 1972, 86 Stat. 504; Pub. L. 97–248, title V, § 524(c), Sept. 3, 1982, 96 Stat. 696; Pub. L. 103–272, § 7(b), July 5, 1994, 108 Stat. 1379, provided that:

“(a) to (c) [Repealed. June 30, 1949, ch. 288, title VI, § 602(a)(1), formerly title V, § 502(a)(1), 63 Stat. 399, renumbered Sept. 5, 1950, ch. 849, § 6(a), (b), 64 Stat. 583.]

“(d) Whenever any State or political subdivision thereof, or any State or Government agency or instrumentality certifies to the Administrator of General Services that any power transmission line determined to be surplus property under the provisions of this Act [former 50 U.S.C. App. 1611 et seq.] is needful for or adaptable to the requirements of any public or cooperative power project, such line and the right-of-way acquired for its construction shall not be sold, leased for more than one year, or otherwise disposed of, except as provided in section 12 [former 50 U.S.C. App. 1621] or this section, unless specifically authorized by Act of Congress.

“(e), (f) [Repealed. June 30, 1949, ch. 288, title VI, § 602(a)(1), formerly title V, § 502(a)(1), 63 Stat. 399, renumbered Sept. 5, 1950, ch. 849, § 6(a), (b), 64 Stat. 583.]

“(g) [Repealed. Pub. L. 103–272, § 7(b), July 5, 1994, 108 Stat. 1379.]”

§ 546. Contractor inventories

Subject to regulations of the Administrator of General Services, an executive agency may authorize a contractor or subcontractor with the agency to retain or dispose of contractor inventory.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1089.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
546	40:484(f).	June 30, 1949, ch. 288, title II, § 203(f), 63 Stat. 386.

§ 547. Agricultural commodities, foods, and cotton or woolen goods

(a) POLICIES.—The Administrator of General Services shall consult with the Secretary of Agriculture to formulate policies for the disposal of surplus agricultural commodities, surplus foods processed from agricultural commodities, and surplus cotton or woolen goods. The policies shall be formulated to prevent surplus agricultural commodities, or surplus foods processed from agricultural commodities, from being dumped on the market in a disorderly manner and disrupting the market prices for agricultural commodities.

(b) TRANSFERS TO DEPARTMENT OF AGRICULTURE.—

(1) IN GENERAL.—The Administrator shall transfer without charge to the Department of Agriculture any surplus agricultural commodities, foods, and cotton or woolen goods for disposal, when the Secretary determines that a transfer is necessary for the Secretary to carry out responsibilities for price support or stabilization.

(2) DEPOSIT OF RECEIPTS.—Receipts resulting from disposal by the Department under this subsection shall be deposited pursuant to any authority available to the Secretary. When applicable, however, net proceeds from the sale of surplus property transferred under this subsection shall be credited pursuant to section 572(a) of this title.

(3) LIMITATION OF SALES.—Surplus farm commodities transferred under this subsection

may not be sold, other than for export, in quantities exceeding, or at prices less than, the applicable quantities and prices for sales of those commodities by the Commodity Credit Corporation.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1089.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
547(a)	40:484(g).	June 30, 1949, ch. 288, title II, § 203(g), (h), 63 Stat. 386.
547(b)	40:484(h).	

§ 548. Surplus vessels

The Maritime Administration shall dispose of surplus vessels of 1,500 gross tons or more which the Administration determines to be merchant vessels or capable of conversion to merchant use. The vessels shall be disposed of in accordance with part F of subtitle V of title 46 and other laws authorizing the sale of such vessels.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1090; Pub. L. 109–304, § 17(g)(1), Oct. 6, 2006, 120 Stat. 1708.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
548	40:484(i).	June 30, 1949, ch. 288, title II, § 203(i), 63 Stat. 386; Pub. L. 97–31, § 12(15), Aug. 6, 1981, 95 Stat. 154.

Editorial Notes

AMENDMENTS

2006—Pub. L. 109–304 substituted “part F of subtitle V of title 46” for “the Merchant Marine Act, 1936 (46 App. U.S.C. 1101 et seq.),”.

§ 549. Donation of personal property through state agencies

(a) DEFINITIONS.—In this section, the following definitions apply:

(1) PUBLIC AGENCY.—The term “public agency” means—

(A) a State;

(B) a political subdivision of a State (including a unit of local government or economic development district);

(C) a department, agency, or instrumentality of a State (including instrumentalities created by compact or other agreement between States or political subdivisions); or

(D) an Indian tribe, band, group, pueblo, or community located on a state reservation.

(2) STATE.—The term “State” means a State of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, the Northern Mariana Islands, and American Samoa.

(3) STATE AGENCY.—The term “state agency” means an agency designated under state law as the agency responsible for fair and equitable distribution, through donation, of property transferred under this section.

(b) AUTHORIZATION.—

(1) IN GENERAL.—The Administrator of General Services, in the Administrator’s discre-

tion and under regulations the Administrator may prescribe, may transfer property described in paragraph (2) to a state agency.

(2) PROPERTY.—

(A) IN GENERAL.—Property referred to in paragraph (1) is any personal property that—

(i) is under the control of an executive agency; and

(ii) has been determined to be surplus property.

(B) SPECIAL RULE.—In determining whether the property is to be transferred for donation under this section, no distinction may be made between property capitalized in a working-capital fund established under section 2208 of title 10 (or similar fund) and any other property.

(3) NO COST.—Transfer of property under this section is without cost, except for any costs of care and handling.

(c) ALLOCATION AND TRANSFER OF PROPERTY.—

(1) IN GENERAL.—The Administrator shall allocate and transfer property under this section in accordance with criteria that are based on need and use and that are established after consultation with state agencies to the extent feasible. The Administrator shall give fair consideration, consistent with the established criteria, to an expression of need and interest from a public agency or other eligible institution within a State. The Administrator shall give special consideration to an eligible recipient’s request, transmitted through the state agency, for a specific item of property.

(2) ALLOCATION AMONG STATES.—The Administrator shall allocate property among the States on a fair and equitable basis, taking into account the condition of the property as well as the original acquisition cost of the property.

(3) RECIPIENTS AND PURPOSES.—The Administrator shall transfer to a state agency property the state agency selects for distribution through donation within the State—

(A) to a public agency for use in carrying out or promoting, for residents of a given political area, a public purpose, including conservation, economic development, education, parks and recreation, public health, and public safety;

(B) for purposes of education or public health (including research), to a nonprofit educational or public health institution or organization that is exempt from taxation under section 501 of the Internal Revenue Code of 1986 (26 U.S.C. 501), including—

(i) a medical institution, hospital, clinic, health center, or drug abuse treatment center;

(ii) a provider of assistance to homeless individuals or to families or individuals whose annual incomes are below the poverty line (as that term is defined in section 673 of the Community Services Block Grant Act (42 U.S.C. 9902));

(iii) a school, college, or university;

(iv) a school for the mentally retarded or physically handicapped;

(v) a child care center;

(vi) a radio or television station licensed by the Federal Communications Commis-

sion as an educational radio or educational television station;

(vii) a museum attended by the public, and, for purposes of determining whether a museum is attended by the public, the Administrator shall consider a museum to be public if the nonprofit educational or public health institution or organization, at minimum, accedes to any request submitted for access during business hours;

(viii) a library serving free all residents of a community, district, State, or region; or

(ix) a historic light station as defined under section 305101(4) of title 54, including a historic light station conveyed under section 305103 of title 54, notwithstanding the number of hours that the historic light station is open to the public; or

(C) for purposes of providing services to veterans (as defined in section 101 of title 38), to an organization whose—

(i) membership comprises substantially veterans; and

(ii) representatives are recognized by the Secretary of Veterans Affairs under section 5902 of title 38.

(4) EXCEPTION.—This subsection does not apply to property transferred under subsection (d).

(d) DEPARTMENT OF DEFENSE PROPERTY.—

(1) DETERMINATION.—The Secretary of Defense shall determine whether surplus personal property under the control of the Department of Defense is usable and necessary for educational activities which are of special interest to the armed services, including maritime academies, or military, naval, Air Force, or Coast Guard preparatory schools.

(2) PROPERTY USABLE FOR SPECIAL INTEREST ACTIVITIES.—If the Secretary of Defense determines that the property is usable and necessary for educational activities which are of special interest to the armed services, the Secretary shall allocate the property for transfer by the Administrator to the appropriate state agency for distribution through donation to the educational activities.

(3) PROPERTY NOT USABLE FOR SPECIAL INTEREST ACTIVITIES.—If the Secretary of Defense determines that the property is not usable and necessary for educational activities which are of special interest to the armed services, the property may be disposed of in accordance with subsection (c).

(e) STATE PLAN OF OPERATION.—

(1) IN GENERAL.—Before property may be transferred to a state agency, the State shall develop a detailed state plan of operation, in accordance with this subsection and with state law.

(2) PROCEDURE.—

(A) CONSIDERATION OF NEEDS AND RESOURCES.—In developing and implementing the state plan of operation, the relative needs and resources of all public agencies and other eligible institutions in the State shall be taken into consideration. The Administrator may consult with interested fed-

eral agencies to obtain their views concerning the administration and operation of this section.

(B) PUBLICATION AND PERIOD FOR COMMENT.—The state plan of operation, and any major amendment to the plan, may not be filed with the Administrator until 60 days after general notice of the proposed plan or amendment has been published and interested persons have been given at least 30 days to submit comments.

(C) CERTIFICATION.—The chief executive officer of the State shall certify and submit the state plan of operation to the Administrator.

(3) REQUIREMENTS.—

(A) STATE AGENCY.—The state plan of operation shall include adequate assurance that the state agency has—

(i) the necessary organizational and operational authority and capability including staff, facilities, and means and methods of financing; and

(ii) established procedures for accountability, internal and external audits, cooperative agreements, compliance and use reviews, equitable distribution and property disposal, determination of eligibility, and assistance through consultation with advisory bodies and public and private groups.

(B) EQUITABLE DISTRIBUTION.—The state plan of operation shall provide for fair and equitable distribution of property in the State based on the relative needs and resources of interested public agencies and other eligible institutions in the State and their abilities to use the property.

(C) MANAGEMENT CONTROL AND ACCOUNTING SYSTEMS.—The state plan of operation shall require, for donable property transferred under this section, that the state agency use management control and accounting systems of the same type as systems required by state law for state-owned property. However, with approval from the chief executive officer of the State, the state agency may elect to use other management control and accounting systems that are effective to govern the use, inventory control, accountability, and disposal of property under this section.

(D) RETURN AND REDISTRIBUTION FOR NON-USE.—The state plan of operation shall require the state agency to provide for the return and redistribution of donable property if the 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 that purpose within one year of being placed in use.

(E) REQUEST BY RECIPIENT.—The state plan of operation shall require the state agency, to the extent practicable, to select property requested by a public agency or other eligible institution in the State and, if requested by the recipient, to arrange shipment of the property directly to the recipient.

(F) SERVICE CHARGES.—If 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 the charges shall be set out in the state plan of operation. The charges shall be fair and equitable and shall be based on services the state agency performs, including screening, packing, crating, removal, and transportation.

(G) TERMS, CONDITIONS, RESERVATIONS, AND RESTRICTIONS.—

(i) IN GENERAL.—The state plan of operation shall provide that the state agency—

(I) may impose reasonable terms, conditions, reservations, and restrictions on the use of property to be donated under subsection (c); and

(II) shall impose reasonable terms, conditions, reservations, and restrictions on the use of a passenger motor vehicle and any item of property having a unit acquisition cost of \$5,000 or more.

(ii) SPECIAL LIMITATIONS.—If the Administrator finds that an item has characteristics that require special handling or use limitations, the Administrator may impose appropriate conditions on the donation of the property.

(H) UNUSABLE PROPERTY.—

(i) DISPOSAL.—The state plan of operation shall provide that surplus personal property which the state agency determines cannot be used by eligible recipients shall be disposed of—

(I) subject to the disapproval of the Administrator within 30 days after notice to the Administrator, through transfer by the state agency to another state agency or through abandonment or destruction if the property has no commercial value or if the estimated cost of continued care and handling exceeds estimated proceeds from sale; or

(II) under this subtitle, on terms and conditions and in a manner the Administrator prescribes.

(ii) PROCEEDS FROM SALE.—Notwithstanding subchapter IV of this chapter and section 702 of this title, the Administrator, from the proceeds of sale of property described in subsection (b), may reimburse the state agency for expenses that the Administrator considers appropriate for care and handling of the property.

(f) COOPERATIVE AGREEMENTS WITH STATE AGENCIES.—

(1) PARTIES TO THE AGREEMENT.—For purposes of carrying out this section, a cooperative agreement may be made between a state surplus property distribution agency designated under this section and—

(A) the Administrator;

(B) the Secretary of Education, for property transferred under section 550(c) of this title;

(C) the Secretary of Health and Human Services, for property transferred under section 550(d) of this title; or

(D) the head of a federal agency designated by the Administrator, the Secretary of Edu-

cation, or the Secretary of Health and Human Services.

(2) SHARED RESOURCES.—The cooperative agreement may provide that the property, facilities, personnel, or services of—

(A) a state agency may be used by a federal agency; and

(B) a federal agency may be made available to a state agency.

(3) REIMBURSEMENT.—The cooperative agreement may require payment or reimbursement for the use or provision of property, facilities, personnel, or services. Payment or reimbursement received from a state agency shall be credited to the fund or appropriation against which charges would otherwise be made.

(4) SURPLUS PROPERTY TRANSFERRED TO STATE AGENCY.—

(A) IN GENERAL.—Under the cooperative agreement, surplus property transferred to a state agency for distribution pursuant to subsection (c) may be retained by the state agency for use in performing its functions. Unless otherwise directed by the Administrator, title to the retained property vests in the state agency.

(B) CONDITIONS.—Retention of surplus property under this paragraph is subject to conditions that may be imposed by—

(i) the Administrator;

(ii) the Secretary of Education, for property transferred under section 550(c) of this title; or

(iii) the Secretary of Health and Human Services, for property transferred under section 550(d) of this title.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1090; Pub. L. 109–313, § 5, Oct. 6, 2006, 120 Stat. 1737; Pub. L. 111–338, § 2, Dec. 22, 2010, 124 Stat. 3590; Pub. L. 113–26, § 2, Aug. 9, 2013, 127 Stat. 502; Pub. L. 113–287, § 5(j)(1), Dec. 19, 2014, 128 Stat. 3269; Pub. L. 114–287, § 23, Dec. 16, 2016, 130 Stat. 1479.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
549(a)(1), (2)	40:484(j)(5).	June 30, 1949, ch. 288, title II, § 203(j), 63 Stat. 386; Sept. 5, 1950, ch. 849, § 4, 64 Stat. 579; June 3, 1955, ch. 130, §§ 1, 2(a), 6(a), (b), 69 Stat. 83, 84; July 3, 1956, ch. 513, § 1, 70 Stat. 493; Pub. L. 87–786, Oct. 10, 1962, 76 Stat. 805; Pub. L. 94–519, § 1(1), Oct. 17, 1976, 90 Stat. 2451; Pub. L. 99–386, title II, § 207, Aug. 22, 1986, 100 Stat. 823; Pub. L. 100–77, title V, § 502(a), July 22, 1987, 101 Stat. 510; Pub. L. 100–690, title II, § 2081(b), Nov. 18, 1988, 102 Stat. 4216; Pub. L. 105–50, § 1, Oct. 6, 1997, 111 Stat. 1167.
549(a)(3), (b)	40:484(j)(1).	
549(c)	40:484(j)(3).	
549(d)	40:484(j)(2).	
549(e)	40:484(j)(4).	

HISTORICAL AND REVISION NOTES—CONTINUED

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
549(f)	40:484(n).	June 30, 1949, ch. 288, title II, §203(n), formerly (m), as added June 3, 1955, ch. 130, §3, 69 Stat. 84; redesignated (n), Aug. 1, 1955, ch. 442, 69 Stat. 430; July 3, 1956, ch. 513, §3, 70 Stat. 494; Pub. L. 87-94, July 20, 1961, 75 Stat. 213; Pub. L. 90-351, title I, §525, as added Pub. L. 93-83, §2, Aug. 6, 1973, 87 Stat. 216; Pub. L. 91-485, §3, Oct. 22, 1970, 84 Stat. 1085; Pub. L. 94-519, §1(3), Oct. 17, 1976, 90 Stat. 2453.

In subsection (a)(2), the words “the Northern Mariana Islands” are added because of section 502(a)(2) of the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union With the United States of America (48:1801 note).

In subsection (d), the words “Secretary of Defense” are substituted for “National Military Establishment” [subsequently changed to “Department of Defense” because of section 12(a) of the National Security Act Amendments of 1949 (ch. 412, 63 Stat. 591)] because of 10:113(a).

In subsection (e)(2)(B), the words “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” are omitted as obsolete.

In subsection (f)(1)(B)–(D) and (4)(B), the words “Secretary of Education” and “Secretary of Health and Human Services” are substituted for “Secretary of Health, Education, and Welfare” because of sections 301(a)(2)(P) and (b), 507, and 509(b) of the Department of Education Organization Act (20:3441(a)(2)(P) and (b), 3507, and 3508(b)).

Editorial Notes

AMENDMENTS

2016—Subsec. (c)(3)(B)(vii). Pub. L. 114-287 amended cl. (vii) generally. Prior to amendment, cl. (vii) read as follows: “a museum attended by the public;”.

2014—Subsec. (c)(3)(B)(ix). Pub. L. 113-287 substituted “section 305101(4) of title 54” for “section 308(e)(2) of the National Historic Preservation Act (16 U.S.C. 470w-7(e)(2))” and “section 305103 of title 54” for “subsection (b) of that section”.

2013—Subsec. (c)(3)(B)(viii), (x). Pub. L. 113-26, §2(2), inserted “or” at end of cl. (viii) and struck out cl. (x) which read as follows: “an organization whose—

“(I) membership comprises substantially veterans (as defined under section 101 of title 38); and

“(II) representatives are recognized by the Secretary of Veterans Affairs under section 5902 of title 38.”

Subsec. (c)(3)(C). Pub. L. 113-26, §2(1), (3), added subpar. (C).

2010—Subsec. (c)(3)(B)(x). Pub. L. 111-338 added cl. (x).

2006—Subsec. (c)(3)(B)(ix). Pub. L. 109-313 added cl. (ix).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2006 AMENDMENT

Amendment by Pub. L. 109-313 effective 60 days after Oct. 6, 2006, see section 6 of Pub. L. 109-313, set out as a note under section 5316 of Title 5, Government Organization and Employees.

TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities

and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

Executive Documents

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-Wydler 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 [now chapters 1 to 11 of this title and division C (except sections 3302, 3307(e), 3501(b), 3509, 3906, 4710, and 4711) of subtitle I of Title 41, Public Contracts], 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) [now 40 U.S.C. 549]. 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 [now 40 U.S.C. 549].

(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.

§ 550. Disposal of real property for certain purposes

(a) **DEFINITION.**—In this section, the term "State" includes the District of Columbia, Puerto Rico, and the territories and possessions of the United States.

(b) **ENFORCEMENT AND REVISION OF INSTRUMENTS TRANSFERRING PROPERTY UNDER THIS SECTION.**—

(1) **IN GENERAL.**—Subject to disapproval by the Administrator of General Services within 30 days after notice of a proposed action to be taken under this section, except for personal property transferred pursuant to section 549 of this title, the official specified in paragraph (2) shall determine and enforce compliance with the terms, conditions, reservations, and restrictions contained in an instrument by which a transfer under this section is made. The official shall reform, correct, or amend the instrument if necessary to correct the instrument or to conform the transfer to the requirements of law. The official shall grant a release from any term, condition, reservation or restriction contained in the instrument, and shall convey, quitclaim, or release to the transferee (or other eligible user) any right or interest reserved to the Federal Government by the instrument, if the official determines that the property no longer serves the purpose for which it was transferred or that a release, conveyance, or quitclaim deed will not prevent accomplishment of that purpose. The release, conveyance, or quitclaim deed may be made subject to terms and conditions that the official considers necessary to protect or advance the interests of the Government.

(2) **SPECIFIED OFFICIAL.**—The official referred to in paragraph (1) is—

(A) the Secretary of Education, for property transferred under subsection (c) for school, classroom, or other educational use;

(B) the Secretary of Health and Human Services, for property transferred under subsection (d) for use in the protection of public health, including research;

(C) the Secretary of the Interior, for property transferred under subsection (e) for public park or recreation area use;

(D) the Secretary of Housing and Urban Development, for property transferred under subsection (f) to provide housing or housing assistance for low-income individuals or families; and

(E) the Secretary of the Interior, for property transferred under subsection (h) for use as a historic monument for the benefit of the public.

(c) **PROPERTY FOR SCHOOL, CLASSROOM, OR OTHER EDUCATIONAL USE.**—

(1) **ASSIGNMENT.**—The Administrator, in the Administrator's discretion and under regulations that the Administrator may prescribe, may assign to the Secretary of Education for disposal surplus real property, including buildings, fixtures, and equipment situated on the property, that the Secretary recommends as needed for school, classroom, or other educational use.

(2) **SALE OR LEASE.**—Subject to disapproval by the Administrator within 30 days after notice to the Administrator by the Secretary of Education of a proposed transfer, the Secretary, for school, classroom, or other educational use, may sell or lease property assigned to the Secretary under paragraph (1) to a State, a political subdivision or instrumentality of a State, a tax-supported educational institution, or a nonprofit educational institution that has been held exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 501(c)(3)).

(3) **FIXING VALUE.**—In fixing the sale or lease value of property disposed of under paragraph (2), the Secretary of Education shall take into consideration any benefit which has accrued or may accrue to the Government from the use of the property by the State, political subdivision or instrumentality, or institution.

(d) **PROPERTY FOR USE IN THE PROTECTION OF PUBLIC HEALTH, INCLUDING RESEARCH.**—

(1) **ASSIGNMENT.**—The Administrator, in the Administrator's discretion and under regulations that the Administrator may prescribe, may assign to the Secretary of Health and Human Services for disposal surplus real property, including buildings, fixtures, and equipment situated on the property, that the Secretary recommends as needed for use in the protection of public health, including research.

(2) **SALE OR LEASE.**—Subject to disapproval by the Administrator within 30 days after notice to the Administrator by the Secretary of Health and Human Services of a proposed transfer, the Secretary, for use in the protection of public health, including research, may sell or lease property assigned to the Secretary under paragraph (1) to a State, a political subdivision or instrumentality of a State, a tax-supported medical institution, or a hospital or similar institution not operated for profit that has been held exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 501(c)(3)).

(3) **FIXING VALUE.**—In fixing the sale or lease value of property disposed of under paragraph (2), the Secretary of Health and Human Services shall take into consideration any benefit which has accrued or may accrue to the Government from the use of the property by the State, political subdivision or instrumentality, or institution.

(e) **PROPERTY FOR USE AS A PUBLIC PARK OR RECREATION AREA.**—

(1) **ASSIGNMENT.**—The Administrator, in the Administrator's discretion and under regulations that the Administrator may prescribe, may assign to the Secretary of the Interior for disposal surplus real property, including build-

ings, fixtures, and equipment situated on the property, that the Secretary recommends as needed for use as a public park or recreation area.

(2) **SALE OR LEASE.**—Subject to disapproval by the Administrator within 30 days after notice to the Administrator by the Secretary of the Interior of a proposed transfer, the Secretary, for public park or recreation area use, may sell or lease property assigned to the Secretary under paragraph (1) to a State, a political subdivision or instrumentality of a State, or a municipality.

(3) **FIXING VALUE.**—In fixing the sale or lease value of property disposed of under paragraph (2), the Secretary of the Interior shall take into consideration any benefit which has accrued or may accrue to the Government from the use of the property by the State, political subdivision or instrumentality, or municipality.

(4) **DEED OF CONVEYANCE.**—The deed of conveyance of any surplus real property disposed of under this subsection—

(A) shall provide that all of the property be used and maintained for the purpose for which it was conveyed in perpetuity, 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 Government, revert to the Government; and

(B) may contain additional terms, reservations, restrictions, and conditions the Secretary of the Interior determines are necessary to safeguard the interests of the Government.

(f) **PROPERTY FOR LOW INCOME HOUSING ASSISTANCE.**—

(1) **ASSIGNMENT.**—The Administrator, in the Administrator's discretion and under regulations that the Administrator may prescribe, may assign to the Secretary of Housing and Urban Development for disposal surplus real property, including buildings, fixtures, and equipment situated on the property, that the Secretary recommends as needed to provide housing or housing assistance for low-income individuals or families.

(2) **SALE OR LEASE.**—Subject to disapproval by the Administrator within 30 days after notice to the Administrator by the Secretary of Housing and Urban Development of a proposed transfer, the Secretary, to provide housing or housing assistance for low-income individuals or families, may sell or lease property assigned to the Secretary under paragraph (1) to a State, a political subdivision or instrumentality of a State, or a nonprofit organization that exists for the primary purpose of providing housing or housing assistance for low-income individuals or families.

(3) **SELF-HELP HOUSING.**—

(A) **IN GENERAL.**—The Administrator shall disapprove a proposed transfer of property under this subsection 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 requiring that—

(i) subject to subparagraph (B), an individual or family receiving housing or housing assistance 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.

(B) GUIDELINES FOR CONSIDERING DISABILITIES.—For purposes of fulfilling self-help requirements under paragraph (3)(A)(i), the Administrator shall ensure that nonprofit organizations receiving property under paragraph (2) develop and use guidelines to consider any disability (as defined in section 3(2) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102(2))).

(4) FIXING VALUE.—

(A) IN GENERAL.—In fixing the sale or lease value of property disposed of under paragraph (2), the Secretary of Housing and Urban Development shall take into consideration and discount the value for any benefit which has accrued or may accrue to the Government from the use of the property by the State, political subdivision or instrumentality, or nonprofit organization.

(B) AMOUNT OF DISCOUNT.—The amount of the discount under subparagraph (A) is 75 percent of the market value of the property, except that the Secretary of Housing and Urban Development may discount by a greater percentage if the Secretary, in consultation with the Administrator, determines that a higher percentage is justified.

(g) PROPERTY FOR NATIONAL SERVICE ACTIVITIES.—

(1) ASSIGNMENT.—The Administrator, in the Administrator's discretion and under regulations that the Administrator may prescribe, may assign to the Chief Executive Officer of the Corporation for National and Community Service for disposal surplus property that the Chief Executive Officer recommends as needed for national service activities.

(2) SALE, LEASE, OR DONATION.—Subject to disapproval by the Administrator within 30 days after notice to the Administrator by the Chief Executive Officer of a proposed transfer, the Chief Executive Officer, for national service activities, may sell, lease, or donate property assigned to the Chief Executive Officer under paragraph (1) to an entity that receives financial assistance under the National and Community Service Act of 1990 (42 U.S.C. 12501 et seq.).

(3) FIXING VALUE.—In fixing the sale or lease value of property disposed of under paragraph (2), the Chief Executive Officer shall take into consideration any benefit which has accrued or may accrue to the Government from the use of the property by the entity receiving the property.

(h) PROPERTY FOR USE AS A HISTORIC MONUMENT.—

(1) CONVEYANCE.—

(A) IN GENERAL.—Without monetary consideration to the Government, the Administrator may convey to a State, a political subdivision or instrumentality of a State, or a municipality, the right, title, and interest of the Government in and to any surplus real and related personal property that the Secretary of the Interior determines is suitable and desirable for use as a historic monument for the benefit of the public.

(B) RECOMMENDATION BY NATIONAL PARK SYSTEM ADVISORY BOARD.—Property may be determined to be suitable and desirable for use as a historic monument only in conformity with a recommendation by the National Park System Advisory Board established under section 102303 of title 54. Only the portion of the property that is necessary for the preservation and proper observation of the property's historic features may be determined to be suitable and desirable for use as a historic monument.

(2) REVENUE-PRODUCING ACTIVITY.—

(A) IN GENERAL.—The Administrator may authorize use of any property conveyed under this subsection for revenue-producing activities if the Secretary of the Interior—

(i) determines that the 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;

(iii) approves the grantee's plan for financing the repair, rehabilitation, restoration, and maintenance of the property; and

(iv) examines and approves the accounting and financial procedures used by the grantee.

(B) USE OF EXCESS INCOME.—The Secretary of the Interior may approve a grantee's financial plan only if the plan provides that the grantee shall use income exceeding the cost of repair, rehabilitation, restoration, and maintenance only for public historic preservation, park, or recreational purposes.

(C) AUDITS.—The Secretary of the Interior may periodically audit the records of the grantee that are directly related to the property conveyed.

(3) DEED OF CONVEYANCE.—The deed of conveyance of any surplus real property disposed of under this subsection—

(A) shall provide that all of the property be used and maintained for historical monument purposes in perpetuity, and that if the property ceases to be used or maintained for historical monument purposes, all or any portion of the property shall, in its then existing condition, at the option of the Government, revert to the Government; and

(B) may contain additional terms, reservations, restrictions, and conditions the Administrator determines are necessary to safeguard the interests of the Government.

(Pub. L. 107-217, Aug. 21, 2002, 116 Stat. 1094; Pub. L. 113-287, § 5(j)(2), Dec. 19, 2014, 128 Stat. 3269.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
550(a)	40:484(k)(1)(D).	June 30, 1949, ch. 288, title II, § 203(k), 63 Stat. 387; July 12, 1952, ch. 703, § 1(j), 66 Stat. 593; June 3, 1955, ch. 130, § 6(a), (c), 69 Stat. 84, 85; July 3, 1956, ch. 513, § 2, 70 Stat. 494; Pub. L. 91-485, § 2, Oct. 22, 1970, 84 Stat. 1084; Pub. L. 92-362, § 1, Aug. 4, 1972, 86 Stat. 503; Pub. L. 94-519, § 1(2), Oct. 17, 1976, 90 Stat. 2453; Pub. L. 103-82, title II, § 202(f), Sept. 21, 1993, 107 Stat. 888; Pub. L. 105-50, § 2, Oct. 6, 1997, 111 Stat. 1167.
550(b)	40:484(k)(4).	
550(c)	40:484(k)(1) (matter before (A) related to education), (A), (C) (related to education).	
550(d)	40:484(k)(1) (matter before (A) related to public health), (B), (C) (related to public health).	
550(e)	40:484(k)(2).	
550(f)	40:484(k)(6).	
550(g)	40:484(k)(5).	
550(h)	40:484(k)(3).	

In subsections (b)(2), (c), and (d), the words “Secretary of Education” and “Secretary of Health and Human Services” are substituted for “Secretary of Health, Education, and Welfare”, as appropriate, because of sections 301(a)(2)(P) and (b), 507, and 509(b) of the Department of Education Organization Act (20:3441(a)(2)(P) and (b), 3507, and 3508(b)).

In subsection (b)(2), the words “the Surplus Property Act of 1944, as amended”, and the text of 40:484(k)(4)(D), are omitted because the relevant provisions of the Surplus Property Act of 1944 (50 App.:1611 et seq.) have been repealed.

In subsection (e), the definition of “States” is omitted as unnecessary because of 40:484(k)(1)(D), restated in subsection (a).

In subsection (e)(4), the words “this subsection” are used to reflect the probable intent of Congress. In 40:484(k)(2)(C), the words “this subsection” should probably be “this paragraph”, meaning 40:484(k)(2). In the revised section, the reference to 40:484(k)(2) is translated as “this subsection” to reflect the restatement of 40:484(k)(2) as subsection (e) of the revised section.

In subsection (h), the definition of “States”, is omitted as unnecessary because of 40:484(k)(1)(D), restated in subsection (a).

In subsection (h)(1)(B), the words “National Park System Advisory Board” are substituted for “Advisory Board on National Parks, Historic Sites, Buildings and Monuments” because of the amendment of 16:463 by section 9 of the Act of August 18, 1970 (Public Law 91-383), as added by section 2 of the Act of October 7, 1976 (Public Law 94-458, 90 Stat. 1940).

In subsection (h)(2)(A), the words “this subsection” are used to reflect the probable intent of Congress. In 40:484(k)(3)(A), the words “this subsection” should probably be “this paragraph”, meaning 40:484(k)(3). In the revised section, the reference to 40:484(k)(3) is translated as “this subsection” to reflect the restatement of 40:484(k)(3) as subsection (h) of the revised section. The words “or the Surplus Property Act of 1944, as amended” are omitted because the relevant provisions of the Surplus Property Act of 1944 (50 App.:1611 et seq.) have been repealed.

In subsection (h)(3), the words “this subsection” are used to reflect the probable intent of Congress. In 40:484(k)(3)(B), the words “this subsection” should probably be “this paragraph”, meaning 40:484(k)(3). In the revised section, the reference to 40:484(k)(3) is translated as “this subsection” to reflect the restatement of 40:484(k)(3) as subsection (h) of the revised section.

Editorial Notes

REFERENCES IN TEXT

The National and Community Service Act of 1990, referred to in subsec.(g)(2), 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.

AMENDMENTS

2014—Subsec. (h)(1)(B). Pub. L. 113-287, § 5(j)(2), substituted “section 102303 of title 54” for “section 3 of the Act of August 21, 1935 (16 U.S.C. 463) (known as the Historic Sites, Buildings, and Antiquities Act)”.

§ 551. Donations to American Red Cross

The Administrator of General Services, in the Administrator’s discretion and under regulations that the Administrator may prescribe, may donate to the American National Red Cross for charitable purposes property that the American National Red Cross processed, produced, or donated and that has been determined to be surplus property.

(Pub. L. 107-217, Aug. 21, 2002, 116 Stat. 1099.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
551	40:484(l).	June 30, 1949, ch. 288, title II, § 203(l), as added Aug. 1, 1955, ch. 442, 69 Stat. 430.

§ 552. Abandoned or unclaimed property on Government premises

(a) **AUTHORITY TO TAKE PROPERTY.**—The Administrator of General Services may take possession of abandoned or unclaimed property on premises owned or leased by the Federal Government and determine when title to the property vests in the Government. The Administrator may use, transfer, or otherwise dispose of the property.

(b) **CLAIM FILED BY FORMER OWNER.**—If a former owner files a proper claim within three years from the date that title to the property vests in the Government, the former owner shall be paid an amount—

(1) equal to the proceeds realized from the disposition of the property less costs incident to care and handling as determined by the Administrator; or

(2) if the property has been used or transferred, equal to the fair value of the property as of the time title vested in the Government less costs incident to care and handling as determined by the Administrator.

(Pub. L. 107-217, Aug. 21, 2002, 116 Stat. 1099; Pub. L. 109-284, § 6(3), Sept. 27, 2006, 120 Stat. 1212.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
552	40:484(m).	June 30, 1949, ch. 288, title II, § 203(m), formerly § 203(l), 63 Stat. 388; redesignated § 203(m), Aug. 1, 1955, ch. 442, 69 Stat. 430.

Editorial Notes

AMENDMENTS

2006—Subsec. (a). Pub. L. 109-284 substituted “(a) AUTHORITY TO TAKE PROPERTY.—The Administrator” for “(a) AUTHORITY TO TAKE PROPERTY Administrator”.

§ 553. Property for correctional facility, law enforcement, and emergency management response purposes

(a) DEFINITION.—In this section, the term “State” includes the District of Columbia, Puerto Rico, Guam, American Samoa, the Virgin Islands, the Federated States of Micronesia, the Marshall Islands, Palau, and, the Northern Mariana Islands.

(b) AUTHORITY TO TRANSFER PROPERTY.—The Administrator of General Services, in the Administrator’s discretion and under regulations that the Administrator may prescribe, may transfer or convey to a State, or political subdivision or instrumentality of a State, surplus real and related personal property that—

(1) the Attorney General determines is required by the transferee or grantee for correctional facility use under a program approved by the Attorney General for the care or rehabilitation of criminal offenders;

(2) the Attorney General determines is required by the transferee or grantee for law enforcement purposes; or

(3) the Administrator of the Federal Emergency Management Agency determines is required by the transferee or grantee for emergency management response purposes including fire and rescue services.

(c) NO MONETARY CONSIDERATION.—A transfer or conveyance under this section shall be made without monetary consideration to the Federal Government.

(d) DEED OF CONVEYANCE.—The deed of conveyance of any surplus real and related personal property disposed of under this section—

(1) shall provide that all of the property be used and maintained for the purpose for which it was conveyed in perpetuity, 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 Government, revert to the Government; and

(2) may contain additional terms, reservations, restrictions, and conditions that the Administrator determines are necessary to safeguard the interests of the Government.

(e) ENFORCEMENT AND REVISION OF INSTRUMENTS TRANSFERRING PROPERTY UNDER THIS SECTION.—The Administrator shall determine and enforce compliance with the terms, conditions, reservations, and restrictions contained in an instrument by which a transfer or conveyance under this section is made. The Administrator shall reform, correct, or amend the instrument if necessary to correct the instrument or to conform the transfer to the requirements of law. The Administrator shall grant a release from any term, condition, reservation or restriction contained in the instrument, and shall convey, quitclaim, or release to the transferee (or other eligible user) any right or interest re-

served to the Government by the instrument, if the Administrator determines that the property no longer serves the purpose for which it was transferred or that a release, conveyance, or quitclaim deed will not prevent accomplishment of that purpose. The release, conveyance, or quitclaim deed may be made subject to terms and conditions that the Administrator considers necessary to protect or advance the interests of the Government.

(Pub. L. 107-217, Aug. 21, 2002, 116 Stat. 1099; Pub. L. 109-295, title VI, § 612(c), Oct. 4, 2006, 120 Stat. 1410.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
553	40:484(p).	June 30, 1949, ch. 288, title II, § 203(p), as added Pub. L. 98-473, title II, § 701, Oct. 12, 1984, 98 Stat. 2129; Pub. L. 105-119, title I, § 118, Nov. 26, 1997, 111 Stat. 2468; Pub. L. 106-113, § 1000(a)(5) [§ 233(a)], Nov. 29, 1999, 113 Stat. 1501A-301; Pub. L. 106-168, title III, § 301, Dec. 12, 1999, 113 Stat. 1821; Pub. L. 106-398, § 1 [§ 2814], Oct. 30, 2000, 114 Stat. 1654A-419.

In subsection (a), the words “Trust Territory of the Pacific Islands” are omitted and the words “the Federated States of Micronesia, the Marshall Islands, Palau” are added because of the termination of the Trust Territory of the Pacific Islands. See 48:1681 note prec.

In subsection (c), the text of 40:484(p)(1)(A) (last sentence) is omitted as executed and obsolete.

Editorial Notes

REFERENCES IN TEXT

The “Administrator”, referred to in subsecs. (d)(2) and (e), is the Administrator of General Services.

Statutory Notes and Related Subsidiaries

CHANGE OF NAME

“Administrator of the Federal Emergency Management Agency” substituted for “Director of the Federal Emergency Management Agency” in subsec. (b)(3) on authority of section 612(c) of Pub. L. 109-295, set out as a note under section 313 of Title 6, Domestic Security. Any reference to the Administrator of the Federal Emergency Management Agency in title VI of Pub. L. 109-295 or an amendment by title VI to be considered to refer and apply to the Director of the Federal Emergency Management Agency until Mar. 31, 2007, see section 612(f)(2) of Pub. L. 109-295, set out as a note under section 313 of Title 6.

TRANSFER OF FUNCTIONS

For transfer of all functions, personnel, assets, components, authorities, grant programs, and liabilities of the Federal Emergency Management Agency, including the functions of the Under Secretary for Federal Emergency Management relating thereto, to the Federal Emergency Management Agency, see section 315(a)(1) of Title 6, Domestic Security.

For transfer of functions, personnel, assets, and liabilities of the Federal Emergency Management Agency, including the functions of the Director of the Federal Emergency Management Agency relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see former section 313(1) and sections 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reor-

ganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

§ 554. Property for development or operation of a port facility

(a) **DEFINITIONS.**—In this section, the following definitions apply:

(1) **BASE CLOSURE LAW.**—The term “base closure law” has the meaning given that term in section 101(a)(17) of title 10.

(2) **STATE.**—The term “State” includes the District of Columbia, Puerto Rico, Guam, American Samoa, the Virgin Islands, the Federated States of Micronesia, the Marshall Islands, Palau, and the Northern Mariana Islands.

(b) **AUTHORITY FOR ASSIGNMENT TO THE SECRETARY OF TRANSPORTATION.**—Under regulations that the Administrator of General Services, 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 assign to the Secretary of Transportation for disposal surplus real property, including buildings, fixtures, and equipment situated on the property, that the Secretary of Transportation recommends as needed for the development or operation of a port facility.

(c) **AUTHORITY FOR CONVEYANCE BY THE SECRETARY OF TRANSPORTATION.**—

(1) **IN GENERAL.**—Subject to disapproval by the Administrator or the Secretary of Defense within 30 days after notice of a proposed conveyance by the Secretary of Transportation, the Secretary of Transportation, for the development or operation of a port facility, may convey property assigned to the Secretary of Transportation under subsection (b) to a State or political subdivision, municipality, or instrumentality of a State.

(2) **CONVEYANCE REQUIREMENTS.**—A transfer of property may be made under this section only after 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 section 545(e) of this title.

(d) **NO MONETARY CONSIDERATION.**—A conveyance under this section shall be made without monetary consideration to the Federal Government.

(e) **DEED OF CONVEYANCE.**—The deed of conveyance of any surplus real and related personal property disposed of under this section shall—

(1) provide that all of the property be used and maintained for the purpose for which it

was conveyed in perpetuity, 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 Government, revert to the Government; and

(2) contain additional terms, reservations, restrictions, and conditions that the Secretary of Transportation shall by regulation require to ensure use of the property for the purposes for which it was conveyed and to safeguard the interests of the Government.

(f) **ENFORCEMENT AND REVISION OF INSTRUMENTS TRANSFERRING PROPERTY UNDER THIS SECTION.**—The Secretary of Transportation shall determine and enforce compliance with the terms, conditions, reservations, and restrictions contained in an instrument by which a transfer or conveyance under this section is made. The Secretary shall reform, correct, or amend the instrument if necessary to correct the instrument or to conform the transfer to the requirements of law. The Secretary shall grant a release from any term, condition, reservation or restriction contained in the instrument, and shall convey, quitclaim, or release to the grantee any right or interest reserved to the Government by the instrument, if the Secretary determines that the property no longer serves the purpose for which it was transferred or that a release, conveyance, or quitclaim deed will not prevent accomplishment of that purpose. The release, conveyance, or quitclaim deed may be made subject to terms and conditions that the Secretary considers necessary to protect or advance the interests of the Government.

(Pub. L. 107-217, Aug. 21, 2002, 116 Stat. 1100; Pub. L. 109-163, div. A, title X, §1056(a)(5)(A), Jan. 6, 2006, 119 Stat. 3439; Pub. L. 109-284, §6(4), Sept. 27, 2006, 120 Stat. 1212.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
554	40:484(q).	June 30, 1949, ch. 288, title II, §203(q), as added Pub. L. 103-160, div. B, title XXIX, §2927(2), Nov. 30, 1993, 107 Stat. 1933.

In subsection (a), the words “Trust Territory of the Pacific Islands” are omitted and the words “the Federated States of Micronesia, the Marshall Islands, Palau” are added because of the termination of the Trust Territory of the Pacific Islands. See 48:1681 note prec.

Editorial Notes

AMENDMENTS

2006—Subsec. (a)(1). Pub. L. 109-163 substituted “has the meaning given that term in section 101(a)(17) of title 10.” for “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.”

Subsec. (c). Pub. L. 109-284 substituted “TRANSPORTATION.—” for “TRANSPORTATION.” in heading.

§ 555. Donation of law enforcement canines to 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.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1102.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
555	40:484(r).	June 30, 1949, ch. 288, title II, § 203(r), as added Pub. L. 105–27, § 1, July 18, 1997, 111 Stat. 244.

§ 556. Disposal of dredge vessels

(a) IN GENERAL.—The Administrator of General Services, pursuant to sections 521 through 527, 529, and 549 of this title, may dispose of a United States Army Corps of Engineers vessel used for dredging, together with related equipment owned by the Federal Government and under the control of the Chief of Engineers, if the Secretary of the Army declares the vessel to be in excess of federal needs.

(b) RECIPIENTS AND PURPOSES.—Disposal under this section is accomplished—

(1) through sale or lease to—

(A) a foreign government as part of a Corps of Engineers technical assistance program;

(B) a federal or state maritime academy for training purposes; or

(C) a non-federal public body for scientific, educational, or cultural purposes; or

(2) through sale solely for scrap to foreign or domestic interests.

(c) NO DREDGING ACTIVITIES.—A vessel described in subsection (a) shall not be disposed of under any law for the purpose of engaging in dredging activities within the United States.

(d) DEPOSIT OF AMOUNTS COLLECTED.—Amounts collected from the sale or lease of a vessel or equipment under this section shall be deposited into the revolving fund authorized by section 101 (9th par.) of the Civil Functions Appropriation¹ Act, 1954 (33 U.S.C. 576), to be available, as provided in appropriation laws, for the operation and maintenance of vessels under the control of the Corps of Engineers.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1102.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
556	40:483d.	Pub. L. 99–662, title IX, § 945, Nov. 17, 1986, 100 Stat. 4200.

In subsection (a), the words “U.S. Army Corps of Engineers” are substituted for “Corps of Engineers” for clarity. The words “Secretary of the Army” are substituted for “Secretary” because of section 2 of the Water Resources Development Act of 1986 (33:2201).

¹ So in original. Probably should be “Appropriations”.

In subsection (d), the words “U.S. Army Corps of Engineers” are substituted for “Corps of Engineers” for clarity.

§ 557. Donation of books to Free Public Library

Subject to regulations under this subtitle, a book that is no longer needed by an executive department, bureau, or commission of the Federal Government, and that is not an advisable addition to the Library of Congress, shall be turned over to the Free Public Library of the District of Columbia for general use if the book is appropriate for the Free Public Library.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1102.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
557	40:484–1.	Feb. 25, 1903, ch. 755, § 1 (7th par. on p. 865), 32 Stat. 865; Oct. 31, 1951, ch. 654, § 2(1), 65 Stat. 706.

§ 558. Donation of forfeited vessels

(a) IN GENERAL.—A vessel that is forfeited to the Federal Government may be donated, in accordance with procedures under this subtitle, to an eligible institution described in subsection (b).

(b) ELIGIBLE INSTITUTION.—An eligible institution referred to in subsection (a) is an educational institution with a commercial fishing vessel safety program or other vessel safety, education and training program. The institution must certify to the federal officer making the donation that the program includes, at a minimum, all of the following courses in vessel safety:

- (1) Vessel stability.
- (2) Firefighting.
- (3) Shipboard first aid.
- (4) Marine safety and survival.
- (5) Seamanship rules of the road.

(c) TERMS AND CONDITIONS.—The donation of a vessel under this section shall be made on terms and conditions considered appropriate by the federal officer making the donation. All of the following terms and conditions are required:

(1) NO WARRANTY.—The institution must accept the vessel as is, where it is, and without warranty of any kind and without any representation as to its condition or suitability for use.

(2) MAINTENANCE.—The institution is responsible for maintaining the vessel.

(3) INSTRUCTION ONLY.—The vessel may be used only for instructing students in a vessel safety education and training program.

(4) DOCUMENTATION.—If the vessel is eligible to be documented, it must be documented by the institution as a vessel of the United States under chapter 121 of title 46. The requirements of paragraph (5) must be noted on the permanent record of the vessel.

(5) DISPOSAL.—The institution must obtain prior approval from the Administrator of General Services before disposing of the vessel and any proceeds from disposal shall be payable to the Government.

(6) INSPECTION OR REGULATION.—The vessel shall be inspected or regulated in the same

manner as a nautical school vessel under chapter 33 of title 46.

(d) **GOVERNMENT LIABILITY.**—The Government is not liable in an action arising out of the transfer or use of a vessel transferred under this section.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1103.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
558	40:484d.	Pub. L. 99–640, § 13(a)–(c), Nov. 10, 1986, 100 Stat. 3551.

In subsection (b), the words “all of” are inserted for clarity.

§ 559. Advice of Attorney General with respect to antitrust law

(a) **DEFINITION.**—In this section, the term “antitrust law” includes—

- (1) the Sherman Act (15 U.S.C. 1 et seq.);
- (2) the Clayton Act (15 U.S.C. 12 et seq., 29 U.S.C. 52, 53);
- (3) the Federal Trade Commission Act (15 U.S.C. 41 et seq.); and
- (4) sections 73 and 74 of the Wilson Tariff Act (15 U.S.C. 8, 9).

(b) **ADVICE REQUIRED.**—

(1) **IN GENERAL.**—An executive agency shall not dispose of property to a private interest until the agency has received the advice of the Attorney General on whether the disposal to a private interest would tend to create or maintain a situation inconsistent with antitrust law.

(2) **EXCEPTION.**—This section does not apply to disposal of—

- (A) real property, if the estimated fair market value is less than \$3,000,000; or
- (B) personal property (other than a patent, process, technique, or invention), if the estimated fair market value is less than \$3,000,000.

(c) **NOTICE TO ATTORNEY GENERAL.**—

(1) **IN GENERAL.**—An executive agency that contemplates disposing of property to a private interest shall promptly transmit notice of the proposed disposal, including probable terms and conditions, to the Attorney General.

(2) **COPY.**—Except for the General Services Administration, an executive agency that transmits notice under paragraph (1) shall simultaneously transmit a copy of the notice to the Administrator of General Services.

(d) **ADVICE FROM ATTORNEY GENERAL.**—Within a reasonable time, not later than 60 days, after receipt of notice under subsection (c), the Attorney General shall advise the Administrator and any interested executive agency whether, so far as the Attorney General can determine, the proposed disposition would tend to create or maintain a situation inconsistent with antitrust law.

(e) **REQUEST FOR INFORMATION.**—On request from the Attorney General, the head of an executive agency shall furnish information the agency possesses that the Attorney General determines is appropriate or necessary to—

(1) give advice required by this section; or

(2) determine whether any other disposition or proposed disposition of surplus property violates antitrust law.

(f) **NO EFFECT ON ANTITRUST LAW.**—This subtitle does not impair, amend, or modify antitrust law or limit or prevent application of antitrust law to a person acquiring property under this subtitle.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1103.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
559	40:488.	June 30, 1949, ch. 288, title II, § 207, 63 Stat. 391; Pub. L. 85–680, Aug. 19, 1958, 72 Stat. 631; Pub. L. 100–612, § 7, Nov. 5, 1988, 102 Stat. 3182.

In subsection (e), the words “the head of an executive agency” are substituted for “the Administrator or any other executive agency”, the words “or cause to be furnished” are omitted, and the words “information the agency possesses” are substituted for “such information as the Administrator or such other executive agency may possess”, to eliminate unnecessary words.

Editorial Notes

REFERENCES IN TEXT

The Sherman Act, referred to in subsec. (a)(1), is act July 2, 1890, ch. 647, 26 Stat. 209, as amended, which is classified to sections 1 to 7 of Title 15, Commerce and Trade. For complete classification of this Act to the Code, see Short Title note set out under section 1 of Title 15 and Tables.

The Clayton Act, referred to in subsec. (a)(2), is act Oct. 15, 1914, ch. 323, 38 Stat. 730, as amended, which is classified generally to sections 12, 13, 14 to 19, 21, 22 to 27 of Title 15, Commerce and Trade, and sections 52 and 53 of Title 29, Labor. For further details and complete classification of this Act to the Code, see note set out under section 12 of Title 15 and Tables.

The Federal Trade Commission Act, referred to in subsec. (a)(3), is act Sept. 26, 1914, ch. 311, 38 Stat. 717, as amended, which is classified generally to subchapter I (§41 et seq.) of chapter 2 of Title 15, Commerce and Trade. For complete classification of this Act to the Code, see section 58 of Title 15 and Tables.

SUBCHAPTER IV—PROCEEDS FROM SALE OR TRANSFER

§ 571. General rules for deposit and use of proceeds

(a) **DEPOSIT IN TREASURY AS MISCELLANEOUS RECEIPTS.**—

(1) **IN GENERAL.**—Except as otherwise provided in this subchapter, proceeds described in paragraph (2) shall be deposited in the Treasury as miscellaneous receipts.

(2) **PROCEEDS.**—The proceeds referred to in paragraph (1) are proceeds under this chapter from a—

- (A) transfer of excess property to a federal agency for agency use; or
- (B) sale, lease, or other disposition of surplus property.

(b) **PAYMENT OF EXPENSES OF SALE BEFORE DEPOSIT.**—Subject to regulations under this subtitle, the expenses of the sale of old material, condemned stores, supplies, or other public