

(iii) the extent to which the mission of the executive agency is dependent on the personal property; and

(iv) any other aspect of the personal property that the Administrator determines is useful or necessary for the executive agency to evaluate.

(b) REQUIRED AS FAR AS PRACTICABLE.—Each executive agency, as far as practicable, shall—

(1) reassign property to another activity within the agency when the property is no longer required for the purposes of the appropriation used to make the purchase;

(2) transfer excess property under its control to other federal agencies and to organizations specified in section 321(c)(2) of this title; and

(3) obtain excess property from other federal agencies.

(c) DEFINITION OF EXECUTIVE AGENCY.—For the purpose of paragraphs (6) through (12) of subsection (a), the term “executive agency” shall have the meaning given the term “Federal agency” in section 621.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1084; Pub. L. 114–318, § 6, Dec. 16, 2016, 130 Stat. 1615; Pub. L. 115–419, § 2(a), Jan. 3, 2019, 132 Stat. 5442.)

HISTORICAL AND REVISION NOTES

| Revised Section | Source (U.S. Code) | Source (Statutes at Large)                                                                              |
|-----------------|--------------------|---------------------------------------------------------------------------------------------------------|
| 524(a) .....    | 40:483(b).         | June 30, 1949, ch. 288, title II, § 202(b), 63 Stat. 384.                                               |
| 524(b) .....    | 40:483(c).         | June 30, 1949, ch. 288, title II, § 202(c), 63 Stat. 384; July 12, 1952, ch. 703, § 1(g), 66 Stat. 593. |

In clause (a)(2), the word “identify” is substituted for “determine which is” to eliminate unnecessary words.

In clause (b)(1), the words “determined to be” are omitted as unnecessary.

Editorial Notes

REFERENCES IN TEXT

The date of enactment of this paragraph, referred to in subsec. (a)(11)(B)(x), is the date of enactment of Pub. L. 114–318, which was approved Dec. 16, 2016.

Section 21 of the Federal Assets Sale and Transfer Act of 2016, referred to in subsec. (a)(12), is section 21 of Pub. L. 114–287, which is set out in a note under section 1303 of this title.

AMENDMENTS

2019—Subsec. (a)(13). Pub. L. 115–419 added par. (13).  
 2016—Subsec. (a)(6) to (12). Pub. L. 114–318, § 6(a), added pars. (6) to (12).  
 Subsec. (c). Pub. L. 114–318, § 6(b), added subsec. (c).

Statutory Notes and Related Subsidiaries

OMB REPORT

Pub. L. 109–396, title IV, § 408, Dec. 15, 2006, 120 Stat. 2720, provided that the Director of the Office of Management and Budget was to submit, not later than 6 months after Dec. 15, 2006, a report on surplus and excess government property to Congress and, by such date, to develop, implement, and report to Congress on procedures requiring Federal agencies to share data on surplus and excess Federal real property under the jurisdiction of each agency.

§ 525. Excess personal property for federal agency grantees

(a) GENERAL PROHIBITION.—A federal agency is prohibited from obtaining excess personal prop-

erty for the purpose of furnishing the property to a grantee of the agency, except as provided in this section.

(b) EXCEPTION FOR PUBLIC AGENCIES AND TAX-EXEMPT NONPROFIT ORGANIZATIONS.—

(1) IN GENERAL.—Under regulations the Administrator of General Services may prescribe, a federal agency may obtain excess personal property for the purpose of furnishing it to a public agency or an organization that is non-profit and exempt from taxation under section 501 of the Internal Revenue Code of 1986 (26 U.S.C. 501), if—

(A) the agency or organization is conducting a federally sponsored project pursuant to a grant made for a specific purpose with a specific termination provision;

(B) the property is to be furnished for use in connection with the grant; and

(C)(i) the sponsoring federal agency pays an amount equal to 25 percent of the original acquisition cost (except for costs of care and handling) of the excess property; and

(ii) the amount is deposited in the Treasury as miscellaneous receipts.

(2) TITLE.—Title to excess property obtained under this subsection vests in the grantee. The grantee shall account for and dispose of the property in accordance with procedures governing accountability for personal property acquired under grant agreements.

(c) EXCEPTION FOR CERTAIN PROPERTY FURNISHED BY SECRETARY OF AGRICULTURE.—

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

(2) IN GENERAL.—Under regulations and restrictions the Administrator may prescribe, subsection (a) does not apply to property furnished by the Secretary of Agriculture to—

(A) a state<sup>1</sup> or county extension service engaged in cooperative agricultural extension work under the Smith-Lever Act (7 U.S.C. 341 et seq.);

(B) a state<sup>1</sup> experiment station engaged in cooperative agricultural research work under the Hatch Act of 1887 (7 U.S.C. 361a et seq.); or

(C) an institution engaged in cooperative agricultural research or extension work under section 1433, 1434, 1444, or 1445 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3195, 3196, 3221, or 3222), or the Act of October 10, 1962 (16 U.S.C. 582a et seq.), if the Federal Government retains title.

(d) OTHER EXCEPTIONS.—Under regulations and restrictions the Administrator may prescribe, subsection (a) does not apply to—

(1) property furnished under section 608 of the Foreign Assistance Act of 1961 (22 U.S.C. 2358), to the extent that the Administrator determines that the property is not needed for donation under section 549 of this title;

<sup>1</sup> So in original. Probably should be capitalized.

(2) scientific equipment furnished under section 11(e) of the National Science Foundation Act of 1950 (42 U.S.C. 1870(e));

(3) property furnished under section 203 of the Department of Agriculture Organic Act of 1944 (16 U.S.C. 580a), in connection with the Cooperative Forest Fire Control Program, if the Government retains title; or

(4) property furnished in connection with a grant to a tribe, as defined in section 3(c) of the Indian Financing Act of 1974 (25 U.S.C. 1452(c)).

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1084.)

HISTORICAL AND REVISION NOTES

| Revised Section | Source (U.S. Code)                 | Source (Statutes at Large)                                                                                                                                           |
|-----------------|------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 525(a) .....    | 40:483(d) (words before par. (1)). | June 30, 1949, ch. 288, title II, §202(d), as added Pub. L. 94-519, §3, Oct. 17, 1976, 90 Stat. 2454; Pub. L. 97-98, title XIV, §1443, Dec. 22, 1981, 95 Stat. 1321. |
| 525(b) .....    | 40:483(d)(1).                      |                                                                                                                                                                      |
| 525(c) .....    | 40:483(d)(2)(E).                   |                                                                                                                                                                      |
| 525(d) .....    | 40:483(d)(2)(A)–(D).               |                                                                                                                                                                      |

In subsection (b)(1), before cl. (A), the words “institution or” are omitted as unnecessary. In clause (A), the words “termination provision” are substituted for “termination made” for clarity.

In subsection (b)(2), the words “The grantee shall account for and dispose of” are substituted for “and shall be accounted for and disposed of” for clarity.

In subsections (c) and (d), the text of 40:483(d)(2) (last sentence) is omitted as unnecessary.

In subsection (c)(1), 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 (d)(1), the words “to the extent” are substituted for “where and to the extent” to eliminate unnecessary words. The words “to be furnished under such Act” are omitted as unnecessary.

In subsection (d)(4), the words “Indian Financing Act of 1974” are substituted for “Indian Financing Act” in section 202(d)(2)(D) of the Federal Property and Administrative Services Act of 1949 to execute the probable intent of Congress. The word “tribe” is substituted for “Indian tribes” for consistency with 25:1452(c).

Editorial Notes

REFERENCES IN TEXT

The Smith-Lever Act, referred to in subsec. (c)(2)(A), is act May 8, 1914, ch. 79, 38 Stat. 372, as amended, which is classified generally to subchapter IV (§341 et seq.) of chapter 13 of Title 7, Agriculture. For complete classification of this Act to the Code, see Short Title note set out under section 341 of Title 7 and Tables.

The Hatch Act of 1887, referred to in subsec. (c)(2)(B), is act Mar. 2, 1887, ch. 314, 24 Stat. 440, as amended, which is classified generally to sections 361a to 361i of Title 7, Agriculture. For complete classification of this Act to the Code, see Short Title note set out under section 361a of Title 7 and Tables.

Act of October 10, 1962 (16 U.S.C. 582a et seq.), referred to in subsec. (c)(2)(C), is Pub. L. 87-788, Oct. 10, 1962, 76 Stat. 806, popularly known as the “McIntire-Stennis Act of 1962” and also as the “McIntire-Stennis Cooperative Forestry Act”, which is classified generally to subchapter III (§582a et seq.) of chapter 3 of Title 16, Conservation. For complete classification of this Act to the Code, see Short Title note set out under section 582a of Title 16 and Tables.

§ 526. Temporary assignment of excess real property

(a) ASSIGNMENT OF SPACE.—The Administrator of General Services may temporarily assign or reassign space in excess real property to a federal agency, for use as office or storage space or for a related purpose, if the Administrator determines that assignment or reassignment is more advantageous than permanent transfer. The Administrator shall determine the duration of the assignment or reassignment.

(b) REIMBURSEMENT FOR MAINTENANCE.—If there is no appropriation available to the Administrator for the expense of maintaining the space, the Administrator may obtain appropriate reimbursement from the federal agency.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1085.)

HISTORICAL AND REVISION NOTES

| Revised Section | Source (U.S. Code) | Source (Statutes at Large)                               |
|-----------------|--------------------|----------------------------------------------------------|
| 526 .....       | 40:483(g).         | June 30, 1949, ch. 288, title II, §202(g), 63 Stat. 385. |

In subsection (a), the words “for use as office or storage space or for a related purpose” are substituted for “for office, storage, or related facilities” for clarity.

§ 527. Abandonment, destruction, or donation of property

The Administrator of General Services may authorize the abandonment or destruction of property, or the donation of property to a public body, if—

- (1) the property has no commercial value; or
- (2) the estimated cost of continued care and handling exceeds the estimated proceeds from sale.

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

HISTORICAL AND REVISION NOTES

| Revised Section | Source (U.S. Code) | Source (Statutes at Large)                               |
|-----------------|--------------------|----------------------------------------------------------|
| 527 .....       | 40:483(h).         | June 30, 1949, ch. 288, title II, §202(h), 63 Stat. 385. |

§ 528. Utilization of excess furniture

A department or agency of the Federal Government may not use amounts provided by law to purchase furniture if the Administrator of General Services determines that requirements can reasonably be met by transferring excess furniture, including rehabilitated furniture, from other departments or agencies pursuant to this subtitle.

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

HISTORICAL AND REVISION NOTES

| Revised Section | Source (U.S. Code) | Source (Statutes at Large)                  |
|-----------------|--------------------|---------------------------------------------|
| 528 .....       | 40:483b.           | Aug. 7, 1953, ch. 340, §1316, 67 Stat. 439. |

The words “Notwithstanding the provisions of any other law” are omitted as unnecessary. The words “may not use funds provided by law to purchase furniture” are substituted for “no funds shall be available in this or any other Act for the purchase of furniture” for clarity and to eliminate unnecessary words.