

106TH CONGRESS
1ST SESSION

H. R. 738

To provide that certain Federal property shall be made available to State and local governments before being made available to other entities, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 11, 1999

Mr. PETERSON of Pennsylvania introduced the following bill; which was referred to the Committee on Government Reform, and in addition to the Committees on Armed Services, and International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To provide that certain Federal property shall be made available to State and local governments before being made available to other entities, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Taxpayer Oversight
5 of Surplus Property Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

1 (1) The provisions in Public Law 94–519 estab-
2 lished a system to ensure the fair and equitable allo-
3 cation of Federal surplus personal property to eligi-
4 ble recipients, including law enforcement agencies,
5 school systems, medical institutions, libraries, home-
6 less assistance providers, and units of local govern-
7 ment;

8 (2) the benefits of the Federal personal prop-
9 erty utilization and donation program are measured
10 in terms of United States dollars which are not
11 spent by the donees on new and expensive property;

12 (3) Members of Congress and State and local
13 officials have an obligation to oversee the fair and
14 equitable distribution of Government property, there-
15 by ensuring accountability to the taxpayers of the
16 United States;

17 (4) the owners of surplus Federal property are
18 the people of the United States, and the Federal
19 Government is merely its public custodian;

20 (5) the efforts of the State agencies in distrib-
21 uting surplus property have enabled thousands of
22 United States taxpayers to acquire items such as of-
23 fice equipment, clothing, furniture, motor vehicles,
24 forklifts, aircraft, boats, and generators which have

1 been declared surplus to the needs of the Federal
2 Government;

3 (6) the effectiveness of the current system for
4 donation of surplus Federal personal property has
5 been undermined by programs that mandate that
6 property be made available on a priority basis to for-
7 eign entities before the safety, health, education, and
8 training needs of taxpayers of the United States are
9 met; and

10 (7) new legislation is needed to move the prior-
11 ity of property transfers through foreign assistance
12 programs to a level below that of domestic use trans-
13 fers of excess personal property to Federal agencies.

14 **SEC. 3. PRIORITY TO STATE AND LOCAL GOVERNMENTS**
15 **FOR THE TRANSFER OF NONLETHAL EXCESS**
16 **SUPPLIES OF THE DEPARTMENT OF DE-**
17 **FENSE.**

18 Section 2547 of title 10, United States Code, is
19 amended—

20 (1) in subsection (a), by striking “The Sec-
21 retary of Defense” and inserting in lieu thereof
22 “Subject to subsection (d), the Secretary of De-
23 fense”;

24 (2) by redesignating subsection (d) as sub-
25 section (e); and

1 (3) by inserting after subsection (c) the follow-
2 ing:

3 “(d) Nonlethal excess supplies of the Department of
4 Defense shall be made available to a State, a local govern-
5 ment of a State, a territory, or a possession, upon the re-
6 quest of the State, local government, territory, or posses-
7 sion pursuant to authority provided in another provision
8 of law before such supplies are made available for humani-
9 tarian relief purposes under this section. The President
10 may make such supplies available for humanitarian pur-
11 poses before such supplies are made available to a State,
12 local government, territory, or possession under this sub-
13 section in order to respond to an emergency precipitated
14 by a natural disaster.”.

15 **SEC. 4. TRANSFERS OF PROPERTY FOR ENVIRONMENTAL**
16 **PROTECTION IN FOREIGN COUNTRIES.**

17 Section 607 of the Foreign Assistance Act of 1961
18 (22 U.S.C. 2357(d)) is amended—

19 (1) in subsection (d)—

20 (A) by redesignating paragraphs (1), (2),
21 and (3) as subparagraphs (A), (B), and (C), re-
22 spectively;

23 ((B) by striking “(d) The” and inserting
24 “(d)(1) Except as provided in paragraph (3),
25 the”; and

1 (C) by adding at the end the following:

2 “(2) No property may be transferred under para-
3 graph (1) unless the Administrator of General Services de-
4 termines that there is no Federal or State use requirement
5 for the property under any other provision of law.”; and

6 (2) by adding at the end the following:

7 “(e) Nothing in this section shall prohibit the transfer
8 of confiscated property to foreign countries.”.

9 **SEC. 5. REPORT ON DISPOSAL AND DONATION OF SURPLUS**

10 **PERSONAL PROPERTY.**

11 Not later than 180 days after the date of enactment
12 of this Act, the Administrator of General Services shall
13 review all statutes relating to the disposal and donation
14 of surplus personal property and submit to Congress a re-
15 port on such statutes including—

16 (1) the effectiveness of programs administered
17 under such statutes (except for any program that
18 grants access to personal property by local commu-
19 nities impacted by the closure of a military base),
20 and the amount and type of property administered
21 under each such program during the 2 most recent
22 fiscal years; and

23 (2) legislative recommendations to integrate
24 and consolidate all such programs to be adminis-
25 tered by a single Federal authority working with

- 1 State agencies while accomplishing the purposes of
- 2 such programs.

