

the custody, accountability and control of such property until final disposition.

“(D) If the parties come to agreement prior to congressional action, the real property shall be transferred and managed in accordance with such agreement: *Provided*, That such agreement shall be transmitted to the Committee on Energy and Natural Resources of the United States Senate and the appropriate committees of the United States House of Representatives not less than 60 days prior to such transfer and any such transfer shall be subject to the other provisions of this section.

“(E) Absent an agreement on the future ownership and use of the property, such property may not be transferred to another Federal agency or out of Federal ownership except pursuant to an Act of Congress specifically identifying such property;

“(3) to real property described in the Guam Excess Lands Act (Public Law 103-339; 108 Stat. 3116) which shall be disposed of in accordance with such Act;

“(4) to real property on Guam that is declared excess as a result of a base closure law; or

“(5) to facilities on Guam declared excess by the managing Federal agency for the purpose of transferring the facility to a Federal agency that has occupied the facility for a minimum of 2 years when the facility is declared excess together with the minimum land or interest therein necessary to support the facility.

“(e) DUAL CLASSIFICATION PROPERTY.—If a parcel of real property on Guam that is declared excess as a result of a base closure law also falls within the boundary of the Guam National Wildlife Refuge, such parcel of property shall be disposed of in accordance with the base closure law.

“(f) AUTHORITY TO ISSUE REGULATIONS.—The Administrator of General Services, after consultation with the Secretary of Defense and the Secretary of the Interior, may issue such regulations as he deems necessary to carry out this section.”

§ 522. Reimbursement for transfer of excess property

(a) IN GENERAL.—Subject to subsections (b) and (c), the Administrator of General Services, with the approval of the Director of the Office of Management and Budget, shall prescribe the amount of reimbursement required for a transfer of excess property.

(b) REIMBURSEMENT AT FAIR VALUE.—The amount of reimbursement required for a transfer of excess property is the fair value of the property, as determined by the Administrator, if—

(1) net proceeds are requested under section 574(a) of this title; or

(2) either the transferor or the transferee agency (or the organizational unit affected) is—

(A) subject to chapter 91 of title 31; or

(B) an organization specified in section 321(c)(2) of this title.

(c) DISTRIBUTION THROUGH GENERAL SERVICES ADMINISTRATION SUPPLY CENTERS.—Excess property determined by the Administrator to be suitable for distribution through the supply centers of the General Services Administration shall be retransferred at prices set by the Administrator with due regard to prices established under section 321(d) of this title.

(Pub. L. 107-217, Aug. 21, 2002, 116 Stat. 1083; Pub. L. 109-284, §6(1), (2), Sept. 27, 2006, 120 Stat. 1212.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
522	40:483(a)(1) (last sentence).	June 30, 1949, ch. 288, title II, §202(a)(1) (last sentence), 63 Stat. 384; July 12, 1952, ch. 703, §1(f), 66 Stat. 593.

In subsection (a), the words “Director of the Office of Management and Budget” are substituted for “Director of the Bureau of the Budget” in section 202(a)(1) (last sentence) of the Federal Property and Administrative Services Act of 1949 because the office of Director of the Bureau of the Budget was redesignated the Director of the Office of Management and Budget by section 102(b) of Reorganization Plan No. 2 of 1970 (eff. July 1, 1970, 84 Stat. 2085). Section 102 of Reorganization Plan No. 2 of 1970, was repealed by section 5(b) of the Act of September 13, 1982 (Public Law 97-258, 96 Stat. 1085), the first section of which enacted Title 31, United States Code, but the successor provision, 31:502, continued the designation as Director of the Office of Management and Budget.

In subsection (b)(1), the reference to “section 204(b)” in section 202(a)(1) (last sentence) of the Federal Property and Administrative Services Act of 1949 is translated as a reference to section 204(c) of the Act because subsection (b) was redesignated as (c) by the Act of August 31, 1954 (ch.1178, 68 Stat. 1051).

In subsection (b)(2)(A), the words “chapter 91 of title 31” are substituted for “the Government Corporation Control Act (59 Stat. 597, 31 U.S.C. 841)” in section 202(a)(1) (last sentence) of the Federal Property and Administrative Services Act of 1949 because of section 4(b) of the Act of September 13, 1982 (Public Law 97-258, 96 Stat. 1067), the first section of which enacted Title 31, United States Code.

In subsection (c), the word “at” is substituted for “as” (in the phrase “as [sic] prices set by the Administrator”) to reflect the probable intent of Congress. See Senate Report No. 2075, dated July 2, 1952 (United States Code Congressional and Administrative News, 82nd Congress, 2d Session, 1952, Volume 2, p. 2123).

Editorial Notes

AMENDMENTS

2006—Subsec. (a). Pub. L. 109-284, §6(1), struck out “of this section” after “subsections (b) and (c)”.

Subsec. (b). Pub. L. 109-284, §6(2), substituted “at” for “At” in heading.

§ 523. Excess real property located on Indian reservations

(a) PROCEDURES FOR TRANSFER.—The Administrator of General Services shall prescribe procedures necessary to transfer to the Secretary of the Interior, without compensation, excess real property located within the reservation of any group, band, or tribe of Indians that is recognized as eligible for services by the Bureau of Indian Affairs.

(b) PROPERTY HELD IN TRUST.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary shall hold excess real property transferred under this section in trust for the benefit and use of the group, band, or tribe of Indians, within whose reservation the excess real property is located.

(2) SPECIAL REQUIREMENT FOR OKLAHOMA.—The Secretary shall hold excess real property that is located in Oklahoma and transferred under this section in trust for Oklahoma Indian tribes recognized by the Secretary if the real property—

(A) is located within boundaries of former reservations in Oklahoma, as defined by the Secretary, and was held in trust by the Federal Government for an Indian tribe when the Government acquired it; or

(B) is contiguous to real property presently held in trust by the Government for an Oklahoma Indian tribe and was held in trust by the Government for an Indian tribe at any time.

(Pub. L. 107-217, Aug. 21, 2002, 116 Stat. 1083.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
523	40:483(a)(2).	June 30, 1949, ch. 288, title II, §202(a)(2), as added Pub. L. 93-599, (2), Jan. 2, 1975, 88 Stat. 1954.

§ 524. Duties of executive agencies

(a) REQUIRED.—Each executive agency shall—

(1) maintain adequate inventory controls and accountability systems for property under its control;

(2) continuously survey property under its control to identify excess property;

(3) promptly report excess property to the Administrator of General Services;

(4) perform the care and handling of excess property;

(5) transfer or dispose of excess property as promptly as possible in accordance with authority delegated and regulations prescribed by the Administrator;

(6) develop current and future workforce projections so as to have the capacity to assess the needs of the Federal workforce regarding the use of real property;

(7) establish goals and policies that will lead the executive agency to reduce excess property and underutilized property in the inventory of the executive agency;

(8) submit to the Federal Real Property Council an annual report on all excess property that is real property and underutilized property in the inventory of the executive agency, including—

(A) whether underutilized property can be better utilized, including through collocation with other executive agencies or consolidation with other facilities; and

(B) the extent to which the executive agency believes that retention of the underutilized property serves the needs of the executive agency;

(9) adopt workplace practices, configurations, and management techniques that can achieve increased levels of productivity and decrease the need for real property assets;

(10) assess leased space to identify space that is not fully used or occupied;

(11) on an annual basis and subject to the guidance of the Federal Real Property Council—

(A) conduct an inventory of real property under control of the executive agency; and

(B) make an assessment of each property, which shall include—

(i) the age and condition of the property;

(ii) the size of the property in square footage and acreage;

(iii) the geographical location of the property, including an address and description;

(iv) the extent to which the property is being utilized;

(v) the actual annual operating costs associated with the property;

(vi) the total cost of capital expenditures incurred by the Federal Government associated with the property;

(vii) sustainability metrics associated with the property;

(viii) the number of Federal employees and contractor employees and functions housed at the property;

(ix) the extent to which the mission of the executive agency is dependent on the property;

(x) the estimated amount of capital expenditures projected to maintain and operate the property during the 5-year period beginning on the date of enactment of this paragraph; and

(xi) any additional information required by the Administrator of General Services to carry out section 623;

(12) provide to the Federal Real Property Council and the Administrator of General Services the information described in paragraph (11)(B) to be used for the establishment and maintenance of the database described in section 21 of the Federal Assets Sale and Transfer Act of 2016; and

(13) in accordance with guidance from the Administrator of General Services—

(A) on an annual basis, conduct an inventory and assessment of capitalized personal property to identify excess capitalized personal property under its control, including evaluating—

(i) the age and condition of the personal property;

(ii) the extent to which the executive agency utilizes the personal property;

(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; and

(B) on a regular basis, conduct an inventory and assessment of accountable personal property under its control, including evaluating—

(i) the age and condition of the personal property;

(ii) the extent to which the executive agency utilizes the personal property;

(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—