

## HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
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—
  - (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 sub-

section (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 property 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;

(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.)

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