

Public Law 100-612  
100th Congress

An Act

Nov. 5, 1988  
[H.R. 5104]

To improve the efficiency and effectiveness of the management and disposal of Federal real and personal property.

Federal  
Property  
Management  
Improvement  
Act of 1988.  
40 USC 471 note.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

SECTION 1. This Act may be cited as the "Federal Property Management Improvement Act of 1988".

SEC. 2. Section 201(c) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481(c)) is amended by adding at the end thereof the following new sentence: "Sales of property pursuant to this subsection shall be governed by section 3709 of the Revised Statutes (41 U.S.C. 5), except that fixed price sales may be conducted in the same manner and subject to the same conditions as are applicable to the sale of property pursuant to section 203(e)(5) of this Act."

SEC. 3. Section 203(e)(5) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(e)(5)) is amended—

(1) by inserting "(A)" after "(5)"; and

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

"(B) Under regulations and restrictions to be prescribed by the Administrator, property to be sold pursuant to this paragraph may be offered to organizations specified in paragraph (3)(H) of this subsection that have expressed an interest in the property to permit such an organization a prior opportunity to purchase at the prices fixed for such property."

SEC. 4. (a) Section 203(e)(6) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(e)(6)) is amended to read as follows:

"(6)(A) Except as otherwise provided by subparagraph (C) of this paragraph, an explanatory statement shall be prepared of the circumstances of each disposal by negotiation of—

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

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

"(iii) any real property disposed of by lease for a term of 5 years or less, if the estimated fair annual rent is in excess of \$100,000 for any of such years;

"(iv) any 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 in excess of \$100,000; or

"(v) any real property or real and related personal property disposed of by exchange, regardless of value, or any property any part of the consideration for which is real property.

"(B) Each such statement shall be transmitted to the appropriate committees of the Congress in advance of such disposal, and a copy

thereof shall be preserved in the files of the executive agency making such disposal.

“(C) No such statement need be transmitted to any such committee with respect to any disposal of personal property made under paragraph (5) at a fixed price, or to property disposals authorized by any other provision of law to be made without advertising.

“(D) The annual report of the Administrator under section 212 shall contain or be accompanied by 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 paragraph.”

(b) Section 203(e)(3)(E) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(e)(3)(E)) is amended by striking out “\$1,000” and inserting “\$15,000”.

SEC. 5. Section 203(o) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(o)) is amended to read as follows:

“(o)(1) With respect to real and related personal property transferred or conveyed under subsection (p) of this section and real property disposed of under subsection (k) of this section and section 13(g) of the Surplus Property Act of 1944 (50 U.S.C. App. 1622(g)), the head of each executive agency disposing of such property shall submit during the calendar quarter following the close of each fiscal year a report to the Congress and to the Administrator showing the acquisition cost and the sale or lease value of all real and related personal property so disposed of during the preceding fiscal year. Such reports shall also show transfers or conveyances of property according to State, and may include such other information and recommendations as the Administrator or other executive agency head concerned deems appropriate.

Reports.

“(2) Six months after the end of the first full fiscal year after the date of enactment of this paragraph, and biennially thereafter, the Administrator shall transmit a report to the Congress that covers the initial period from such effective date and each succeeding biennial period and contains—

“(A) a full and independent evaluation of the operation of programs for the donation of Federal surplus personal property,

“(B) statistical information on the amount of excess personal property transferred to Federal agencies and provided to grantees and non-Federal organizations and surplus personal property approved for donation to the State Agencies for Surplus Property and donated to eligible non-Federal organizations during each succeeding biennial period, and

“(C) such recommendations as the Administrator determines to be necessary or desirable.

“(3) A copy of each report made under paragraph (2) shall also be simultaneously furnished to the Comptroller General of the United States. The Comptroller General shall review and evaluate the report and make any comments and recommendations to the Congress thereon, as he deems necessary or desirable.”

SEC. 6. Section 204(b) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 485(b)) is amended—

(1) by striking out “Bureau of the Budget” each place it appears and inserting “Office of Management and Budget”;

(2) by inserting "for costs of environmental and historic preservation services," after "realty brokers," in the second sentence.

SEC. 7. Section 207(c) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 488(c)) is amended to read as follows:

"(c) This section shall not apply to the disposal of—

"(1) real property, if the estimated fair market value is less than \$3,000,000; or

"(2) personal property (other than a patent, process, technique, or invention), if the estimated fair market value is less than \$3,000,000."

SEC. 8. Section 10 of Public Law 94-519 (40 U.S.C. 493, 90 Stat. 2457) is repealed.

Approved November 5, 1988.

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LEGISLATIVE HISTORY—H.R. 5104:

HOUSE REPORTS: No. 100-897 (Comm. on Government Operations).

CONGRESSIONAL RECORD, Vol. 134 (1988):

Sept. 13, considered and passed House.

Oct. 20, considered and passed Senate.