

104TH CONGRESS
1ST SESSION

S. 771

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

IN THE SENATE OF THE UNITED STATES

MAY 9 (legislative day, MAY 1), 1995

Mr. PRYOR introduced the following bill; which was read twice and referred to the Committee on Governmental Affairs

A BILL

To provide that certain Federal property shall be made available to States for State use 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. PRIORITY TO STATES FOR THE TRANSFER OF**
4 **NONLETHAL EXCESS SUPPLIES OF THE DE-**
5 **PARTMENT OF DEFENSE.**

6 Section 2547 of title 10, United States Code, is
7 amended—

8 (1) in subsection (a), by striking out “The Sec-
9 retary of Defense” and inserting in lieu thereof

1 “Subject to subsection (d), the Secretary of De-
2 fense”;

3 (2) by redesignating subsection (d) as sub-
4 section (e); and

5 (3) by inserting after subsection (c) the follow-
6 ing new subsection (d):

7 “(d) Nonlethal excess supplies of the Department of
8 Defense shall be made available to a State, a local govern-
9 ment of a State, a Territory, or a possession, upon the
10 request of the State, local government, Territory, or pos-
11 session pursuant to authority provided in another provi-
12 sion of law, before such supplies are made available for
13 humanitarian relief purposes under this section. The
14 President may make such supplies available for humani-
15 tarian purposes before such supplies are made available
16 to a State, local government, Territory, or possession
17 under this subsection in order to respond to an emergency
18 for which such supplies are especially suited.”.

19 **SEC. 2. AUTHORITIES OF SECRETARY OF DEFENSE RE-**
20 **GARDING DISPOSAL OF EXCESS AND SUR-**
21 **PLUS PROPERTY.**

22 (a) SUPPORT OF COUNTER DRUG ACTIVITIES.—Sec-
23 tion 1208(a)(1) of the National Defense Authorization Act
24 for Fiscal Years 1990 and 1991 (Public Law 101-189;

1 10 U.S.C. 372 note) is amended by inserting “and exclud-
2 ing motor vehicles” after “small arms and ammunition”.

3 (b) SUPPORT FOR REGIONAL EQUIPMENT CEN-
4 TERS.—

5 (1) NEWPORT TOWNSHIP CENTER.—Section
6 210 of Public Law 101–302 (104 Stat. 220) is re-
7 pealed.

8 (2) CAMBRIA COUNTY CENTER.—Section 9148
9 of Public Law 102–396 (106 Stat. 1941) is re-
10 pealed.

11 **SEC. 3. TRANSFERS OF PROPERTY FOR ENVIRONMENTAL**
12 **PROTECTION IN FOREIGN COUNTRIES.**

13 Section 608(d) of the Foreign Assistance Act of 1961
14 (22 U.S.C. 2357(d)) is amended—

15 (1) by redesignating paragraphs (1), (2), and
16 (3) as subparagraphs (A), (B), and (C), respectively;

17 (2) by striking “(d) The” and inserting “(d)(1)
18 Except as provided in paragraph (2), the”;

19 (3) by adding at the end the following:

20 “(2) No property may be transferred under para-
21 graph (1) unless the Administrator of General Services de-
22 termines that there is no Federal or State use require-
23 ments for the property under any other provision of law.”.

1 **SEC. 4. AMENDMENT TO SMALL BUSINESS ACT.**

2 Section 7(j)(13)(F) of the Small Business Act (15
3 U.S.C. 636(j)(13)(F)) is amended by adding at the end
4 the following: “This subparagraph shall be carried out
5 under the supervision of the Administrator of General
6 Services in consultation with State agencies responsible
7 for the distribution of surplus property.”.

8 **SEC. 5. DEPARTMENT OF ENERGY SCIENCE EDUCATION EN-**
9 **HANCEMENT ACT AMENDMENT.**

10 Section 3166(b) of the Department of Energy
11 Science Education Enhancement Act (42 U.S.C.
12 7381e(b)) is amended—

13 (1) by striking paragraph (2); and

14 (2) by redesignating paragraphs (3) through
15 (6) as paragraphs (2) through (5), respectively.

16 **SEC. 6. STEVENSON-WYDLER TECHNOLOGY INNOVATION**
17 **ACT OF 1980 AMENDMENT.**

18 (a) REPEAL.—Section 11(i) of the Stevenson-Wydler
19 Technology Innovation Act of 1980 (15 U.S.C. 3710(i))
20 is repealed.

21 (b) DELEGATION OF AUTHORITY TO DIRECTORS OF
22 FEDERAL LABORATORIES.—Section 203(j) of the Federal
23 Property and Administrative Services Act of 1949 (40
24 U.S.C. 484(j)) is amended by adding at the end the follow-
25 ing new paragraph:

1 “(6) Under such regulations as the Administrator
2 may prescribe, the Administrator may delegate to the di-
3 rector of any Federal laboratory (as defined in section
4 12(d)(2) of the Stevenson-Wydler Technology Innovation
5 Act of 1980 (15 U.S.C. 3710a(d)(2)) the authority of the
6 Administrator under this subsection with respect to the
7 transfer and disposal of scientific and technical surplus
8 property under the management or control of that Federal
9 laboratory, if the director of the Federal laboratory cer-
10 tifies that the equipment is needed by an educational insti-
11 tution or nonprofit organization for the conduct of sci-
12 entific and technical education and research.”.

13 **SEC. 7. REPORT ON DISPOSAL AND DONATION OF SURPLUS**
14 **PERSONAL PROPERTY.**

15 No later than 180 days after the date of the enact-
16 ment of this Act, the Administrator of General Services
17 shall review all statutes relating to the disposal and dona-
18 tion of surplus personal property and submit to the Con-
19 gress a report on such statutes including—

20 (1) the effectiveness of programs administered
21 under such statutes (except for any program that
22 grants access to personal property by local commu-
23 nities impacted by the closure of a military base),
24 and the amount and type of property administered

1 under each such program during fiscal years 1993
2 and 1994; and

3 (2) legislative recommendations to integrate
4 and consolidate all such programs to be adminis-
5 tered by a single Federal authority working with
6 State agencies while accomplishing the purposes of
7 such programs.

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