

110TH CONGRESS
2^D SESSION

H. R. 5787

To amend title 40, United States Code, to enhance authorities with regard to real property that has yet to be reported excess, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 14, 2008

Mr. MOORE of Kansas (for himself and Mr. DUNCAN) introduced the following bill; which was referred to the Committee on Oversight and Government Reform

A BILL

To amend title 40, United States Code, to enhance authorities with regard to real property that has yet to be reported excess, 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 “Federal Real Property
5 Disposal Enhancement Act of 2008”.

1 **SEC. 2. ENHANCED AUTHORITIES WITH REGARD TO PRE-**
2 **PARING PROPERTIES TO BE REPORTED AS**
3 **EXCESS.**

4 Section 572(a)(2) of title 40, United States Code, is
5 amended—

6 (1) by redesignating subparagraphs (B) and
7 (C) as subparagraphs (C) and (D), respectively; and

8 (2) by inserting after subparagraph (A) the fol-
9 lowing new subparagraph:

10 “(B) **ADDITIONAL AUTHORITY.**—(i) From
11 the fund described in paragraph (1), subject to
12 clause (iv), the Administrator may obligate an
13 amount to pay, on a reimbursable basis, the di-
14 rect and indirect costs related to identifying
15 and preparing properties to be reported excess
16 by another agency.

17 “(ii) The General Services Administration
18 may be reimbursed from the proceeds of the
19 sale of such properties for such costs.

20 “(iii) After reimbursement of such costs,
21 the balance of the proceeds shall be dispersed
22 pursuant to section 571 of this title.

23 “(iv) The authority under clause (i) to ob-
24 ligate funds to prepare properties to be reported
25 excess does not include the authority to convey
26 such properties by sale, lease, exchange, or oth-

1 erwise, including through leaseback arrange-
 2 ments.

3 “(v) Nothing in this subparagraph is in-
 4 tended to affect subparagraph (D).”.

5 **SEC. 3. ENHANCED AUTHORITIES WITH REGARD TO RE-**
 6 **VERTED REAL PROPERTY.**

7 (a) **AUTHORITY TO PAY EXPENSES RELATED TO RE-**
 8 **VERTED REAL PROPERTY.**—Section 572(a)(2)(A) of title
 9 40, United States Code, is amended by adding at the end
 10 the following:

11 “(iv) The direct and indirect costs as-
 12 sociated with the reversion, custody, and
 13 disposal of reverted real property.”.

14 (b) **REQUIREMENTS RELATED TO SALES OF RE-**
 15 **VERTED PROPERTY UNDER SECTION 550.**—Section
 16 550(b)(1) of title 40, United States Code, is amended—

17 (1) by inserting “(A)” after “(1) IN GEN-
 18 ERAL.—”; and

19 (2) by adding at the end the following: “If the
 20 official, in consultation with the Administrator, rec-
 21 ommends reversion of the property, the Adminis-
 22 trator shall take control of such property, and, sub-
 23 ject to subparagraph (B), sell it at fair market value
 24 for cash and not by lease, exchange, or leaseback ar-
 25 rangements.

1 “(B) Prior to sale, the Administrator shall
2 make such property available to State and local gov-
3 ernments and certain non-profit institutions or orga-
4 nizations pursuant to this section and sections 553
5 and 554 of this title.”.

6 (c) REQUIREMENTS RELATED TO SALES OF RE-
7 VERTED PROPERTY UNDER SECTION 553.—Section
8 553(e) of title 40, United States Code, is amended—

9 (1) by inserting “(1)” after “THIS SECTION.—
10 ”;

11 (2) by adding at the end the following: “If the
12 Administrator determines that reversion of the prop-
13 erty is necessary to enforce compliance with the
14 terms of the conveyance, the Administrator shall
15 take control of such property and, subject to para-
16 graph (2), sell it at fair market value for cash and
17 not by lease, exchange, or leaseback arrangements.

18 “(2) Prior to sale, the Administrator shall make such
19 property available to State and local governments and cer-
20 tain non-profit institutions or organizations pursuant to
21 this section and sections 550 and 554 of this title.”.

22 (d) REQUIREMENTS RELATED TO SALES OF RE-
23 VERTED PROPERTY UNDER SECTION 554.—Section
24 554(f) of title 40, United States Code, is amended—

1 (1) by inserting “(1)” after “THIS SECTION.—
2 ”; and

3 (2) by adding at the end the following: “If the
4 Secretary, in consultation with the Administrator,
5 recommends reversion of the property, the Adminis-
6 trator shall take control of such property and, sub-
7 ject to paragraph (2), sell it at fair market value for
8 cash and not by lease, exchange, or leaseback ar-
9 rangements.

10 “(2) Prior to sale, the Administrator shall make such
11 property available to State and local governments and cer-
12 tain non-profit institutions or organizations pursuant to
13 this section and sections 550 and 553 of this title.”.

14 **SEC. 4. AGENCY RETENTION OF PROCEEDS.**

15 The text of section 571 of title 40, United States
16 Code, is amended to read as follows:

17 “(a) DEPOSIT OF PROCEEDS.—Proceeds described in
18 subsection (d) shall be deposited into the appropriate real
19 property account of the agency that had custody and ac-
20 countability for the real property. Such funds shall be ex-
21 pended only as authorized in annual appropriations Acts
22 and only for activities related to Federal real property
23 asset management and disposal activities, including pay-
24 ing costs incurred by the General Services Administration
25 for any disposal-related activity authorized by this title.

1 “(b) EFFECT ON OTHER SECTIONS.—Nothing in this
2 section is intended to affect section 572(b) or 574 of this
3 title.

4 “(c) DISPOSAL AGENCY FOR REVERTED PROP-
5 ERTY.—For the purposes of this section, the General Serv-
6 ices Administration, as the disposal agency, shall be treat-
7 ed as the agency with custody and accountability for prop-
8 erties which revert to the United States under sections
9 550, 553, and 554 of this title.

10 “(d) PROCEEDS.—The proceeds referred to in sub-
11 section (a) are proceeds under this chapter from a—

12 “(1) transfer of excess property to a federal
13 agency for agency use; or

14 “(2) sale, lease, or other disposition of surplus
15 property.”.

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