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Surplus Federal Property Act (1976): Correspondence 01

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July 2, 1976

The Honorable Claiborne Pell
U. S. Senate
Washington, D. C.

Dear Senator *Claiborne*

This letter is to urge you, as one of the Senate conferees on H.R. 12828, the Arts, Humanities, and Cultural Affairs Act of 1976, to delete section 106 of Title I of the bill as it was passed by the Senate. Section 106 gives the Chairman of the National Endowment for the Arts and the Chairman of the National Endowment for the Humanities the authority to receive and dispose of excess and surplus Federal property without regard to the Federal Property and Administrative Services Act of 1949.

The Federal Property and Administrative Services Act of 1949 was enacted by Congress in an effort to prescribe policies concerning the acquisition, utilization, and disposal of property throughout the Federal Government. One of the major provisions of this act is section 203, the Disposal of Surplus Property. For many years, the House Government Operations Committee has maintained constant oversight over this provision in an effort to assure that it is administered in a manner fair and equitable to all parties, including eligible recipients of donable property. Unfortunately we have too often been unable to prevent the enactment of provisions in extraneous bills that result in preferential treatment going to certain interests.

As a result, the government's donable property program is presently in chaos. Supplies of surplus Federal property that would go to hospitals and educational institutions are drying up because they are being drained off while excess as a result of special exemptions from the provisions of the Act.

July 2, 1976

A House Government Operations Subcommittee has approved H.R. 14451, the purpose of which is to put the donable property programs in order so that more efficient and equitable use may be made of all Federal surplus property. However, if Congress continues to make exceptions to the Federal Property Act in making further gifts of excess and surplus property, this effort to bring order out of confusion and inefficiency will be for naught.

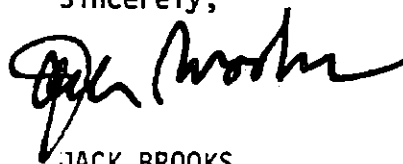
H.R. 14451 makes provisions for surplus property to go to state agencies for educational purposes. This should mean that most of the institutions included under H.R. 12828 would continue to be eligible for surplus property even if section 106 is deleted from the bill. Also, any Federal agency may furnish excess property to public agencies or non-profit institutions if that agency pays an amount equal to 25 percent of the original acquisition cost and such property is furnished for use in connection with the grant from the agency.

A final reason not to allow section 106 to remain in this bill is that the General Services Administration--the agency charged with managing, using, and disposing of government property--has had no opportunity to make comments on the section. The General Services Administration, however, has worked closely with the Government Operations Committee on H.R. 14451 and feels that it will be an effective reform in this area.

Thank you for your consideration of this matter. I hope you agree with me that this section should be eliminated in the conference.

With best wishes, I am

Sincerely,



JACK BROOKS
Chairman