



NATIONAL ASSOCIATION OF STATE AGENCIES FOR SURPLUS PROPERTY

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The Honorable Susan M. Collins
Member of the United States Senate
172 Russell Senate Building
1st and C Streets, NE
Washington, D.C. 20510

Dear Senator Collins:

Congress has faithfully exercised its responsibility under the United States Constitution to “make all needful rules and regulations respecting the territory or other property of the United States” from the late 1700’s to the present day. In the exercise of this authority, Congress has passed laws establishing policies designed to serve the best interests of the taxpayers. These laws are based on the premise that the public is the actual owner of Government real and personal property and those Federal agencies that hold and utilize such property are merely acting as public custodians. Consequently, personal property management laws require Federal agencies to transfer excess personal property to other Federal agencies as the highest utilization of such property. When no Federal need is expressed, the next highest priority is to transfer such property into public use through the State Agencies for Surplus Property. This system has served the public well for many years.

Unfortunately, Federal holding agencies have often confused such stewardship with ownership, resulting in the application of various ways of converting unneeded personal property into cash for purposes not specifically authorized by statute. New laws and regulations have granted exceptions to the established disposition processes, and have permitted the transfer of excess personal property to special categories of recipients outside of the Federal Government. Other regulations have enabled Federal agencies to dispose of excess personal property through exchanges and sales that transfer the property to the private sector before it can be donated to the State Agencies for public use. Consequently, many State Agencies find that the volume of personal property available to them is insufficient to enable them to maintain their service to the public. If this trend continues, the donation system that the Congress enacted many years ago could disappear altogether. No longer would public personal property remain in public use throughout its useful life, but it would be disposed of with no measurable benefit to the public.

The most recent assault on the donation systems is the legislation soon to be introduced that would expand the personal property exchange/sale authority contained in 40 U.S.C. 503. The proposed changes are unnecessary, unwise, and would constitute an evasion of Congressional appropriation authority. Furthermore, if enacted, this legislation would further diminish the amount of personal property available to the State Agencies to place in public use.

The National Association of State Agencies for Surplus Property (NASASP) respectfully requests that we be invited to offer testimony at any hearings your committee may schedule to consider this legislation. As the sole conduit for placing federal personal property back into the hands of the American taxpayers for over 50 years, we are singularly well qualified to offer testimony on this subject.

Pro Bono Publico,

Scott E. Pepperman, President
NASASP