LEGISLATIVE PURPOSE AND CONSTRUCTION

Pub. L. 108–178, §1, Dec. 15, 2003, 117 Stat. 2637, provided that:

''(a) PURPOSE.—The purpose of this Act [see Tables for classification] is to improve the United States Code by making necessary technical changes.

''(b) NO SUBSTANTIVE CHANGE.—This Act makes no substantive change in existing law and may not be construed as making a substantive change in existing law.

''(c) SEVERABILITY.—If a provision enacted by this Act is held invalid, all valid provisions that are severable from the invalid provision remain in effect. If a provision enacted by this Act is held invalid in any of its applications, the provision remains valid for all valid applications that are severable from any of the invalid applications.''

Pub. L. 107–217, §5, Aug. 21, 2002, 116 Stat. 1303, provided that:

''(a) PURPOSE.—The purpose of this Act is to revise, codify, and enact without substantive change the general and permanent laws of the United States related to public buildings, property, and works, in order to remove ambiguities, contradictions, and other imperfections and to repeal obsolete, superfluous, and superseded provisions.

''(b) NO SUBSTANTIVE CHANGE.—

''(1) IN GENERAL.—This Act makes no substantive change in existing law and may not be construed as making a substantive change in existing law.

''(2) DEEMED DATE OF ENACTMENT FOR CERTAIN PURPOSES.—For purposes of determining whether one provision of law supersedes another based on enactment later in time, and otherwise to ensure that this Act makes no substantive change in existing law, the date of enactment of a provision restated in section 1 or 2 of this Act is deemed to remain unchanged, continuing to be the date of enactment of the underlying provision of public law that is being restated.

''(3) INCONSISTENT LAWS ENACTED AFTER MARCH 31, 2002.—This Act restates certain laws enacted before April 1, 2002. Any law enacted after March 31, 2002, that is inconsistent with this Act, including any law purporting to amend or repeal a provision that is repealed by this Act, supersedes this Act to the extent of the inconsistency.

''(c) REFERENCES.—A reference to a law replaced by section 1 or 2 of this Act, including a reference in a regulation, order, or other law, is deemed to refer to the corresponding provision enacted by this Act.

''(d) CONTINUING EFFECT.—An order, rule, or regulation in effect under a law replaced by section 1 or 2 of this Act continues in effect under the corresponding provision enacted by this Act until repealed, amended, or superseded.

''(e) ACTIONS AND OFFENSES UNDER PRIOR LAW.—An action taken or an offense committed under a law replaced by section 1 or 2 of this Act is deemed to have been taken or committed under the corresponding provision enacted by this Act.

''(f) INFERENCES.—An inference of a legislative construction is not to be drawn by reason of the location in the United States Code of a provision enacted by this Act or by reason of a caption or catch line of the provision.

''(g) SEVERABILITY.—If a provision enacted by this Act is held invalid, all valid provisions that are severable from the invalid provision remain in effect. If a provision enacted by this Act is held invalid in any of its applications, the provision remains valid for all valid applications that are severable from any of the invalid applications.''

REPEALS

Pub. L. 108–178, §2(b), Dec. 15, 2003, 117 Stat. 2640, provided that: ''Section 6(b) of Public Law 107–217 (116 Stat. 1304) [see below] is repealed insofar as it relates to the provisions listed below, and the provisions listed below are revived to read as if section 6(b) had not been enacted:

''(1) Section 1(a) of the Act of June 30, 1949 (ch. 288, 63 Stat. 377) [41 U.S.C. 251 note].

''(2) Section 509(b) of the Department of Education Organization Act (Public Law 96–88, 93 Stat. 695) [20 U.S.C. 3508(b)].

''(3) Public Law 101–427 (104 Stat. 927) [23 U.S.C. 101 note].

''(4) Section 7306 of the Federal Acquisition Streamlining Act of 1994 (Public Law 103–355, 108 Stat. 3384).''

Pub. L. 107–217, §6(a), Aug. 21, 2002, 116 Stat. 1304, provided that: ''The repeal of a law by this Act may not be construed as a legislative inference that the provision was or was not in effect before its repeal.''

Pub. L. 107–217, §6(b), Aug. 21, 2002, 116 Stat. 1304, as amended by Pub. L. 108–178, §2, Dec. 15, 2003, 117 Stat. 2637, repealed specified laws, except for rights and duties that matured, penalties that were incurred, and proceedings that were begun before Aug. 21, 2002.

SUBTITLE I—FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES

Chapter		Sec.
1.	**GENERAL**	**101**
3.	**ORGANIZATION OF GENERAL SERVICES ADMINISTRATION**	**301**
5.	**PROPERTY MANAGEMENT**	**501**
7.	**FOREIGN EXCESS PROPERTY**	**701**
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CHAPTER 1—GENERAL

SUBCHAPTER I—PURPOSE AND DEFINITIONS

Sec.
101. Purpose.
102. Definitions.

SUBCHAPTER II—SCOPE

111. Application to Federal Property and Administrative Services Act of 1949.
112. Applicability of certain policies, procedures, and directives in effect on July 1, 1949.
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SUBCHAPTER III—ADMINISTRATIVE AND GENERAL

121. Administrative.
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SUBCHAPTER I—PURPOSE AND DEFINITIONS

§101. Purpose

The purpose of this subtitle is to provide the Federal Government with an economical and efficient system for the following activities:

(1) Procuring and supplying property and nonpersonal services, and performing related functions including contracting, inspection, storage, issue, setting specifications, identification and classification, transportation and traffic management, establishment of pools or systems for transportation of Government personnel and property by motor vehicle within specific areas, management of public utility services, repairing and converting, establishment of inventory levels, establishment of

forms and procedures, and representation before federal and state regulatory bodies.

(2) Using available property.

(3) Disposing of surplus property.

(4) Records management.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1063.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
101	40:471.	June 30, 1949, ch. 288, § 2, 63 Stat. 378; Sept. 1, 1954, ch. 1211, § 1, 68 Stat. 1126.

SHORT TITLE OF 2006 AMENDMENT

Pub. L. 109–396, § 1, Dec. 15, 2006, 120 Stat. 2711, provided that: ''This Act [enacting provisions set out as notes under sections 524 and 5102 of this title, provisions listed in a table of Commemorative Works set out under section 8903 of this title, and provisions set out as a note under section 225b of Title 24, Hospitals and Asylums] may be cited as the 'Federal and District of Columbia Government Real Property Act of 2006'.''

Pub. L. 109–313, § 1, Oct. 6, 2006, 120 Stat. 1734, provided that: ''This Act [amending sections 303, 321, 549, 573, 604, and 605 of this title, section 5316 of Title 5, Government Organization and Employees, section 2669 of Title 22, Foreign Relations and Intercourse, and section 433 of Title 41, Public Contracts, repealing section 322 of this title, enacting provisions set out as notes under sections 303 and 321 of this title and section 5316 of Title 5, and amending provisions set out as notes under section 2302 of Title 10, Armed Forces, and section 2107 of Title 44, Public Printing and Documents] may be cited as the 'General Services Administration Modernization Act'.''

SHORT TITLE OF 2003 AMENDMENT

Pub. L. 108–126, title II, § 201, Nov. 17, 2003, 117 Stat. 1349, provided that: ''This title [amending sections 8901 to 8906 and 8908 of this title and enacting provisions set out as notes under section 8901 of this title] may be cited as the 'Commemorative Works Clarification and Revision Act of 2003'.''

§ 102. Definitions

The following definitions apply in chapters 1 through 7 of this title and in title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.):

(1) CARE AND HANDLING.—The term ''care and handling'' includes—

(A) completing, repairing, converting, rehabilitating, operating, preserving, protecting, insuring, packing, storing, handling, conserving, and transporting excess and surplus property; and

(B) rendering innocuous, or destroying, property that is dangerous to public health or safety.

(2) CONTRACTOR INVENTORY.—The term ''contractor inventory'' means—

(A) property, in excess of amounts needed to complete full performance, that is acquired by and in possession of a contractor or subcontractor under a contract pursuant to which title is vested in the Federal Government; and

(B) property that the Government is obligated or has the option to take over, under any type of contract, as a result of changes in specifications or plans under the contract, or as a result of termination of the contract (or a subcontract), prior to completion of the work, for the convenience or at the option of the Government.

(3) EXCESS PROPERTY.—The term ''excess property'' means property under the control of a federal agency that the head of the agency determines is not required to meet the agency's needs or responsibilities.

(4) EXECUTIVE AGENCY.—The term ''executive agency'' means—

(A) an executive department or independent establishment in the executive branch of the Government; and

(B) a wholly owned Government corporation.

(5) FEDERAL AGENCY.—The term ''federal agency'' means an executive agency or an establishment in the legislative or judicial branch of the Government (except the Senate, the House of Representatives, and the Architect of the Capitol, and any activities under the direction of the Architect of the Capitol).

(6) FOREIGN EXCESS PROPERTY.—The term ''foreign excess property'' means excess property that is not located in the States of the United States, the District of Columbia, Puerto Rico, American Samoa, Guam, the Northern Mariana Islands, the Federated States of Micronesia, the Marshall Islands, Palau, and the Virgin Islands.

(7) MOTOR VEHICLE.—The term ''motor vehicle'' means any vehicle, self-propelled or drawn by mechanical power, designed and operated principally for highway transportation of property or passengers, excluding—

(A) a vehicle designed or used for military field training, combat, or tactical purposes, or used principally within the confines of a regularly established military post, camp, or depot; and

(B) a vehicle regularly used by an agency to perform investigative, law enforcement, or intelligence duties, if the head of the agency determines that exclusive control of the vehicle is essential for effective performance of duties.

(8) NONPERSONAL SERVICES.—The term ''nonpersonal services'' means contractual services designated by the Administrator of General Services, other than personal and professional services.

(9) PROPERTY.—The term ''property'' means any interest in property except—

(A)(i) the public domain;

(ii) land reserved or dedicated for national forest or national park purposes;

(iii) minerals in land or portions of land withdrawn or reserved from the public domain which the Secretary of the Interior determines are suitable for disposition under the public land mining and mineral leasing laws; and

(iv) land withdrawn or reserved from the public domain except land or portions of land so withdrawn or reserved which the Secretary, with the concurrence of the Administrator, determines are not suitable for return to the public domain for disposition under the general public land laws because the lands are substantially changed in character by improvements or otherwise;

(B) naval vessels that are battleships, cruisers, aircraft carriers, destroyers, or submarines; and

(C) records of the Government.

(10) SURPLUS PROPERTY.—The term ''surplus property'' means excess property that the Administrator determines is not required to meet the needs or responsibilities of all federal agencies.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1063.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
102	40:472.	June 30, 1949, ch. 288, §3, 63 Stat. 378; Sept. 5, 1950, ch. 849, §§7(a), 8(a), 64 Stat. 590, 591; July 12, 1952, ch. 703, §1(a), (b), 66 Stat. 593; Sept. 1, 1954, ch. 1211, §4(c), 68 Stat. 1129; Aug. 12, 1955, ch. 874, §2, 69 Stat. 722; Pub. L. 85–337, §5, Feb. 28, 1958, 72 Stat. 29; Pub. L. 86–70, §30(a), June 25, 1959, 73 Stat. 148; Pub. L. 86–624, §27(a), July 12, 1960, 74 Stat. 418; Pub. L. 93–594, Jan. 2, 1975, 88 Stat. 1926.

In this section, the words ''and in title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.)'' are added to provide an accurate literal translation of the words ''this Act'', meaning the Federal Property and Administrative Services Act of 1949. See the revision note under section 111 of this title. The definition of ''Administrator'' is omitted as unnecessary. The text of 40:472(i) is omitted as unnecessary because of the definition of ''person'' in 1:1.

In clause (6), the words ''the Northern Mariana Islands, the Federated States of Micronesia, the Marshall Islands, Palau'' are substituted for ''the Trust Territory of the Pacific Islands'' because of the termination of the Trust Territory of the Pacific Islands. See 48:1681 note prec.

REFERENCES IN TEXT

The Federal Property and Administrative Services Act of 1949, referred to in text, is act June 30, 1949, ch. 288, 63 Stat. 377, as amended. Title III of the Act is classified generally to subchapter IV (§251 et seq.) of chapter 4 of Title 41, Public Contracts. For complete classification of this Act to the Code, see Tables.

The public land mining and mineral leasing laws, referred to in par. (9)(A)(iii), are classified generally to Title 30, Mineral Lands and Mining.

The public land laws, referred to in par. (9)(A)(iv), are classified generally to Title 43, Public Lands.

SUBCHAPTER II—SCOPE

§111. Application to Federal Property and Administrative Services Act of 1949

In the following provisions, the words ''this subtitle'' are deemed to refer also to title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.):

(1) Section 101 of this title.
(2) Section 112(a) of this title.
(3) Section 113 of this title.
(4) Section 121(a) of this title.
(5) Section 121(c)(1) of this title.
(6) Section 121(c)(2) of this title.
(7) Section 121(d)(1) and (2) of this title.
(8) Section 121(e)(1) of this title.
(9) Section 121(f) of this title.
(10) Section 121(g) of this title.
(11) Section 122(a) of this title.
(12) Section 123(a) of this title.
(13) Section 123(c) of this title.
(14) Section 124 of this title.
(15) Section 126 of this title.
(16) Section 311(c) of this title.
(17) Section 313(a) of this title.
(18) Section 528 of this title.
(19) Section 541 of this title.
(20) Section 549(e)(3)(H)(i)(II) of this title.
(21) Section 557 of this title.
(22) Section 558(a) of this title.
(23) Section 559(f) of this title.
(24) Section 571(b) of this title.
(25) Section 572(a)(2)(A) of this title.
(26) Section 572(b)(4) of this title.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1065.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
111	(no source).	

This section is added to provide an accurate literal translation of the words ''this Act'', meaning the Federal Property and Administrative Services Act of 1949. In the positive law codification of title 40, most of the Federal Property and Administrative Services Act of 1949 is restated as subtitle I of title 40. However, title III of the Act, which is outside the scope of the positive law codification, remains classified to the United States Code as 41 U.S.C. 251 et seq. Where the words ''this Act'' are restated, substituting the words ''this subtitle'' does not yield an accurate literal translation because ''this subtitle'' does not include title III of the Act. This section does not subject any provision of law to title III of the Act if that provision was not subject to title III prior to the positive law codification of title 40.

REFERENCES IN TEXT

The Federal Property and Administrative Services Act of 1949, referred to in text, is act June 30, 1949, ch. 288, 63 Stat. 377, as amended. Title III of the Act is classified generally to subchapter IV (§251 et seq.) of chapter 4 of Title 41, Public Contracts. For complete classification of this Act to the Code, see Tables.

§112. Applicability of certain policies, procedures, and directives in effect on July 1, 1949

(a) IN GENERAL.—A policy, procedure, or directive described in subsection (b) remains in effect until superseded or amended under this subtitle or other appropriate authority.

(b) DESCRIPTION.—A policy, procedure, or directive referred to in subsection (a) is one that was in effect on July 1, 1949, and that was prescribed by—

(1) the Director of the Bureau of Federal Supply or the Secretary of the Treasury and that related to a function transferred to or vested in the Administrator of General Services on June 30, 1949, by the Federal Property and Administrative Services Act of 1949;

(2) an officer of the Federal Government under authority of the Surplus Property Act of 1944 (ch. 479, 58 Stat. 765) or other authority related to surplus property or foreign excess property;

(3) the Federal Works Administrator or the head of a constituent agency of the Federal Works Agency; or

(4) the Archivist of the United States or another officer or body whose functions were

transferred on June 30, 1949, by title I of the Federal Property and Administrative Services Act of 1949.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1065.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
112	40:473.	June 30, 1949, ch. 288, title VI, § 601, formerly title V, § 501, 63 Stat. 399; renumbered Sept. 5, 1950, ch. 849, § 6(a), (b), 64 Stat. 583.

REFERENCES IN TEXT

The Federal Property and Administrative Services Act of 1949, referred to in subsec. (b)(1), (4), is act June 30, 1949, ch. 288, 63 Stat. 377, as amended. Except for title III of the Act, which is classified generally to subchapter IV (§ 251 et seq.) of chapter 4 of Title 41, Public Contracts, the Act was repealed and reenacted by Pub. L. 107–217, §§ 1, 6(b), Aug. 21, 2002, 116 Stat. 1062, 1304, as chapters 1 to 11 of this title. Provisions of former title I of the Act now appear in chapter 3 of this title.

The Surplus Property Act of 1944, referred to in subsec. (b)(2), is act Oct. 3, 1944, ch. 479, 58 Stat. 765, as amended, which was classified principally to sections 1611 to 1646 of Title 50, Appendix, War and National Defense, and was repealed effective July 1, 1949, with the exception of sections 1622, 1631, 1637, and 1641 of Title 50, Appendix, by act June 30, 1949, ch. 288, title VI, § 602(a)(1), 63 Stat. 399, renumbered Sept. 5, 1950, ch. 849, § 6(a), (b), 64 Stat. 583. Sections 1622 and 1641 were partially repealed by the 1949 act, and section 1622 is set out in part in Title 50, Appendix. Section 1622(g) was repealed and reenacted as sections 47151 to 47153 of Title 49, Transportation, by Pub. L. 103–272, §§ 1(e), 7(b), July 5, 1994, 108 Stat. 1278–1280, 1379. Section 1631 was repealed by act June 7, 1939, ch. 190, § 6(e), as added by act July 23, 1946, ch. 590, 60 Stat. 599, and is covered by sections 98 et seq. of Title 50. Section 1637 was repealed by act June 25, 1948, ch. 645, § 21, 62 Stat. 862, eff. Sept. 1, 1948, and is covered by section 3287 of Title 18, Crimes and Criminal Procedure. Provisions of section 1641 not repealed by the 1949 act were repealed by Pub. L. 87–256, § 111(a)(1), Sept. 21, 1961, 75 Stat. 538, and are covered by chapter 33 (§ 2451 et seq.) of Title 22, Foreign Relations and Intercourse. The provisions of the Surplus Property Act of 1944 originally repealed by the 1949 act are covered by provisions of the 1949 act which were classified to chapter 10 (§ 471 et seq.) of former Title 40, Public Buildings, Property, and Works, and which were repealed and reenacted by Pub. L. 107–217, §§ 1, 6(b), Aug. 21, 2002, 116 Stat. 1062, 1304, as chapters 1 to 11 of this title.

§ 113. Limitations

(a) IN GENERAL.—Except as otherwise provided in this section, the authority conferred by this subtitle is in addition to any other authority conferred by law and is not subject to any inconsistent provision of law.

(b) LIMITATION REGARDING THE OFFICE OF FEDERAL PROCUREMENT POLICY ACT.—The authority conferred by this subtitle is subject to the Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.).

(c) LIMITATION REGARDING CERTAIN GOVERNMENT CORPORATIONS AND AGENCIES.—Sections 121(b) and 506(c) of this title do not apply to a Government corporation or agency that is subject to chapter 91 of title 31.

(d) LIMITATION REGARDING CONGRESS.—This subtitle does not apply to the Senate or the House of Representatives (including the Architect of the Capitol and any building, activity, or function under the direction of the Architect). However, services and facilities authorized by this subtitle shall, as far as practicable, be made available to the Senate, the House of Representatives, and the Architect of the Capitol on their request. If payment would be required for providing a similar service or facility to an executive agency, payment shall be made by the recipient, on presentation of proper vouchers, in advance or by reimbursement (as may be agreed upon by the Administrator of General Services and the officer or body making the request). The payment may be credited to the applicable appropriation of the executive agency receiving the payment.

(e) OTHER LIMITATIONS.—Nothing in this subtitle impairs or affects the authority of—

(1) the President under the Philippine Property Act of 1946 (22 U.S.C. 1381 et seq.);

(2) an executive agency, with respect to any program conducted for purposes of resale, price support, grants to farmers, stabilization, transfer to foreign governments, or foreign aid, relief, or rehabilitation, but the agency carrying out the program shall, to the maximum extent practicable, consistent with the purposes of the program and the effective, efficient conduct of agency business, coordinate its operations with the requirements of this subtitle and with policies and regulations prescribed under this subtitle;

(3) an executive agency named in chapter 137 of title 10, and the head of the agency, with respect to the administration of that chapter;

(4) the Secretary of Defense with respect to property required for or located in occupied territories;

(5) the Secretary of Defense with respect to the administration of section 2535 of title 10;

(6) the Secretary of Defense and the Secretaries of the Army, Navy, and Air Force with respect to the administration of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98 et seq.);

(7) the Secretary of State under the Foreign Service Buildings Act, 1926 (22 U.S.C. 292 et seq.);

(8) the Secretary of Agriculture under—

(A) the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.);

(B) the Farmers Home Administration Act of 1946 (ch. 964, 60 Stat. 1062);

(C) section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), with respect to the exportation and domestic consumption of agricultural products;

(D) section 201 of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1291); or

(E) section 203(j) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1622(j));

(9) an official or entity under the Farm Credit Act of 1971 (12 U.S.C. 2001 et seq.), with respect to the acquisition or disposal of property;

(10) the Secretary of Housing and Urban Development or the Federal Deposit Insurance Corporation (or an officer of the Corporation) with respect to the disposal of—

(A) residential property; or

(B) other property—

(i) acquired or held as part of, or in connection with, residential property; or

(ii) held in connection with the insurance of mortgages, loans, or savings association accounts under the National Housing Act (12 U.S.C. 1701 et seq.), the Federal Deposit Insurance Act (12 U.S.C. 1811 et seq.), or any other law;

(11) the Tennessee Valley Authority with respect to nonpersonal services, with respect to section 501(c) of this title, and with respect to property acquired in connection with a program of processing, manufacture, production, or force account construction, but the Authority shall, to the maximum extent it considers practicable, consistent with the purposes of its program and the effective, efficient conduct of its business, coordinate its operations with the requirements of this subtitle and with policies and regulations prescribed under this subtitle;

(12) the Secretary of Energy with respect to atomic energy;

(13) the Secretary of Transportation or the Secretary of Commerce with respect to the disposal of airport property and airway property (as those terms are defined in section 47301 of title 49) for use as such property;

(14) the United States Postal Service;

(15) the Maritime Administration with respect to the acquisition, procurement, operation, maintenance, preservation, sale, lease, charter, construction, reconstruction, or reconditioning (including outfitting and equipping incidental to construction, reconstruction, or reconditioning) of a merchant vessel or shipyard, ship site, terminal, pier, dock, warehouse, or other installation necessary or appropriate for carrying out a program of the Administration authorized by law or nonadministrative activities incidental to a program of the Administration authorized by law, but the Administration shall, to the maximum extent it considers practicable, consistent with the purposes of its programs and the effective, efficient conduct of its activities, coordinate its operations with the requirements of this subtitle and with policies and regulations prescribed under this subtitle;

(16) the Central Intelligence Agency;

(17) the Joint Committee on Printing, under title 44 or any other law;

(18) the Secretary of the Interior with respect to procurement for program operations under the Bonneville Project Act of 1937 (16 U.S.C. 832 et seq.);

(19) the Secretary of State with respect to the furnishing of facilities in foreign countries and reception centers within the United States; or

(20) the Office of the Director of National Intelligence.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1066; Pub. L. 108–458, title I, §1080, Dec. 17, 2004, 118 Stat. 3696.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
113(a)	40:474(c) (words before 1st comma).	June 30, 1949, ch. 288, title VI, §602(c)–(e), formerly §502(c)–(e), 63 Stat. 401; renumbered §602(c)–(e), Sept. 5, 1950, ch. 849, §6(a), (b), 64 Stat. 583; Sept. 5, 1950, ch. 849, §§7(e), (f), 8(c), 64 Stat. 590, 591; Pub. L. 85–726, title XIV, §1406, Aug. 23, 1958, 72 Stat. 808; Pub. L. 87–456, title III, §303(b), May 24, 1962, 76 Stat. 78; Pub. L. 89–343, §6, Nov. 8, 1965, 79 Stat. 1303; Pub. L. 90–19, §7, May 25, 1967, 81 Stat. 22; Pub. L. 91–375, §6(m)(2), Aug. 12, 1970, 84 Stat. 782; Pub. L. 93–400, §15(4), Aug. 30, 1974, 88 Stat. 800; Pub. L. 96–60, title II, §203(c), Aug. 15, 1979, 93 Stat. 399; Pub. L. 96–83, §10(b), Oct. 10, 1979, 93 Stat. 652; Pub. L. 97–31, §12(13), Aug. 6, 1981, 95 Stat. 154; Pub. L. 98–191, §§8(d)(2), 9(a)(3), Dec. 1, 1983, 97 Stat. 1331; Pub. L. 101–73, title VII, §744(f), Aug. 9, 1989, 103 Stat. 438; Pub. L. 106–78, title VII, §752(b)(14), Oct. 22, 1999, 113 Stat. 1170.
113(b)	40:474(c) (words between 1st and last commas).	
113(c)	40:474(c) (words after last comma).	
113(d)	40:474(e).	
113(e)	40:474(d).	

In subsection (a), the word ''paramount'' is omitted as included in ''not subject to any inconsistent provision''.

In subsection (c), the words ''chapter 91 of title 31'' are substituted for ''the Government Corporation Control Act (59 Stat. 597; 31 U.S.C. 841)'' in section 602(c) of the Federal Property and Administrative Services Act of 1949, because of section 4(b) of the Act of September 13, 1982 (Public Law 97–258, 96 Stat. 1067).

In subsection (e), the text of 40:474(d)(8) is omitted because 50 App.:1171(b) was repealed by section 53 of the Act of August 10, 1956 (ch. 1041, 70A Stat. 641). The text of 40:474(d)(19) is omitted as obsolete.

In subsection (e)(2), the words ''any phase (including, but not limited to, procurement, storage, transportation, processing, and disposal) of'' and ''the fulfillment of'' are omitted as unnecessary.

In subsection (e)(3), the words ''chapter 137 of title 10'' and ''that chapter'' are substituted for ''Armed Services Procurement Act of 1947'' and ''said Act'' in section 602(d)(3) of the Federal Property and Administrative Services Act of 1949, because of section 49(b) of the Act of August 10, 1956 (ch. 1041, 70A Stat. 640).

In subsection (e)(4), the words ''Secretary of Defense'' are substituted for ''National Military Establishment'' in section 602(d)(4) of the Federal Property and Administrative Services Act of 1949, because of section 12(a), (g) of the National Security Act Amendments of 1949 (ch. 412, 63 Stat. 591) and because of 10:113(a).

In subsection (e)(5), the words ''section 2535 of title 10'' are substituted for ''the National Industrial Reserve Act of 1948 [50 U.S.C. 451 et seq.]'' because the National Industrial Reserve Act was renamed ''Defense Industrial Reserve Act'' by section 809 of the Department of Defense Appropriation Authorization Act, 1974 (Public Law 93–155, 87 Stat. 617), and transferred to section 2535 of title 10 by section 4235 of the Defense Conversion, Reinvestment and Transition Assistance Act of 1992, which was included as Division D in the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484, title XLII, 106 Stat. 2690).

In subsection (e)(6), the words ''the Munitions Board'' are omitted because sections 1 and 2 of Reorganization Plan No. 6 of 1953 (eff. June 30, 1953, 67 Stat. 638) abol-

ished the Munitions Board and transferred the Board's functions to the Secretary of Defense.

In subsection (e)(8), the words ''or the Department of Agriculture'' are omitted as unnecessary because of section 1 of Reorganization Plan No. 2 of 1953 (eff. June 30, 1953, 67 Stat. 638). The words ''the Act of August 31, 1947, Public Law 298, Eightieth Congress, with respect to the disposal of labor supply centers, and labor homes, labor camps, or facilities'' are omitted because the intended reference is probably to the Act of July 31, 1947 (ch. 413, 61 Stat. 694), which was repealed by section 205(a) of the Housing Act of 1950 (ch. 94, 64 Stat. 73).

In subsection (e)(9), the words ''an official or entity under the Farm Credit Act of 1971 (12 U.S.C. 2001 et seq.)'' are substituted for ''the Secretary of Agriculture, Farm Credit Administration, or any farm credit board under section 640*l*(b) of title 12'' because section 5.40(a), formerly 5.26(a), of the Farm Credit Act of 1971 (12:2001 note), repealed 12:640*l*, and provided that ''[a]ll references in other legislation . . . to the Acts repealed hereby shall be deemed to refer to comparable provisions of [the Farm Credit Act of 1971 (12 U.S.C. 2001 et seq.)]''.

In subsection (e)(10), the words ''Secretary of Housing and Urban Development'' are substituted for ''Department of Housing and Urban Development'' because of 42:3532. The words ''Federal Deposit Insurance Corporation'' are substituted for ''Resolution Trust Corporation'' because under 12:1441a(m)(1), the Resolution Trust Corporation terminated on December 31, 1995, and was succeeded by the Federal Deposit Insurance Corporation.

In subsection (e)(11), the words ''property acquired in connection with'' are substituted for ''any property acquired or to be acquired for or in connection with'' to eliminate unnecessary words.

In subsection (e)(12), the words ''the Secretary of Energy with respect to atomic energy'' are substituted for ''the Atomic Energy Commission'' because the Atomic Energy Commission was abolished and its functions were transferred to the Administrator of the Energy Research and Development Administration by section 104 of the Energy Reorganization Act of 1974 (42:5814), and the Energy Research and Development Administration was subsequently terminated and its functions transferred to the Secretary of Energy by sections 301(a) and 703 of the Department of Energy Organization Act (42:7151(a), 42:7293).

In subsection (e)(13), the words ''Secretary of Transportation'' are substituted for ''Administrator of the Federal Aviation Agency'' in section 602(d)(14) of the Federal Property and Administrative Services Act of 1949 because of sections 3(e) and 6(c)(1) of the Department of Transportation Act (Public Law 89–670, 80 Stat. 932, 938), because of 49:106(f) and (g), and because of 49:ch. 473. The words ''Secretary of Commerce'' are substituted for ''Chief of the Weather Bureau'' in section 602(d)(14) of the Federal Property and Administrative Services Act of 1949 because the office of Chief of the Weather Bureau was abolished and functions were transferred to the Secretary of Commerce by Reorganization Plan No. 2 of 1965 (eff. July 13, 1965, 79 Stat. 1318). The words ''section 47301 of title 49'' are substituted for ''the International Aviation Facilities Act (62 Stat. 450)'' in section 602(d)(14) of the Federal Property and Administrative Services Act of 1949 because of section 6(b) of the Act of July 5, 1994 (Public Law 103–272, 108 Stat. 1378).

In subsection (e)(17), the words ''title 44 or any other law'' are substituted for ''the Act entitled 'An Act providing for the public printing and binding and the distribution of public documents' approved January 12, 1895 (28 Stat. 601), as amended or any other Act'' in section 602(d)(18) of the Federal Property and Administrative Services Act of 1949 because of section 2(b) of the Act of October 22, 1968 (Public Law 90–620, 82 Stat. 1305), the first section of which enacted Title 44, United States Code.

In subsection (e)(19), the words ''Secretary of State'' are substituted for ''Director of the International Communication Agency'' [subsequently changed to ''Director of the United States Information Agency'' because of section 303(b) of the Department of State Authorization Act, Fiscal Years 1982 and 1983 (Public Law 97–241, 96 Stat. 291)] because of 22:6551.

REFERENCES IN TEXT

The Office of Federal Procurement Policy Act, referred to in subsec. (b), is Pub. L. 93–400, Aug. 30, 1974, 88 Stat. 796, as amended, which is classified principally to chapter 7 (§ 401 et seq.) of Title 41, Public Contracts. For complete classification of this Act to the Code, see Short Title note set out under section 401 of Title 41 and Tables.

The Philippine Property Act of 1946, referred to in subsec. (e)(1), is act July 3, 1946, ch. 536, 60 Stat. 418, as amended, which is classified generally to subchapter V (§ 1381 et seq.) of chapter 15 of Title 22, Foreign Relations and Intercourse. For complete classification of this Act to the Code, see Short Title note set out under section 1381 of Title 22 and Tables.

The Strategic and Critical Materials Stock Piling Act, referred to in subsec. (e)(6), is act June 7, 1939, ch. 190, as revised generally by Pub. L. 96–41, § 2, July 30, 1979, 93 Stat. 319, which is classified generally to subchapter III (§ 98 et seq.) of chapter 5 of Title 50, War and National Defense. For complete classification of this Act to the Code, see section 98 of Title 50 and Tables.

The Foreign Service Buildings Act, 1926, referred to in subsec. (e)(7), is act May 7, 1926, ch. 250, 44 Stat. 403, as amended, which is classified generally to chapter 8 (§ 292 et seq.) of Title 22, Foreign Relations and Intercourse. For complete classification of this Act to the Code, see section 299 of Title 22 and Tables.

The Richard B. Russell National School Lunch Act, referred to in subsec. (e)(8)(A), is act June 4, 1946, ch. 281, 60 Stat. 230, as amended, which is classified generally to chapter 13 (§ 1751 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 1751 of Title 42 and Tables.

The Farmers Home Administration Act of 1946, referred to in subsec. (e)(8)(B), is act Aug. 14, 1946, ch. 964, 60 Stat. 1062. Such act was substantially repealed by act June 25, 1948, ch. 645, § 21, 62 Stat. 862, and act Aug. 8, 1961, Pub. L. 87–128, title III, § 341(a), 75 Stat. 318. For complete classification of this Act to the Code, see Tables.

The Farm Credit Act of 1971, referred to in subsec. (e)(9), is Pub. L. 92–181, Dec. 10, 1971, 85 Stat. 583, as amended, which is classified generally to chapter 23 (§ 2001 et seq.) of Title 12, Banks and Banking. For complete classification of this Act to the Code, see Short Title note set out under section 2001 of Title 12 and Tables.

The National Housing Act, referred to in subsec. (e)(10)(B)(ii), is act June 27, 1934, ch. 847, 48 Stat. 1246, as amended, which is classified principally to chapter 13 (§ 1701 et seq.) of Title 12, Banks and Banking. For complete classification of this Act to the Code, see section 1701 of Title 12 and Tables.

The Federal Deposit Insurance Act, referred to in subsec. (e)(10)(B)(ii), is act Sept. 21, 1950, ch. 967, § 2, 64 Stat. 873, as amended, which is classified generally to chapter 16 (§ 1811 et seq.) of Title 12, Banks and Banking. For complete classification of this Act to the Code, see Short Title note set out under section 1811 of Title 12 and Tables.

The Bonneville Project Act of 1937, referred to in subsec. (e)(18), is act Aug. 20, 1937, ch. 720, 50 Stat. 731, as amended, which is classified generally to chapter 12B (§ 832 et seq.) of Title 16, Conservation. For complete classification of this Act to the Code, see Short Title note set out under section 832 of Title 16 and Tables.

AMENDMENTS

2004—Subsec. (e)(20). Pub. L. 108–458 added par. (20).

EFFECTIVE DATE OF 2004 AMENDMENT

For Determination by President that amendment by Pub. L. 108–458 take effect on Apr. 21, 2005, see Memo-

randum of President of the United States, Apr. 21, 2005, 70 F.R. 23925, set out as a note under section 401 of Title 50, War and National Defense.

Amendment by Pub. L. 108–458 effective not later than six months after Dec. 17, 2004, except as otherwise expressly provided, see section 1097(a) of Pub. L. 108–458, set out as an Effective Date of 2004 Amendment; Transition Provisions note under section 401 of Title 50, War and National Defense.

SUBCHAPTER III—ADMINISTRATIVE AND GENERAL

§ 121. Administrative

(a) POLICIES PRESCRIBED BY THE PRESIDENT.—The President may prescribe policies and directives that the President considers necessary to carry out this subtitle. The policies must be consistent with this subtitle.

(b) ACCOUNTING PRINCIPLES AND STANDARDS.—

(1) PRESCRIPTION.—The Comptroller General, after considering the needs and requirements of executive agencies, shall prescribe principles and standards of accounting for property.

(2) PROPERTY ACCOUNTING SYSTEMS.—The Comptroller General shall cooperate with the Administrator of General Services and with executive agencies in the development of property accounting systems and approve the systems when they are adequate and in conformity with prescribed principles and standards.

(3) COMPLIANCE REVIEW.—From time to time the Comptroller General shall examine the property accounting systems established by executive agencies to determine the extent of compliance with prescribed principles and standards and approved systems. The Comptroller General shall report to Congress any failure to comply with the principles and standards or to adequately account for property.

(c) REGULATIONS BY ADMINISTRATOR.—

(1) GENERAL AUTHORITY.—The Administrator may prescribe regulations to carry out this subtitle.

(2) REQUIRED REGULATIONS AND ORDERS.—The Administrator shall prescribe regulations that the Administrator considers necessary to carry out the Administrator's functions under this subtitle and the head of each executive agency shall issue orders and directives that the agency head considers necessary to carry out the regulations.

(d) DELEGATION OF AUTHORITY BY ADMINISTRATOR.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Administrator may delegate authority conferred on the Administrator by this subtitle to an official in the General Services Administration or to the head of another federal agency. The Administrator may authorize successive redelegation of authority conferred by this subtitle.

(2) EXCEPTIONS.—The Administrator may not delegate—

(A) the authority to prescribe regulations on matters of policy applying to executive agencies;

(B) the authority to transfer functions and related allocated amounts from one component of the Administration to another under paragraphs (1)(C) and (2)(A) of subsection (e); or

(C) other authority for which delegation is prohibited by this subtitle.

(3) RETENTION AND USE OF RENTAL PAYMENTS.—A department or agency to which the Administrator has delegated authority to operate, maintain or repair a building or facility under this subsection shall retain the portion of the rental payment that the Administrator determines is available to operate, maintain or repair the building or facility. The department or agency shall directly expend the retained amounts to operate, maintain, or repair the building or facility. Any amounts retained under this paragraph shall remain available until expended for these purposes.

(e) ASSIGNMENT OF FUNCTIONS BY ADMINISTRATOR.—

(1) IN GENERAL.—The Administrator may provide for the performance of a function assigned under this subtitle by any of the following methods:

(A) The Administrator may direct the Administration to perform the function.

(B) The Administrator may designate or establish a component of the Administration and direct the component to perform the function.

(C) The Administrator may transfer the function from one component of the Administration to another.

(D) The Administrator may direct an executive agency to perform the function for itself, with the consent of the agency or by direction of the President.

(E) The Administrator may direct one executive agency to perform the function for another executive agency, with the consent of the agencies concerned or by direction of the President.

(F) The Administrator may provide for performance of a function by a combination of the methods described in this paragraph.

(2) TRANSFER OF RESOURCES.—

(A) WITHIN ADMINISTRATION.—If the Administrator transfers a function from one component of the Administration to another, the Administrator may also provide for the transfer of appropriate allocated amounts from the component that previously carried out the function to the component being directed to carry out the function. A transfer under this subparagraph must be reported to the Director of the Office of Management and Budget.

(B) BETWEEN AGENCIES.—If the Administrator transfers a function from one executive agency to another (including a transfer to or from the Administration), the Administrator may also provide for the transfer of appropriate personnel, records, property, and allocated amounts from the executive agency that previously carried out the function to the executive agency being directed to carry out the function. A transfer under this subparagraph is subject to approval by the Director.

(f) ADVISORY COMMITTEES.—The Administrator may establish advisory committees to provide

advice on any function of the Administrator under this subtitle. Members of the advisory committees shall serve without compensation but are entitled to transportation and not more than $25 a day instead of expenses under section 5703 of title 5.

(g) CONSULTATION WITH FEDERAL AGENCIES.—The Administrator shall advise and consult with interested federal agencies and seek their advice and assistance to accomplish the purposes of this subtitle.

(h) ADMINISTERING OATHS.—In carrying out investigative duties, an officer or employee of the Administration, if authorized by the Administrator, may administer an oath to an individual.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1068.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
121(a), (b) ...	40:486(a), (b).	June 30, 1949, ch. 288, title II, §205, 63 Stat. 389; Sept. 5, 1950, ch. 849, §9, 64 Stat. 591; Pub. L. 87–619, Aug. 31, 1962, 76 Stat. 414.
121(c)(1)	40:751(f).	June 30, 1949, ch. 288, title I, §101(f), as added Pub. L. 99–500, §101(m) [title VIII, §832], Oct. 18, 1986, 100 Stat. 1783–345; Pub. L. 99–591, §101(m) [title VIII, §832], Oct. 30, 1986, 100 Stat. 3341–345.
121(c)(2)	40:486(c).	
121(d)(1), (2)	40:486(d).	
121(d)(3)	40:486a.	Pub. L. 104–208, div. A, title I, §101(f) [title VI, §611], Sept. 30, 1996, 110 Stat. 3009–355.
121(e)(1)	40:486(e).	
	40:754 (1st sentence).	June 30, 1949, ch. 288, title I, §106, 63 Stat. 381.
121(e)(2)(A)	40:754 (last sentence).	
121(e)(2)(B)	40:486(f).	
121(f)	40:486(g).	
121(g)	40:486(h).	
121(h)	40:486(i).	

In subsection (b)(3), the words ''Comptroller General'' are substituted for ''General Accounting Office'' because of 31:702 and for consistency in the revised title.

In subsection (d)(3), the words ''For the fiscal year ending September 30, 1997, and thereafter'' are omitted as unnecessary.

In subsection (e)(1)(C), the words ''transfer the function from one component of the Administration to another'' are substituted for ''from time to time, to regroup, transfer, and distribute any such functions within the General Services Administration'' (in 40:754 (1st sentence)) for clarity and to eliminate unnecessary words.

In subsection (e)(2), subparagraph (A) is substituted for 40:754 (last sentence) and subparagraph (B) is substituted for 40:486(f) to use more consistent terminology and to clarify the requirements and applicability of each provision. The words ''Director of the Office of Management and Budget'' are substituted for ''Director of the Bureau of the Budget'' in sections 106 (last sentence) and 205(f) of the Federal Property and Administrative Services Act of 1949 because the office of Director of the Bureau of the Budget was redesignated the Director of the Office of Management and Budget by section 102(b) of Reorganization Plan No. 2 of 1970 (84 Stat. 2085). Section 102 of Reorganization Plan No. 2 of 1970, was repealed by section 5(b) of the Act of September 13, 1982 (Public Law 97–258, 96 Stat. 1085), the first section of which enacted Title 31, United States Code, but the successor provision, 31:502, continued the designation as Director of the Office of Management and Budget.

In subsection (f), the words ''expenses under'' are substituted for ''subsistence, as authorized by'' for consistency in the revised title. The words ''section 5703 of title 5'' are substituted for ''section 5 of the Act of August 2, 1946 (5 U.S.C. 73b–2)'' in section 205(g) of the Federal Property and Administrative Services Act of 1949 because of section 7(b) of the Act of September 6, 1966 (Public Law 89–554, 80 Stat. 631), the first section of which enacted Title 5, United States Code.

TERMINATION OF ADVISORY COMMITTEES

Advisory committees established after Jan. 5, 1973, to terminate not later than the expiration of the 2-year period beginning on the date of their establishment, unless, in the case of a committee established by the President or an officer of the Federal Government, such committee is renewed by appropriate action prior to the expiration of such 2-year period, or in the case of a committee established by the Congress, its duration is otherwise provided by law. See section 14 of Pub. L. 92–463, Oct. 6, 1972, 86 Stat. 776, set out in the Appendix to Title 5, Government Organization and Employees.

EX. ORD. NO. 12072. FEDERAL SPACE MANAGEMENT

Ex. Ord. No. 12072, Aug. 16, 1978, 43 F.R. 36869, provided:

By the authority vested in me as President of the United States of America by Section 205(a) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 486(a)) [now 40 U.S.C. 121(a)], and in order to prescribe appropriate policies and directives, not inconsistent with that Act [now chapters 1 to 11 of this title and title III of the Act of June 30, 1949 (41 U.S.C. 251 et seq.)] and other applicable provisions of law, for the planning, acquisition, utilization, and management of Federal space facilities, it is hereby ordered as follows:

1–1. SPACE ACQUISITION

1–101. Federal facilities and Federal use of space in urban areas shall serve to strengthen the Nation's cities and to make them attractive places to live and work. Such Federal space shall conserve existing urban resources and encourage the development and redevelopment of cities.

1–102. Procedures for meeting space needs in urban areas shall give serious consideration to the impact a site selection will have on improving the social, economic, environmental, and cultural conditions of the communities in the urban area.

1–103. Except where such selection is otherwise prohibited, the process for meeting Federal space needs in urban areas shall give first consideration to a centralized community business area and adjacent areas of similar character, including other specific areas which may be recommended by local officials.

1–104. The process of meeting Federal space needs in urban areas shall be consistent with the policies of this Order and shall include consideration of the following criteria:

(a) Compatability [sic] of the site with State, regional, or local development, redevelopment, or conservation objectives.

(b) Conformity with the activities and programs of other Federal agencies.

(c) Impact on economic development and employment opportunities in the urban area, including the utilization of human, natural, cultural, and community resources.

(d) Availability of adequate low and moderate income housing for Federal employees and their families on a nondiscriminatory basis.

(e) Availability of adequate public transportation and parking and accessibility to the public.

1–105. Procedures for meeting space needs in urban areas shall be consistent with the policies of this Order and shall include consideration of the following alternatives:

(a) Availability of existing Federally controlled facilities.

(b) Utilization of buildings of historic, architectural, or cultural significance within the meaning of section

105 of the Public Buildings Cooperative Use Act of 1976 (90 Stat. 2507, 40 U.S.C. 612a) [now 40 U.S.C. 3306].

(c) Acquisition or utilization of existing privately owned facilities.

(d) Construction of new facilities.

(e) Opportunities for locating cultural, educational, recreational, or commercial activities within the proposed facility.

1–106. Site selection and space assignments shall take into account the management needs for consolidation of agencies or activities in common or adjacent space in order to improve administration and management and effect economies.

1–2. ADMINISTRATOR OF GENERAL SERVICES

1–201. The Administrator of General Services shall develop programs to implement the policies of this Order through the efficient acquisition and utilization of Federally owned and leased space. In particular, the Administrator shall:

(a) Select, acquire, and manage Federal space in a manner which will foster the policies and programs of the Federal government and improve the management and administration of government activities.

(b) Issue regulations, standards, and criteria for the selection, acquisition, and management of Federally owned and leased space.

(c) Periodically undertake surveys of space requirements and space utilization in the executive agencies.

(d) Ensure, in cooperation with the heads of Executive agencies, that their essential space requirements are met in a manner that is economically feasible and prudent.

(e) Make maximum use of existing Federally controlled facilities which, in his judgment, are adequate or economically adaptable to meeting the space needs of executive agencies.

(f) Annually submit long–range plans and programs for the acquisition, modernization, and use of space for approval by the President.

1–202. The Administrator is authorized to request from any Executive agency such information and assistance deemed necessary to carry out his functions under this Order. Each agency shall, to the extent not prohibited by law, furnish such information and assistance to the Administrator.

1–203. In the process of meeting Federal space needs in urban areas and implementing the policies of this Order, the Administrator shall:

(a) Consider the efficient performance of the missions and programs of the agencies, the nature and function of the facilities involved, the convenience of the public served, and the maintenance and improvement of safe and healthful working conditions for employees.

(b) Coordinate proposed programs and plans for facilities and space with the Director of the Office of Management and Budget.

(c) Consult with appropriate Federal, State, regional, and local government officials and consider their recommendations for and objections to a proposed selection site or space acquisition.

(d) Coordinate proposed programs and plans for facilities and space in a manner designed to implement the purposes of this Order.

(e) Prior to making a final determination concerning the location of Federal facilities, notify the concerned Executive agency of an intended course of action and take into account any additional information provided.

1–204. In ascertaining the social, economic, environmental and other impacts which site selection would have on a community, the Administrator shall, when appropriate, obtain the advice of interested agencies.

1–3. GENERAL PROVISIONS

1–301. The heads of Executive agencies shall cooperate with the Administrator in implementing the policies of this Order and shall economize on their use of space. They shall ensure that the Administrator is given early notice of new or changing missions or organizational realignments which affect space requirements.

1–302. Executive agencies which acquire or utilize Federally owned or leased space under authority other than the Federal Property and Administrative Services Act of 1949, as amended [now chapters 1 to 11 of this title and title III of the Act of June 30, 1949 (41 U.S.C. 251 et seq.)], shall conform to the provisions of this Order to the extent they have the authority to do so.

1–303. Executive Order No. 11512 of February 27, 1970, is revoked.

JIMMY CARTER.

EXECUTIVE ORDER NO. 12512

Ex. Ord. No. 12512, Apr. 29, 1985, 50 F.R. 18453, which related to Federal real property management, was revoked by Ex. Ord. No. 13327, §8, Feb. 4, 2004, 69 F.R. 5897, set out below.

EX. ORD. NO. 12954. ENSURING THE ECONOMICAL AND EFFICIENT ADMINISTRATION AND COMPLETION OF FEDERAL GOVERNMENT CONTRACTS

Ex. Ord. No. 12954, Mar. 8, 1995, 60 F.R. 13023, provided:

Efficient economic performance and productivity are directly related to the existence of cooperative working relationships between employers and employees. When Federal contractors become involved in prolonged labor disputes with their employees, the Federal Government's economy, efficiency, and cost of operations are adversely affected. In order to operate as effectively as possible, by receiving timely goods and quality services, the Federal Government must assist the entities with which it has contractual relations to develop stable relationships with their employees.

An important aspect of a stable collective bargaining relationship is the balance between allowing businesses to operate during a strike and preserving worker rights. This balance is disrupted when permanent replacement employees are hired. It has been found that strikes involving permanent replacement workers are longer in duration than other strikes. In addition, the use of permanent replacements can change a limited dispute into a broader, more contentious struggle, thereby exacerbating the problems that initially led to the strike. By permanently replacing its workers, an employer loses the accumulated knowledge, experience, skill, and expertise of its incumbent employees. These circumstances then adversely affect the businesses and entities, such as the Federal Government, which rely on that employer to provide high quality and reliable goods or services.

NOW, THEREFORE, to ensure the economical and efficient administration and completion of Federal Government contracts, and by the authority vested in me as President by the Constitution and the laws of the United States of America, including 40 U.S.C. 486(a) [now 40 U.S.C. 121(a)] and 3 U.S.C. 301, it is hereby ordered as follows:

SECTION 1. It is the policy of the executive branch in procuring goods and services that, to ensure the economical and efficient administration and completion of Federal Government contracts, contracting agencies shall not contract with employers that permanently replace lawfully striking employees. All discretion under this Executive order shall be exercised consistent with this policy.

SEC. 2. (a) The Secretary of Labor (''Secretary'') may investigate an organizational unit of a Federal contractor to determine whether the unit has permanently replaced lawfully striking workers. Such investigation shall be conducted in accordance with procedures established by the Secretary.

(b) The Secretary shall receive and may investigate complaints by employees of any entity covered under section 2(a) of this order where such complaints allege lawfully striking employees have been permanently replaced.

(c) The Secretary may hold such hearings, public or private, as he or she deems advisable, to determine whether an entity covered under section 2(a) has permanently replaced lawfully striking employees.

SEC. 3. (a) When the Secretary determines that a contractor has permanently replaced lawfully striking employees, the Secretary may make a finding that it is appropriate to terminate the contract for convenience. The Secretary shall transmit that finding to the head of any department or agency that contracts with the contractor.

(b) The head of the contracting department or agency may object to the termination for convenience of a contract or contracts of a contractor determined to have permanently replaced legally striking employees. If the head of the agency so objects, he or she shall set forth the reasons for not terminating the contract or contracts in a response in writing to the Secretary. In such case, the termination for convenience shall not be issued. The head of the contracting agency or department shall report to the Secretary those contracts that have been terminated for convenience under this section.

SEC. 4. (a) When the Secretary determines that a contractor has permanently replaced lawfully striking employees, the Secretary may debar the contractor, thereby making the contractor ineligible to receive government contracts. The Secretary shall notify the Administrator of the General Services Administration of the debarment, and the Administrator shall include the contractor on the consolidated list of debarred contractors. Departments and agencies shall not solicit offers from, award contracts to, or consent to subcontracts with these contractors unless the head of the agency or his or her designee determines, in writing, that there is a compelling reason for such action, in accordance with the Federal Acquisition Regulation.

(b) The scope of the debarment normally will be limited to those organizational units of a Federal contractor that the Secretary finds to have permanently replaced lawfully striking workers.

(c) The period of the debarment may not extend beyond the date when the labor dispute precipitating the permanent replacement of lawfully striking workers has been resolved, as determined by the Secretary.

SEC. 5. The Secretary shall publish or cause to be published, in the Federal Register, the names of contractors that have, in the judgement of the Secretary, permanently replaced lawfully striking employees and have been the subject of debarment.

SEC. 6. The Secretary shall be responsible for the administration and enforcement of this order. The Secretary, after consultation with the Secretary of Defense, the Administrator of the General Services, the Administrator of the National Aeronautics and Space Administration, and the Administrator of the Office of Federal Procurement Policy, may adopt such rules and regulations and issue such orders as may be deemed necessary and appropriate to achieve the purposes of this order.

SEC. 7. Each contracting department and agency shall cooperate with the Secretary and provide such information and assistance as the Secretary may require in the performance of the Secretary's functions under this order.

SEC. 8. The Secretary may delegate any function or duty of the Secretary under this order to any officer in the Department of Labor or to any other officer in the executive branch of the Government, with the consent of the head of the department or agency in which that officer serves.

SEC. 9. The Secretary of Defense, the Administrator of the General Services, and the Administrator of the National Aeronautics and Space Administration, after consultation with the Administrator of the Office of Federal Procurement Policy, shall take whatever action is appropriate to implement the provisions of this order and of any related rules, regulations, or orders of the Secretary issued pursuant to this order.

SEC. 10. This order is not intended, and should not be construed, to create any right or benefit, substantive or procedural, enforceable at law by a party against the United States, its agencies, its officers, or its employees. This order is not intended, however, to preclude judicial review of final agency decisions in accordance with the Administrative Procedure Act, 5 U.S.C. 701 *et seq*.

SEC. 11. The meaning of the term ''organizational unit of a Federal contractor'' as used in this order shall be defined in regulations that shall be issued by the Secretary of Labor, in consultation with affected agencies. This order shall apply only to contracts in excess of the Simplified Acquisition Threshold.

SEC. 12. (a) The provisions of section 3 of this order shall only apply to situations in which contractors have permanently replaced lawfully striking employees after the effective date of this order.

(b) This order is effective immediately.

WILLIAM J. CLINTON.

EX. ORD. NO. 12977. INTERAGENCY SECURITY COMMITTEE

Ex. Ord. No. 12977, Oct. 19, 1995, 60 F.R. 54411, as amended by Ex. Ord. No. 13286, § 23, Feb. 28, 2003, 68 F.R. 10624, provided:

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to enhance the quality and effectiveness of security in and protection of buildings and facilities in the United States occupied by Federal employees for nonmilitary activities (''Federal facilities''), and to provide a permanent body to address continuing government-wide security for Federal facilities, it is hereby ordered as follows:

SECTION 1. *Establishment*. There is hereby established within the executive branch the Interagency Security Committee (''Committee''). The Committee shall consist of: (a) the Secretary of Homeland Security (''Secretary'');

(b) representatives from the following agencies, appointed by the agency heads:

(1) Department of State;
(2) Department of the Treasury;
(3) Department of Defense;
(4) Department of Justice;
(5) Department of the Interior;
(6) Department of Agriculture;
(7) Department of Commerce;
(8) Department of Labor;
(9) Department of Health and Human Services;
(10) Department of Housing and Urban Development;
(11) Department of Transportation;
(12) Department of Energy;
(13) Department of Education;
(14) Department of Veterans Affairs;
(15) Environmental Protection Agency;
(16) Central Intelligence Agency;
(17) Office of Management and Budget; and
(18) General Services Administration;

(c) the following individuals or their designees:

(1) the Director, United States Marshals Service;
(2) the Assistant to the President for National Security Affairs; and
(3) the Director, Security Policy Board; and

(d) such other Federal employees as the President shall appoint.

SEC. 2. *Chair*. The Committee shall be chaired by the Secretary, or the designee of the Secretary.

SEC. 3. *Working Groups*. The Committee is authorized to establish interagency working groups to perform such tasks as may be directed by the Committee.

SEC. 4. *Consultation*. The Committee may consult with other parties, including the Administrative Office of the United States Courts, to perform its responsibilities under this order, and, at the discretion of the Committee, such other parties may participate in the working groups.

SEC. 5. *Duties and Responsibilities*. (a) The Committee shall: (1) establish policies for security in and protection of Federal facilities;

(2) develop and evaluate security standards for Federal facilities, develop a strategy for ensuring compliance with such standards, and oversee the implementation of appropriate security measures in Federal facilities; and

(3) take such actions as may be necessary to enhance the quality and effectiveness of security and protection of Federal facilities, including but not limited to:

(A) encouraging agencies with security responsibilities to share security-related intelligence in a timely and cooperative manner;

(B) assessing technology and information systems as a means of providing cost-effective improvements to security in Federal facilities;

(C) developing long-term construction standards for those locations with threat levels or missions that require blast resistant structures or other specialized security requirements;

(D) evaluating standards for the location of, and special security related to, day care centers in Federal facilities; and

(E) assisting the Secretary in developing and maintaining a centralized security data base of all Federal facilities.

SEC. 6. *Agency Support and Cooperation*. (a) *Administrative Support*. To the extent permitted by law and subject to the availability of appropriations, the Secretary, acting by and through the Assistant Commissioner, shall provide the Committee such administrative services, funds, facilities, staff and other support services as may be necessary for the performance of its functions under this order.

(b) *Cooperation*. Each executive agency and department shall cooperate and comply with the policies and recommendations of the Committee issued pursuant to this order, except where the Director of Central Intelligence determines that compliance would jeopardize intelligence sources and methods. To the extent permitted by law and subject to the availability of appropriations, executive agencies and departments shall provide such support as may be necessary to enable the Committee to perform its duties and responsibilities under this order.

(c) *Compliance*. The Secretary shall be responsible for monitoring Federal agency compliance with the policies and recommendations of the Committee.

SEC. 7. *Judicial Review*. This order is intended only to improve the internal management of the Federal Government, and is not intended, and should not be construed, to create any right or benefit, substantive or procedural, enforceable at law by a party against the United States, its agencies, its officers, or its employees.

EX. ORD. NO. 13327. FEDERAL REAL PROPERTY ASSET MANAGEMENT

Ex. Ord. No. 13327, Feb. 4, 2004, 69 F.R. 5897, as amended by Ex. Ord. No. 13423, §11(c), Jan. 24, 2007, 72 F.R. 3923, provided:

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 121(a) of title 40, United States Code, and in order to promote the efficient and economical use of Federal real property resources in accordance with their value as national assets and in the best interests of the Nation, it is hereby ordered as follows:

SECTION 1. *Policy*. It is the policy of the United States to promote the efficient and economical use of America's real property assets and to assure management accountability for implementing Federal real property management reforms. Based on this policy, executive branch departments and agencies shall recognize the importance of real property resources through increased management attention, the establishment of clear goals and objectives, improved policies and levels of accountability, and other appropriate action.

SEC. 2. *Definition and Scope*. (a) For the purpose of this executive order, Federal real property is defined as any real property owned, leased, or otherwise managed by the Federal Government, both within and outside the United States, and improvements on Federal lands. For the purpose of this order, Federal real property shall exclude: interests in real property assets that have been disposed of for public benefit purposes pursuant to section 484 of title 40, United States Code [now 40 U.S.C. 541–555], and are now held in private ownership; land easements or rights-of-way held by the Federal Government; public domain land (including lands withdrawn for military purposes) or land reserved or dedicated for national forest, national park, or national wildlife refuge purposes except for improvements on those lands; land held in trust or restricted fee status for individual Indians or Indian tribes; and land and interests in land that are withheld from the scope of this order by agency heads for reasons of national security, foreign policy, or public safety.

(b) This order shall not be interpreted to supersede any existing authority under law or by executive order for real property asset management, with the exception of the revocation of Executive Order 12512 of April 29, 1985 [formerly set out as a note above], in section 8 of this order.

SEC. 3. *Establishment and Responsibilities of Agency Senior Real Property Officer*. (a) The heads of all executive branch departments and agencies cited in sections 901(b)(1) and (b)(2) of title 31, United States Code, and the Secretary of Homeland Security, shall designate among their senior management officials, a Senior Real Property Officer. Such officer shall have the education, training, and experience required to administer the necessary functions of the position for the particular agency.

(b) The Senior Real Property Officer shall develop and implement an agency asset management planning process that meets the form, content, and other requirements established by the Federal Real Property Council established in section 4 of this order. The initial agency asset management plan will be submitted to the Office of Management and Budget on a date determined by the Director of the Office of Management and Budget. In developing this plan, the Senior Real Property Officer shall:

(i) identify and categorize all real property owned, leased, or otherwise managed by the agency, including, where applicable, those properties outside the United States in which the lease agreements and arrangements reflect the host country currency or involve alternative lease plans or rental agreements;

(ii) prioritize actions to be taken to improve the operational and financial management of the agency's real property inventory;

(iii) make life-cycle cost estimations associated with the prioritized actions;

(iv) identify legislative authorities that are required to address these priorities;

(v) identify and pursue goals, with appropriate deadlines, consistent with and supportive of the agency's asset management plan and measure progress against such goals;

(vi) incorporate planning and management requirements for historic property under Executive Order 13287 of March 3, 2003 [16 U.S.C. 470h–2 note], and for environmental management under other executive orders; and

(vii) identify any other information and pursue any other actions necessary to the appropriate development and implementation of the agency asset management plan.

(c) The Senior Real Property Officer shall be responsible, on an ongoing basis, for monitoring the real property assets of the agency so that agency assets are managed in a manner that is:

(i) consistent with, and supportive of, the goals and objectives set forth in the agency's overall strategic plan under section 306 of title 5, United States Code;

(ii) consistent with the real property asset management principles developed by the Federal Real Property Council established in section 4 of this order; and

(iii) reflected in the agency asset management plan.

(d) The Senior Real Property Officer shall, on an annual basis, provide to the Director of the Office of Management and Budget and the Administrator of General Services:

(i) information that lists and describes real property assets under the jurisdiction, custody, or control of that agency, except for classified information; and

(ii) any other relevant information the Director of the Office of Management and Budget or the Administrator of General Services may request for inclusion in the Government-wide listing of all Federal real property assets and leased property.

(e) The designation of the Senior Real Property Officer shall be made by agencies within 30 days after the date of this order.

SEC. 4. *Establishment of a Federal Real Property Council*. (a) A Federal Real Property Council (Council) is established, within the Office of Management and Budget for administrative purposes, to develop guidance for, and facilitate the success of, each agency's asset management plan. The Council shall be composed exclusively of all agency Senior Real Property Officers, the Controller of the Office of Management and Budget, the Administrator of General Services, and any other full-time or permanent part-time Federal officials or employees as deemed necessary by the Chairman of the Council. The Deputy Director for Management of the Office of Management and Budget shall also be a member and shall chair the Council. The Office of Management and Budget shall provide funding and administrative support for the Council, as appropriate.

(b) The Council shall provide a venue for assisting the Senior Real Property Officers in the development and implementation of the agency asset management plans. The Council shall work with the Administrator of General Services to establish appropriate performance measures to determine the effectiveness of Federal real property management. Such performance measures shall include, but are not limited to, evaluating the costs and benefits involved with acquiring, repairing, maintaining, operating, managing, and disposing of Federal real properties at particular agencies. Specifically, the Council shall consider, as appropriate, the following performance measures:

(i) life-cycle cost estimations associated with the agency's prioritized actions;

(ii) the costs relating to the acquisition of real property assets by purchase, condemnation, exchange, lease, or otherwise;

(iii) the cost and time required to dispose of Federal real property assets and the financial recovery of the Federal investment resulting from the disposal;

(iv) the operating, maintenance, and security costs at Federal properties, including but not limited to the costs of utility services at unoccupied properties;

(v) the environmental costs associated with ownership of property, including the costs of environmental restoration and compliance activities;

(vi) changes in the amounts of vacant Federal space;

(vii) the realization of equity value in Federal real property assets;

(viii) opportunities for cooperative arrangements with the commercial real estate community; and

(ix) the enhancement of Federal agency productivity through an improved working environment. The performance measures shall be designed to enable the heads of executive branch agencies to track progress in the achievement of Government-wide property management objectives, as well as allow for comparing the performance of executive branch agencies against industry and other public sector agencies.

(c) The Council shall serve as a clearinghouse for executive agencies for best practices in evaluating actual progress in the implementation of real property enhancements. The Council shall also work in conjunction with the President's Management Council to assist the efforts of the Senior Real Property Officials and the implementation of agency asset management plans.

(d) The Council shall be organized and hold its first meeting within 60 days of the date of this order. The Council shall hold meetings not less often than once a quarter each fiscal year.

SEC. 5. *Role of the General Services Administration*. (a) The Administrator of General Services shall, to the extent permitted by law and in consultation with the Federal Real Property Council, provide policy oversight and guidance for executive agencies for Federal real property management; manage selected properties for an agency at the request of that agency and with the consent of the Administrator; delegate operational responsibilities to an agency where the Administrator determines it will promote efficiency and economy, and where the receiving agency has demonstrated the ability and willingness to assume such responsibilities; and provide necessary leadership in the development and maintenance of needed property management information systems.

(b) The Administrator of General Services shall publish common performance measures and standards adopted by the Council.

(c) The Administrator of General Services, in consultation with the Federal Real Property Council, shall establish and maintain a single, comprehensive, and descriptive database of all real property under the custody and control of all executive branch agencies, except when otherwise required for reasons of national security. The Administrator shall collect from each executive branch agency such descriptive information, except for classified information, as the Administrator considers will best describe the nature, use, and extent of the real property holdings of the Federal Government.

(d) The Administrator of General Services, in consultation with the Federal Real Property Council, may establish data and other information technology (IT) standards for use by Federal agencies in developing or upgrading Federal agency real property information systems in order to facilitate reporting on a uniform basis. Those agencies with particular IT standards and systems in place and in use shall be allowed to continue with such use to the extent that they are compatible with the standards issued by the Administrator.

SEC. 6. *General Provisions*. (a) The Director of the Office of Management and Budget shall review, through the management and budget review processes, the efforts of departments and agencies in implementing their asset management plans and achieving the Government-wide property management policies established pursuant to this order.

(b) The Office of Management and Budget and the General Services Administration shall, in consultation with the landholding agencies, develop legislative initiatives that seek to improve Federal real property management through the adoption of appropriate industry management techniques and the establishment of managerial accountability for implementing effective and efficient real property management practices.

(c) Nothing in this order shall be construed to impair or otherwise affect the authority of the Director of the Office of Management and Budget with respect to budget, administrative, or legislative proposals.

(d) Nothing in this order shall be construed to affect real property for the use of the President, Vice President, or, for protective purposes, the United States Secret Service.

SEC. 7. *Public Lands*. In order to ensure that Federally owned lands, other than the real property covered by this order, are managed in the most effective and economic manner, the Departments of Agriculture and the Interior shall take such steps as are appropriate to improve their management of public lands and National Forest System lands and shall develop appropriate legislative proposals necessary to facilitate that result.

SEC. 8. Executive Order 12512 of April 29, 1985, is hereby revoked.

SEC. 9. *Judicial Review*. This order is intended only to improve the internal management of the executive branch and is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity, against the United States, its departments, agencies, or other entities, its officers or employees, or any other person.

GEORGE W. BUSH.

§ 122. Prohibition on sex discrimination

(a) PROHIBITION.—With respect to a program or activity carried on or receiving federal assist-

ance under this subtitle, an individual may not be excluded from participation, denied benefits, or otherwise discriminated against based on sex.

(b) ENFORCEMENT.—Subsection (a) shall be enforced through agency provisions and rules similar to those already established with respect to racial and other discrimination under title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.). However, this remedy is not exclusive and does not prejudice or remove any other legal remedies available to an individual alleging discrimination.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1070.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
122	40:476.	June 30, 1949, ch. 288, title VI, § 606, as added Pub. L. 94–519, § 8, Oct. 17, 1976, 90 Stat. 2456.

REFERENCES IN TEXT

The Civil Rights Act of 1964, referred to in subsec. (b), is Pub. L. 88–352, July 2, 1964, 78 Stat. 241, as amended. Title VI of the Act is classified generally to subchapter V (§ 2000d et seq.) of chapter 21 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 2000a of Title 42 and Tables.

§ 123. Civil remedies for fraud

(a) IN GENERAL.—In connection with the procurement, transfer or disposition of property under this subtitle, a person that uses or causes to be used, or enters into an agreement, combination, or conspiracy to use or cause to be used, a fraudulent trick, scheme, or device for the purpose of obtaining or aiding to obtain, for any person, money, property, or other benefit from the Federal Government—

(1) shall pay to the Government an amount equal to the sum of—

(A) $2,000 for each act;

(B) two times the amount of damages sustained by the Government because of each act; and

(C) the cost of suit;

(2) if the Government elects, shall pay to the Government, as liquidated damages, an amount equal to two times the consideration that the Government agreed to give to the person, or that the person agreed to give to the Government; or

(3) if the Government elects, shall restore to the Government the money or property fraudulently obtained, with the Government retaining as liquidated damages, the money, property, or other consideration given to the Government.

(b) ADDITIONAL REMEDIES AND CRIMINAL PENALTIES.—The civil remedies provided in this section are in addition to all other civil remedies and criminal penalties provided by law.

(c) IMMUNITY OF GOVERNMENT OFFICIALS.—An officer or employee of the Government is not liable (except for an individual's own fraud) or accountable for collection of a purchase price that is determined to be uncollectible by the federal agency responsible for property if the property is transferred or disposed of in accordance with this subtitle and with regulations prescribed under this subtitle.

(d) JURISDICTION AND VENUE.—

(1) DEFINITION.—In this subsection, the term ''district court'' means a district court of the United States or a district court of a territory or possession of the United States.

(2) IN GENERAL.—A district court has original jurisdiction of an action arising under this section, and venue is proper, if at least one defendant resides or may be found in the court's judicial district. Jurisdiction and venue are determined without regard to the place where acts were committed.

(3) ADDITIONAL DEFENDANT OUTSIDE JUDICIAL DISTRICT.—A defendant that does not reside and may not be found in the court's judicial district may be brought in by order of the court, to be served personally, by publication, or in another reasonable manner directed by the court.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1070.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
123(a)	40:489(b).	June 30, 1949, ch. 288, title II, § 209, 63 Stat. 392.
123(b)	40:489(d).	
123(c)	40:489(a).	
123(d)	40:489(c).	

In subsection (a), before clause (1), the words ''under this subtitle'' are substituted for ''hereunder'' because ''hereunder'' probably means under the Federal Property and Administrative Services Act of 1949 which is restated in subtitle I of the revised title (except as noted in section 111 of the revised title and the accompanying revision note). The words ''or engage in'', ''or engaged in'', ''securing or'', and ''secure or'' are omitted as unnecessary. The word ''money'' is substituted for ''payment'' for consistency in the section.

In subsection (a)(1)(B), the words ''because of each act'' are substituted for ''by reason thereof'' for clarity.

In subsection (a)(2), the words ''or any Federal agency'' and ''or any Federal agency, as the case may be'' are omitted as unnecessary.

In subsection (a)(3), the words ''fraudulently obtained'' are substituted for ''thus secured and obtained'' for clarity and to eliminate unnecessary words.

In subsection (d)(1), the word ''several'' is omitted as unnecessary. The words ''the District Court of the United States for the District of Columbia'' in section 209(c) of the Federal Property and Administrative Services Act of 1949 are omitted as included in ''a district court of the United States'' because of sections 88 and 132(a) of title 28.

Subsection (d)(2) is substituted for ''[D]istrict courts . . . within whose jurisdictional limits the person, or persons, doing or committing such act, or any one of them, resides or shall be found, shall wheresoever such act may have been done or committed, have full power and jurisdiction to hear, try, and determine such suit'' for clarity and to use terminology consistent with title 28, especially 28:1331 and 1391(b).

In subsection (d)(3), the words ''A defendant that does not reside and may not be found in the court's judicial district'' are substituted for ''and such person or persons as are not inhabitants of or found within the district in which suit is brought'' for clarity and to use terminology consistent with title 28, especially 28:1331 and 1391(b).

§ 124. Agency use of amounts for property management

Amounts appropriated, allocated, or available to a federal agency for purposes similar to the

purposes in section 121 of this title or subchapter I (except section 506), II, or III of chapter 5 of this title may be used by the agency for the disposition of property under this subtitle, and for the care and handling of property pending the disposition, if the Director of the Office of Management and Budget authorizes the use.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1071.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
124	40:475(b).	June 30, 1949, ch. 288, title VI, § 603(b), formerly § 503(b), 63 Stat. 403; renumbered [§] 603(b), Sept. 5, 1950, ch. 849, § 6(a), (b), 64 Stat. 583.

The words ''heretofore or hereafter'' are omitted as unnecessary. The words ''Director of the Office of Management and Budget'' are substituted for ''Director of the Bureau of the Budget'' in section 603(b) of the Federal Property and Administrative Services Act of 1949 because the office of Director of the Bureau of the Budget was redesignated the Director of the Office of Management and Budget by section 102(b) of Reorganization Plan No. 2 of 1970 (84 Stat. 2085). Section 102 of Reorganization Plan No. 2 of 1970, was repealed by section 5(b) of the Act of September 13, 1982 (Public Law 97–258, 96 Stat. 1085), the first section of which enacted Title 31, United States Code, but the successor provision, 31:502, continued the designation as Director of the Office of Management and Budget.

§ 125. Library memberships

Amounts appropriated may be used, when authorized by the Administrator of General Services, for payment in advance for library memberships in societies whose publications are available to members only, or to members at a lower price than that charged to the general public.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1071.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
125	40:475(a).	June 30, 1949, ch. 288, title VI, § 603(a), formerly § 503(a), 63 Stat. 403; renumbered [§] 603(a), Sept. 5, 1950, ch. 849, § 6(a), (b), 64 Stat. 583; Sept. 5, 1950, ch. 849, § 7(g), 64 Stat. 590.

The words ''such sums as may be necessary to carry out the provisions of this Act'' are omitted as unnecessary.

§ 126. Reports to Congress

The Administrator of General Services, at times the Administrator considers desirable, shall submit a report to Congress on the administration of this subtitle. The report shall include any recommendation for amendment of this subtitle that the Administrator considers appropriate and shall identify any law that is obsolete because of the enactment or operation of this subtitle.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1071.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
126	40:492.	June 30, 1949, ch. 288, title II, § 212, formerly § 210, 63 Stat. 393; renumbered § 212, Sept. 5, 1950, ch. 849, § 5(a), 64 Stat. 580.

The words ''in January of each year and'' are omitted pursuant to section 3003 of the Federal Reports Elimination and Sunset Act of 1995 (31 U.S.C. 1113 note). See, also, page 174 of House Document No. 103–7.

CHAPTER 3—ORGANIZATION OF GENERAL SERVICES ADMINISTRATION

SUBCHAPTER I—GENERAL

Sec.
301. Establishment.
302. Administrator and Deputy Administrator.
303. Federal Acquisition Service.
304. Federal information centers.
305. Electronic Government and information technologies.

SUBCHAPTER II—ADMINISTRATIVE

311. Personnel.
312. Transfer and use of amounts for major equipment acquisitions.
313. Tests of materials.

SUBCHAPTER III—FUNDS

321. Acquisition Services Fund.
[322. Repealed.]
323. Consumer Information Center Fund.

AMENDMENTS

2006—Pub. L. 109–313, §§ 2(a)(2), 3(h)(3), Oct. 6, 2006, 120 Stat. 1734, 1736, substituted ''Federal Acquisition Service'' for ''Functions'' in item 303 and ''Acquisition Services Fund'' for ''General Supply Fund'' in item 321 and struck out item 322 ''Information Technology Fund''.

2002—Pub. L. 107–347, title I, § 102(a)(2), Dec. 17, 2002, 116 Stat. 2910, added item 305.

SUBCHAPTER I—GENERAL

§ 301. Establishment

The General Services Administration is an agency in the executive branch of the Federal Government.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1071.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
301	40:751(a).	June 30, 1949, ch. 288, title I, § 101(a), 63 Stat. 379.

TRANSFER OF FUNCTIONS

For transfer of functions, personnel, assets, and liabilities of the General Services Administration, including the functions of the Administrator of General Services relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see sections 121(g)(5), 203(3), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

REORGANIZATION PLAN NO. 18 OF 1950

Eff. July 1, 1950, 15 F.R. 3177, 64 Stat. 1270

Prepared by the President and transmitted to the Senate and the House of Representatives in Congress as-