

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
312	40:755a.	Pub. L. 103-123, title IV, § 5, Oct. 28, 1993, 107 Stat. 1246.

In subsection (a), before clause (1), the words “For fiscal year 1993 and thereafter” and “during such fiscal year” are omitted as unnecessary. In clause (2), the words “Chief Financial Officers Act of 1990” are substituted for “Chief Financial Officers Act” as the probable intent of Congress.

In subsection (b)(2), the words “in fiscal year 1993 and thereafter” are omitted as unnecessary.

REFERENCES IN TEXT

The Chief Financial Officers Act of 1990, referred to in subsec. (a)(2), is Pub. L. 101-576, Nov. 15, 1990, 104 Stat. 2838. For complete classification of this Act to the Code, see Short Title of 1990 Amendment note set out under section 501 of Title 31, Money and Finance, and Tables.

§ 313. Tests of materials

(a) SCOPE.—This section applies to any article or commodity tendered by a producer or vendor for sale or lease to the General Services Administration or to any procurement authority acting under the direction and control of the Administrator of General Services pursuant to this subtitle.

(b) AUTHORITY TO CONDUCT TESTS.—The Administrator, in the Administrator’s discretion and with the consent of the producer or vendor, may have tests conducted, in a manner the Administrator specifies, to—

(1) determine whether an article or commodity conforms to prescribed specifications and standards; or

(2) aid in the development of specifications and standards.

(c) FEES.—

(1) IN GENERAL.—The Administrator shall charge the producer or vendor a fee for the tests.

(2) AMOUNT OF FEE IF TESTS PREDOMINANTLY SERVE INTEREST OF PRODUCER OR VENDOR.—If the Administrator determines that conducting the tests predominantly serves the interest of the producer or vendor, the Administrator shall fix the fee in an amount that will recover the costs of conducting the tests, including all components of the costs, determined in accordance with accepted accounting principles.

(3) AMOUNT OF FEE IF TESTS DO NOT PREDOMINANTLY SERVE INTEREST OF PRODUCER OR VENDOR.—If the Administrator determines that conducting the tests does not predominantly serve the interest of the producer or vendor, the Administrator shall fix the fee in an amount the Administrator determines is reasonable for furnishing the testing service.

(Pub. L. 107-217, Aug. 21, 2002, 116 Stat. 1073.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
313(a)	40:756(g) (1st sentence words before 1st comma).	June 30, 1949, ch. 288, title I, § 109(g) (1st-3d sentences), as added Sept. 5, 1950, ch. 849, § 3(b), 64 Stat. 579; Pub. L. 86-591, July 5, 1960, 74 Stat. 330.

HISTORICAL AND REVISION NOTES—CONTINUED

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
313(b)	40:756(g) (1st sentence words after 1st comma).	
313(c)	40:756(g) (2d, 3d sentences).	

In subsection (b), the word “contemplated” is omitted as unnecessary.

SUBCHAPTER III—FUNDS

§ 321. Acquisition Services Fund

(a) EXISTENCE.—The Acquisition Services Fund is a special fund in the Treasury.

(b) COMPOSITION.—

(1) IN GENERAL.—The Fund is composed of amounts authorized to be transferred to the Fund or otherwise made available to the Fund.

(2) OTHER CREDITS.—The Fund shall be credited with all reimbursements, advances, and refunds or recoveries relating to personal property or services procured through the Fund, including—

(A) the net proceeds of disposal of surplus personal property; and

(B) receipts from carriers and others for loss of, or damage to, personal property; and

(C) receipts from agencies charged fees pursuant to rates established by the Administrator.

(3) COST AND CAPITAL REQUIREMENTS.—The Administrator shall determine the cost and capital requirements of the Fund for each fiscal year and shall develop a plan concerning such requirements in consultation with the Chief Financial Officer of the General Services Administration. Any change to the cost and capital requirements of the Fund for a fiscal year shall be approved by the Administrator. The Administrator shall establish rates to be charged agencies provided, or to be provided, supply of personal property and non-personal services through the Fund, in accordance with the plan.

(4) DEPOSIT OF FEES.—Fees collected by the Administrator under section 313 of this title may be deposited in the Fund to be used for the purposes of the Fund.

(c) USES.—

(1) IN GENERAL.—The Fund is available for use by or under the direction and control of the Administrator for—

(A) procuring, for the use of federal agencies in the proper discharge of their responsibilities—

(i) personal property (including the purchase from or through the Public Printer, for warehouse issue, of standard forms, blankbook work, standard specifications, and other printed material in common use by federal agencies and not available through the Superintendent of Documents);

(ii) nonpersonal services; and

(iii) personal services related to the provision of information technology (as defined in section 11101(6) of this title);

(B) paying the purchase price, cost of transportation of personal property and

services, and cost of personal services employed directly in the repair, rehabilitation, and conversion of personal property; and

(C) paying other direct costs of, and indirect costs that are reasonably related to, contracting, procurement, inspection, storage, management, distribution, and accountability of property and nonpersonal services provided by the General Services Administration or by special order through the Administration.

(2) OTHER USES.—The Fund may be used for the procurement of personal property and nonpersonal services authorized to be acquired by—

(A) mixed-ownership Government corporations;

(B) the municipal government of the District of Columbia; or

(C) a requisitioning non-federal agency when the function of a federal agency authorized to procure for it is transferred to the Administration.

(d) PAYMENT FOR PROPERTY AND SERVICES.—

(1) IN GENERAL.—For property or services procured through the Fund for requisitioning agencies, the agencies shall pay prices the Administrator fixes under this subsection.

(2) PRICES FIXED BY ADMINISTRATOR.—The Administrator shall fix prices at levels sufficient to recover—

(A) so far as practicable—

(i) the purchase price;

(ii) the transportation cost;

(iii) inventory losses;

(iv) the cost of personal services employed directly in the repair, rehabilitation, and conversion of personal property;

(v) the cost of personal services employed directly in providing information technology (as defined in section 11101(6) of this title); and

(vi) the cost of amortization and repair of equipment used for lease or rent to executive agencies; and

(B) properly allocable costs payable by the Fund under subsection (c)(1)(C).

(3) TIMING OF PAYMENTS.—

(A) PAYMENT IN ADVANCE.—A requisitioning agency shall pay in advance when the Administrator determines that there is insufficient capital otherwise available in the Fund. Payment in advance may also be made under an agreement between a requisitioning agency and the Administrator.

(B) PROMPT REIMBURSEMENT.—If payment is not made in advance, the Administration shall be reimbursed promptly out of amounts of the requisitioning agency in accordance with accounting procedures approved by the Comptroller General.

(C) FAILURE TO MAKE PROMPT REIMBURSEMENT.—The Administrator may obtain reimbursement by the issuance of transfer and counterwarrants, or other lawful transfer documents, supported by itemized invoices, if payment is not made by a requisitioning agency within 45 days after the later of—

(i) the date of billing by the Administrator; or

(ii) the date on which actual liability for personal property or services is incurred by the Administrator.

(e) REIMBURSEMENT FOR EQUIPMENT PURCHASED FOR CONGRESS.—The Administrator may accept periodic reimbursement from the Senate and from the House of Representatives for the cost of any equipment purchased for the Senate or the House of Representatives with money from the Fund. The amount of each periodic reimbursement shall be computed by amortizing the total cost of each item of equipment over the useful life of the equipment, as determined by the Administrator, in consultation with the Sergeant at Arms and Doorkeeper of the Senate or the Chief Administrative Officer of the House of Representatives, as appropriate.

(f) TRANSFER OF UNCOMMITTED BALANCES.—Following the close of each fiscal year, after making provision for a sufficient level of inventory of personal property to meet the needs of Federal agencies, the replacement cost of motor vehicles, and other anticipated operating needs reflected in the cost and capital plan developed under subsection (b), the uncommitted balance of any funds remaining in the Fund shall be transferred to the general fund of the Treasury as miscellaneous receipts.

(g) AUDITS.—The Comptroller General shall audit the Fund in accordance with the provisions of chapter 35 of title 31 and report the results of the audits.

(Pub. L. 107-217, Aug. 21, 2002, 116 Stat. 1074; Pub. L. 109-313, §3(d)-(g), (h)(2), Oct. 6, 2006, 120 Stat. 1735, 1736.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
321(a)	40:756(a) (1st sentence).	June 30, 1949, ch. 288, title I, §109(a)-(c), (e), (f), 63 Stat. 382; Sept. 5, 1950, ch. 849, §§1, 2(a), (b), 3(a), 64 Stat. 578, 579; July 12, 1952, ch. 703, §1(c)-(e), 66 Stat. 593; Pub. L. 87-372, Oct. 4, 1961, 75 Stat. 802; Pub. L. 87-600, §1(a), (b), (d), Aug. 24, 1962, 76 Stat. 401; Pub. L. 93-604, title VII, §701, Jan. 2, 1975, 88 Stat. 1963; Pub. L. 94-273, §2(19), Apr. 21, 1976, 90 Stat. 375; Pub. L. 100-202, §101(m) [title VI, §619(a), (b)], Dec. 22, 1987, 101 Stat. 1329-427.
321(b)(1)	40:756(a) (2d sentence).	
321(b)(2)	40:756(c).	
321(b)(3)	40:756(g) (last sentence).	June 30, 1949, ch. 288, title I, §109(g) (last sentence), as added Sept. 5, 1950, ch. 849, §3(b), 64 Stat. 579; Pub. L. 86-591, July 5, 1960, 74 Stat. 330.
321(c)(1)	40:756(a) (last sentence).	
321(c)(2)	40:756(f).	
321(d)	40:756(b).	
321(e)	40:756b.	Pub. L. 99-500, §151, Oct. 18, 1986, 100 Stat. 1783-352; Pub. L. 99-591, §151, Oct. 30, 1986, 100 Stat. 3341-355; Pub. L. 100-202, §101(i) [title I, §4], Dec. 22, 1987, 101 Stat. 1329-294; Pub. L. 104-186, title II, §221(15), Aug. 20, 1996, 110 Stat. 1750.
321(f)(1)	40:756(e)(1).	
321(f)(2)	40:756a.	Pub. L. 97-12, title I, (proviso in par. under heading "General Supply Fund"), June 5, 1981, 95 Stat. 75.
321(g)	40:756(e)(2).	

In subsection (b)(1), the words “the assets of the general supply fund (including any surplus therein) created by section 3 of the Act of February 27, 1929 (45 Stat. 1342; 41 U.S.C. 7c), and transferred to the Administrator by section 752 of this title” and “the fund shall assume all of the liabilities, obligations, and commitments of the general supply fund created by such Act of February 27, 1929” are omitted as executed and obsolete.

In subsection (b)(2)(B), the words “Amounts credited under this paragraph” are substituted for “and the same” for clarity.

In subsection (c)(2), the words “Subject to the requirements of subsections (a) to (e) of this section” are omitted as unnecessary.

In subsection (d)(1), the words “For property or services procured through the Fund for requisitioning agencies” are added for clarity.

In subsection (d)(2)(B), the words “with respect to the supplies or services concerned” are omitted as included in “properly allocable costs”.

In subsection (e), the text of 40:756b(b) and the words “Notwithstanding any other provision of law” are omitted as unnecessary.

In subsection (f)(2), the words “on and after June 5, 1981” are omitted as obsolete.

AMENDMENTS

2006—Pub. L. 109-313, §3(h)(2), substituted “Acquisition Services Fund” for “General Supply Fund” in section catchline.

Subsecs. (a), (b). Pub. L. 109-313, §3(d), amended subsecs. (a) and (b) generally. Prior to amendment, subsecs. (a) and (b) related to the existence and composition, respectively, of the General Supply Fund.

Subsec. (c)(1)(A)(iii). Pub. L. 109-313, §3(e), added cl. (iii).

Subsec. (d)(2)(A)(v), (vi). Pub. L. 109-313, §3(f), added cl. (v) and redesignated former cl. (v) as (vi).

Subsec. (f). Pub. L. 109-313, §3(g), amended heading and text of subsec. (f) generally. Prior to amendment, text read as follows:

“(1) SURPLUS DEPOSITED IN TREASURY.—As of September 30 of each year, any surplus in the Fund above the amounts transferred or appropriated to establish and maintain the Fund (all assets, liabilities, and prior losses considered) shall be deposited in the Treasury as miscellaneous receipts.

“(2) SURPLUS RETAINED.—From any surplus generated by operation of the Fund, the Administrator may retain amounts necessary to maintain a sufficient level of inventory of personal property to meet the needs of the federal agencies.”

EFFECTIVE DATE OF 2006 AMENDMENT

Amendment by Pub. L. 109-313 effective 60 days after Oct. 6, 2006, see section 6 of Pub. L. 109-313, set out as a note under section 5316 of Title 5, Government Organization and Employees.

ACQUISITION SERVICES FUND

Pub. L. 109-313, §3(a)–(c), Oct. 6, 2006, 120 Stat. 1735, provided that:

“(a) ABOLISHMENT OF GENERAL SUPPLY FUND AND INFORMATION TECHNOLOGY FUND.—The General Supply Fund and the Information Technology Fund in the Treasury are hereby abolished.

“(b) TRANSFERS.—Capital assets and balances remaining in the General Supply Fund and the Information Technology Fund as in existence immediately before this section takes effect [see Effective Date of 2006 Amendment note above] shall be transferred to the Acquisition Services Fund and shall be merged with and be available for the purposes of the Acquisition Services Fund under section 321 of title 40, United States Code (as amended by this Act).

“(c) ASSUMPTION OF OBLIGATIONS.—Any liabilities, commitments, and obligations of the General Supply Fund and the Information Technology Fund as in existence immediately before this section takes effect shall be assumed by the Acquisition Services Fund.”

[§ 322. Repealed. Pub. L. 109-313, §3(h)(1), Oct. 6, 2006, 120 Stat. 1736]

Section, Pub. L. 107-217, Aug. 21, 2002, 116 Stat. 1076, related to an Information Technology Fund in the Treasury.

EFFECTIVE DATE OF REPEAL

Repeal effective 60 days after Oct. 6, 2006, see section 6 of Pub. L. 109-313, set out as an Effective Date of 2006 Amendment note under section 5316 of Title 5, Government Organization and Employees.

§ 323. Consumer Information Center Fund

(a) EXISTENCE.—There is in the Treasury a Consumer Information Center Fund, General Services Administration, for the purpose of disseminating Federal Government consumer information to the public and for other related purposes.

(b) DEPOSITS.—Money shall be deposited into the Fund from—

- (1) appropriations from the Treasury for Consumer Information Center activities;
- (2) user fees from the public;
- (3) reimbursements from other federal agencies for costs of distributing publications; and
- (4) any other income incident to Center activities.

(c) EXPENDITURES.—Money deposited into the Fund is available for expenditure for Center activities in amounts specified in appropriation laws. The Fund shall assume all liabilities, obligations, and commitments of the Center account.

(d) UNOBLIGATED BALANCES.—Any unobligated balances at the end of a fiscal year remain in the Fund and are available for authorization in appropriation laws for subsequent fiscal years.

(e) GIFT ACCOUNT.—The Center may accept and deposit to this account gifts for purposes of defraying the costs of printing, publishing, and distributing consumer information and educational materials and undertaking other consumer information activities. In addition to amounts appropriated or otherwise made available, the Center may expend the gifts for these purposes and any balance remains available for expenditure.

(Pub. L. 107-217, Aug. 21, 2002, 116 Stat. 1077.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
323(a)–(d) ...	40:761.	Pub. L. 98-63, title I, §101 (1st–9th sentences in par. under heading “Consumer Information Center Fund”), July 30, 1983, 97 Stat. 321.
323(e)	40:761a.	Pub. L. 105-65, title III, (last proviso in par. under heading “Consumer Information Center Fund”), Oct. 27, 1997, 111 Stat. 1377.

In this section, the text of 40:761 (6th–last sentences) is omitted as obsolete.

In subsection (a), the words “Notwithstanding any other provision of law” are omitted as unnecessary.

In subsection (b), the words “for fiscal year 1983 and subsequent fiscal years” are omitted as obsolete and unnecessary.

In subsection (e), the words “Notwithstanding any other provision of law” and “during fiscal year 1998 and hereafter” are omitted as unnecessary.