

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 Section 102 of Reorganization Plan No. 2 of 1970, was repealed by section 5(b) of the Act of September 13, 1982 (Public Law 97-258, 96 Stat. 1085), the first section of which enacted Title 31, United States Code, but the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-

sembled, March 13, 1950, pursuant to the provisions of the Reorganization Act of 1949, approved June 20, 1949 [see 5 U.S.C. 901 et seq.].

BUILDING AND SPACE MANAGEMENT FUNCTIONS

SECTION 1. TRANSFER OF SPACE ASSIGNMENT AND LEASING FUNCTIONS

All functions with respect to acquiring space in buildings by lease, and all functions with respect to assigning and reassigning space in buildings for use by agencies (including both space acquired by lease and space in Government-owned buildings), are hereby transferred from the respective agencies in which such functions are now vested to the Administrator of General Services, exclusive, however, of all such functions with respect to—

(a) space in buildings located in any foreign country;

(b) space in buildings which are located on the grounds of any fort, camp, post, arsenal, Navy yard, naval training station, air-field, proving ground, military supply depot, or school, or of any similar facility, of the Department of Defense, unless and to such extent as a permit for its use shall have been issued by the Secretary of Defense or his duly authorized representative;

(c) space occupied by the Post Office Department in post-office buildings and space acquired by lease for post-office purposes; and

(d) space in other Government-owned buildings which the Administrator of General Services finds are wholly or predominantly utilized for the special purposes of the agency having the custody thereof and are not generally suitable for the use of other agencies (including but not limited to hospitals, housing, laboratories, mints, manufacturing plants, and penal institutions), and space acquired by lease for any such purpose:

Provided, That the space needs of the Post Office Department shall be given priority in the assignment and reassignment of space in post office buildings.

SEC. 2. TRANSFER OF OFFICE BUILDING MANAGEMENT FUNCTIONS

All functions with respect to the operation, maintenance, and custody of office buildings owned by the Government and of office buildings or parts thereof acquired by lease, including those post-office buildings which, as determined by the Director of the Bureau of the Budget, are not used predominantly for post-office purposes, are hereby transferred from the respective agencies in which now vested to the Administrator of General Services, exclusive, however, of all such functions with respect to—

(a) any building located in any foreign country;

(b) any building located on the grounds of any fort, camp, post, arsenal, navy yard, naval training station, air field, proving ground, military supply depot, or school, or of any similar facility, of the Department of Defense, unless and to such extent as a permit for its use by another agency or agencies shall have been issued by the Secretary of Defense or his duly authorized representative;

(c) any building which the Administrator of General Services finds to be a part of a group of buildings which are (1) located in the same vicinity, (2) are utilized wholly or predominantly for the special purposes of the agency having custody thereof, and (3) are not generally suitable for the use of other agencies; and

(d) the Treasury Building, the Bureau of Engraving and Printing Building, the buildings occupied by the National Bureau of Standards, and the buildings under the jurisdiction of the regents of the Smithsonian Institution.

[References to National Bureau of Standards deemed to refer to National Institute of Standards and Technology pursuant to section 5115(c) of Pub. L. 100-418, set out as a Change of Name note under 15 U.S.C. 271.]

SEC. 3. PERFORMANCE OF TRANSFERRED FUNCTIONS

(a) The Administrator of General Services may from time to time make such provisions as he shall deem ap-

propriate authorizing the performance by any other officer, or by any agency or employee, of the General Services Administration of any function transferred to such Administrator by the provisions of this reorganization plan.

(b) When authorized by the Administrator of General Services, any function transferred to him by the provisions of this reorganization plan may be performed by the head of any agency of the executive branch of the Government or, subject to the direction and control of any such agency head, by such officers, employees, and organizational units under the jurisdiction of such agency head as such agency head may designate: *Provided*, That functions with respect to post-office buildings shall not be delegated under the authority of this subsection to the head of any agency other than the Postmaster General.

(c) The Administrator of General Services shall prescribe such regulations as he deems desirable for the economical and effective performance of the functions transferred by the provisions of this reorganization plan.

SEC. 4. TRANSFER OF PERSONNEL, PROPERTY, RECORDS, AND FUNDS

There shall be transferred from time to time, between the agencies concerned and for use in connection with the functions transferred by the provisions of this reorganization plan, so much of the personnel, property, records, and unexpended balances (available or to be made available) of appropriations, allocations, and other funds, relating to such functions, as may be necessary for the performance of said functions. Such further measures and dispositions as the Director of the Bureau of the Budget shall determine to be necessary in order to effectuate the transfers provided for in this section shall be carried out in such manner as the Director shall direct and by such agencies as he shall designate.

SEC. 5. EFFECTIVE DATE

The provisions of this reorganization plan shall take effect on the 1st day of July 1950.

[The Post Office Department has been redesignated the United States Postal Service pursuant to Pub. L. 91-375, §6(o), Aug. 12, 1970, 84 Stat. 783, set out as a note preceding section 101 of Title 39, Postal Service.]

Message of the President

To the Congress of the United States:

I transmit herewith Reorganization Plan No. 18 of 1950, prepared in accordance with the provisions of the Reorganization Act of 1949. The plan transfers to the Administrator of General Services the functions of the various Federal agencies with respect to leasing and assigning general-purpose space in buildings and the operation, maintenance, and custody of office buildings. Since such authority is already largely concentrated in the General Services Administration with respect to the District of Columbia, the plan principally relates to the administration of these functions in the field.

The transfers made by this plan will promote more economical leasing, better utilization of building space, and more efficient operation of Government-controlled office buildings. They will effectuate the recommendations of the Commission on Organization of the Executive Branch of the Government with respect to concentrating in the General Services Administration the responsibility for space allotment and the operation of Government buildings outside of the District of Columbia. Likewise, they will extend the principles laid down by the Congress in enacting the Federal Property and Administrative Services Act of 1949 to another important area of Government-wide administrative services—the administration of Government office buildings and general-purpose building space in the field.

Within the District of Columbia, one agency, the Public Buildings Service of the General Services Administration, has long had the operation and custody of ap-

most Government buildings and the leasing and assignment of space for executive agencies. Thus, nearly all requests for building space are handled by a single organization which is responsible for seeing that agencies are properly and efficiently housed. This arrangement has proved its worth and has repeatedly been approved by the Congress.

Outside of the National Capital, however, responsibility for the acquisition and control of building space and the operation of Government buildings is widely diffused. A variety of agencies operate and control general-purpose buildings. If quarters are not available in Federal buildings, each agency ordinarily does its own leasing. As a result, in some cases Federal agencies have contracted for space at high rentals at the very time that other agencies have been giving up surplus low-cost space.

The assignment of space in Government-owned buildings outside of Washington is also divided among a number of agencies. While the Public Buildings Service constructs a large part of the Government buildings, it operates and controls the assignment of space in only a small proportion of them. The Post Office Department operates and allocates the space in post-office buildings, several hundred of which contain substantial amounts of office space available for other agencies. During and immediately after the war several other Federal agencies acquired office buildings in the field. As their activities have contracted, surplus space in many of these structures has become available for other uses.

This plan concentrates in the General Services Administration the responsibility for the leasing and assignment of what is termed general-purpose building space; that is, space which is suitable for the uses of a number of Federal agencies. It specifically excludes space in buildings at military posts, arsenals, navy yards, and similar defense installations and space in hospitals, laboratories, factories, and other special-purpose buildings.

Also, the plan excludes the Post Office Department from the transfer of leasing authority since the Department has a highly developed organization for this purpose, and it limits the transfer of space assignment authority in post-office buildings to the space not occupied by the Department. Further, it gives the needs of the Post Office Department priority in the assignment of space in post-office buildings. Thus, the plan amply safeguards the interests of the Post Office Department while making it possible to include the general office space in post-office buildings in any given city with other similar space under Federal control in planning and executing an efficient program for housing Government agencies in that area.

In addition, the plan transfers to the General Services Administration the operation, maintenance, and custody of office buildings owned or leased by the Government, including those post-office buildings which are not used predominantly for post-office purposes. This will make it possible to establish a single organization for the operation and maintenance of Government office buildings in principal cities in the field as has proved desirable in the National Capital. Since many post offices are in fact primarily large office buildings, the plan includes in this transfer the post-office buildings which are not used predominantly for post-office purposes. This will relieve the Post Office Department of a considerable expenditure for building operation and maintenance which properly should not be charged against postal revenues.

While the plan effects a broad transfer of functions with respect to leasing and assignment of space and the operation and maintenance of office buildings, it specifically authorizes the Administrator of General Services to delegate the performance of any part of these functions to other agencies subject to such regulations as he deems desirable for economical and effective administration. In this the plan follows the pattern adopted by the Federal Property and Administrative Services Act of 1949 for other branches of property

management. In large urban centers where numerous Federal units are located unified administration of space activities by the General Services Administration will normally be advantageous. On the other hand, in the smaller communities it will no doubt be desirable to delegate the work back to the agencies directly affected, to be carried on under standards laid down by the Administrator of General Services. The plan provides ample flexibility for working out the most effective administrative arrangement for each type of situation.

The fundamental soundness and economy of centralized administration of building space have been amply demonstrated in the National Capital. By virtue of unified control it has been possible since the war to accomplish far-reaching changes which have consolidated agencies in much fewer locations, released many of the rented buildings, and greatly reduced the cost of housing the Government establishment. Similar procedures applied in the larger centers of field activity should produce substantial savings.

After investigation, I have found, and hereby declare, that each reorganization contained in this plan is necessary to accomplish one or more of the purposes set forth in section 2(a) of the Reorganization Act of 1949.

While it is not possible at this time to calculate the reduction in expenditures which will result from this plan, it can safely be predicted that it will produce substantial savings. I am confident that this reorganization plan will constitute a significant improvement in Federal business practice and will bring about an important increase in efficiency in housing Government agencies.

HARRY S TRUMAN.

§ 302. Administrator and Deputy Administrator

(a) ADMINISTRATOR.—The Administrator of General Services is the head of the General Services Administration. The Administrator is appointed by the President with the advice and consent of the Senate. The Administrator shall perform functions subject to the direction and control of the President.

(b) DEPUTY ADMINISTRATOR.—The Administrator shall appoint a Deputy Administrator of General Services. The Deputy Administrator shall perform functions designated by the Administrator. The Deputy Administrator is Acting Administrator of General Services during the absence or disability of the Administrator and, unless the President designates another officer of the Federal Government, when the office of Administrator is vacant.

(Pub. L. 107-217, Aug. 21, 2002, 116 Stat. 1072.)

HISTORICAL AND REVISION NOTES

| Revised Section | Source (U.S. Code) | Source (Statutes at Large) |
|-----------------|--------------------|--|
| 302 | 40:751(b), (c). | June 30, 1949, ch. 288, title I, §101(b), (c), 63 Stat. 379. |

§ 303. Federal Acquisition Service

(a) ESTABLISHMENT.—There is established in the General Services Administration a Federal Acquisition Service. The Administrator of General Services shall appoint a Commissioner of the Federal Acquisition Service, who shall be the head of the Federal Acquisition Service.

(b) FUNCTIONS.—Subject to the direction and control of the Administrator of General Services, the Commissioner of the Federal Acquisition Service shall be responsible for carrying out functions related to the uses for which the

Acquisition Services Fund is authorized under section 321 of this title, including any functions that were carried out by the entities known as the Federal Supply Service and the Federal Technology Service and such other related functions as the Administrator considers appropriate.

(c) REGIONAL EXECUTIVES.—The Administrator may appoint Regional Executives in the Federal Acquisition Service, to carry out such functions within the Federal Acquisition Service as the Administrator considers appropriate.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1072; Pub. L. 109–313, §2(a)(1), Oct. 6, 2006, 120 Stat. 1734.)

HISTORICAL AND REVISION NOTES

| Revised Section | Source (U.S. Code) | Source (Statutes at Large) |
|-----------------|--------------------|---|
| 303(a)(1) | 40:752(a). | June 30, 1949, ch. 288, title I, §102, 63 Stat. 380; Sept. 5, 1950, ch. 849, §6(a), 64 Stat. 583. |
| 303(a)(2) | 40:752(c). | June 30, 1949, ch. 288, title I, §103, 63 Stat. 380. |
| 303(b) | 40:753. | |

In subsection (a)(1), the text of 40:752(a) (2d, last sentences) is omitted as executed.

Subsection (a)(2) is substituted for 40:752(c) to eliminate obsolete language.

In subsection (b), the text of 40:753(a) (related to Public Roads) is omitted because the Bureau of Public Roads was transferred to the Department of Commerce under section 1 of Reorganization Plan No. 7 of 1949 (eff. Aug. 20, 1949, 63 Stat. 1070), and subsequently transferred to the Department of Transportation under the Department of Transportation Act (Public Law 89–670, 80 Stat. 931). The text of 40:753(a) (last sentence related to Federal Works Agency transfers) and (b) is omitted as executed.

AMENDMENTS

2006—Pub. L. 109–313 amended section catchline and text generally. Prior to amendment, text read as follows:

“(a) BUREAU OF FEDERAL SUPPLY.—

“(1) TRANSFER OF FUNCTIONS.—Subject to paragraph (2), the functions of the Administrator of General Services include functions related to the Bureau of Federal Supply in the Department of the Treasury that, immediately before July 1, 1949, were functions of—

- “(A) the Bureau;
- “(B) the Director of the Bureau;
- “(C) the personnel of the Bureau; or
- “(D) the Secretary of the Treasury.

“(2) FUNCTIONS NOT TRANSFERRED.—The functions of the Administrator of General Services do not include functions retained in the Department of the Treasury under section 102(c) of the Federal Property and Administrative Services Act of 1949 (ch. 288, 63 Stat. 380).

“(b) FEDERAL WORKS AGENCY AND COMMISSIONER OF PUBLIC BUILDINGS.—The functions of the Administrator of General Services include functions related to the Federal Works Agency and functions related to the Commissioner of Public Buildings that, immediately before July 1, 1949, were functions of—

- “(1) the Federal Works Agency;
- “(2) the Federal Works Administrator; or
- “(3) the Commissioner of Public Buildings.”

CHANGE OF NAME

Pub. L. 109–313, §2(c), Oct. 6, 2006, 120 Stat. 1735, provided that: “Any reference in any other Federal law, Executive order, rule, regulation, reorganization plan, or delegation of authority, or in any document—

- “(1) to the Federal Supply Service is deemed to refer to the Federal Acquisition Service;

“(2) to the GSA Federal Technology Service is deemed to refer to the Federal Acquisition Service;

“(3) to the Commissioner of the Federal Supply Service is deemed to refer to the Commissioner of the Federal Acquisition Service; and

“(4) to the Commissioner of the GSA Federal Technology Service is deemed to refer to the Commissioner of the Federal Acquisition Service.”

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.

EMERGENCY PREPAREDNESS FUNCTIONS

For assignment of certain emergency preparedness functions to the Administrator of General Services, see Parts 1, 2, and 18 of Ex. Ord. No. 12656, Nov. 18, 1988, 53 F.R. 47491, set out as a note under section 5195 of Title 42, The Public Health and Welfare.

§ 304. Federal information centers

The Administrator of General Services may establish within the General Services Administration a nationwide network of federal information centers for the purpose of providing the public with information about the programs and procedures of the Federal Government and for other appropriate and related purposes.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1072.)

HISTORICAL AND REVISION NOTES

| Revised Section | Source (U.S. Code) | Source (Statutes at Large) |
|-----------------|--------------------|--|
| 304 | 40:760. | June 30, 1949, ch. 288, title I, §112, as added Pub. L. 95–491, §2(a), Oct. 20, 1978, 92 Stat. 1641. |

The text of 40:760(b) is omitted as unnecessary because of section 121(b)(1) of the revised title. The text of 40:760(c) is omitted because the authorization for fiscal year ending September 30, 1980 is obsolete and the authorization for “such sums as may be necessary” for succeeding years is unnecessary.

§ 305. Electronic Government and information technologies

The Administrator of General Services shall consult with the Administrator of the Office of Electronic Government on programs undertaken by the General Services Administration to promote electronic Government and the efficient use of information technologies by Federal agencies.

(Added Pub. L. 107–347, title I, §102(a)(1), Dec. 17, 2002, 116 Stat. 2910.)

EFFECTIVE DATE

Section effective 120 days after Dec. 17, 2002, see section 402(a) of Pub. L. 107–347, set out as a note under section 3601 of Title 44, Public Printing and Documents.

SUBCHAPTER II—ADMINISTRATIVE

§ 311. Personnel

(a) APPOINTMENT AND COMPENSATION.—The Administrator of General Services, subject to chapters 33 and 51 and subchapter III of chapter 53 of title 5, may appoint and fix the compensation of personnel necessary to carry out chapters 1, 3, and 5 of this title and title III of the Federal

Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.).

(b) TEMPORARY EMPLOYMENT.—The Administrator may procure the temporary or intermittent services of experts or consultants under section 3109 of title 5 to the extent the Administrator finds necessary to carry out chapters 1, 3, and 5 of this title and title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.).

(c) PERSONNEL FROM OTHER AGENCIES.—Notwithstanding section 973 of title 10 or any other law, in carrying out functions under this subtitle the Administrator may use the services of personnel (including armed services personnel) from an executive agency other than the General Services Administration with the consent of the head of the agency.

(d) DETAIL OF FIELD PERSONNEL TO DISTRICT OF COLUMBIA.—The Administrator, in the Administrator’s discretion, may detail field personnel of the Administration to the District of Columbia for temporary duty for a period of not more than 30 days in any one case. Subsistence or similar expenses may not be allowed for an employee on temporary duty in the District of Columbia under this paragraph.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1072.)

HISTORICAL AND REVISION NOTES

| <i>Revised Section</i> | <i>Source (U.S. Code)</i> | <i>Source (Statutes at Large)</i> |
|------------------------|---------------------------|---|
| 311(a)–(c) ... | 40:758. | June 30, 1949, ch. 288, title II, §208, 63 Stat. 391; Sept. 5, 1950, ch. 849, §7(b), (c), 64 Stat. 590. |
| 311(d) | 40:253. | June 23, 1913, ch. 3, §1 (proviso on p. 17), 38 Stat. 17. |

In subsections (a) and (b), the words “and 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. Reference to title V of this Act is omitted as obsolete because of the Act of October 22, 1968 (Public Law 90–620, 82 Stat. 1238), the first section of which enacted Title 44, United States Code. The responsibilities of the Administrator of General Services under title V were given to the Archivist of the United States, National Historical Publications and Records Commission, and Advisory Committee on the Records of Congress.

In subsection (a), the words “subject to chapters 33 and 51 and subchapter III of chapter 53 of title 5” are substituted for “subject to the civil-service and classification laws” 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.

In subsection (b), the words “under section 3109 of title 5” are substituted for “(not in excess of one year)” and “or organizations thereof, including stenographic reporting services, by contract or appointment, and in such cases such service shall be without regard to the civil-service and classification laws, and except in the case of stenographic reporting services by organizations, without regard to section 5 of title 41” for clarity and to eliminate unnecessary words.

In subsection (c), the words “section 973 of title 10” are substituted for “section 1222 of the Revised Statutes (10 U. S. C. 576)” in section 208(c) 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), the first section of which enacted Title 10, United States Code, and section 4(a)(5) and (6)

of the Act of January 2, 1968 (Public Law 90–235, 81 Stat. 759). The words “personnel (including armed services personnel) from an executive agency other than the General Services Administration” are substituted for “officials, officers, and other personnel in other executive agencies, including personnel of the armed services” for clarity and to eliminate unnecessary words.

In subsection (d), the words “On and after June 23, 1913” are omitted as obsolete. The word “Administrator” is substituted for “Secretary of the Treasury” [subsequently changed to “Federal Works Administrator” because of section 301 of Reorganization Plan No. I of 1939 (eff. July 1, 1939, 53 Stat. 1426)], and the word “Administration” [meaning the General Services Administration] is substituted for “public-buildings service” and “Office of the Supervising Architect” [subsequently changed to “Public Buildings Administration” because of section 1 of Executive Order No. 6166 (eff. June 10, 1933) and section 303 of Reorganization Plan No. I of 1939 (eff. July 1, 1939, 53 Stat. 1427)], because of section 103(a) of the Federal Property and Administrative Services Act of 1949 (ch. 288, 63 Stat. 380), which is restated as section 303(c) [303(b)] of the revised title. The words “such as supervising superintendents, superintendents, junior superintendents, and inspectors of the several classes” are omitted as unnecessary.

REFERENCES IN TEXT

The Federal Property and Administrative Services Act of 1949, referred to in subsecs. (a) and (b), 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.

§ 312. Transfer and use of amounts for major equipment acquisitions

(a) IN GENERAL.—Subject to subsection (b), unobligated balances of amounts appropriated or otherwise made available to the General Services Administration for operating expenses and salaries and expenses may be transferred and merged into the “Major equipment acquisitions and development activity” of the Salaries and Expenses, General Management and Administration appropriation account for—

- (1) agency-wide acquisition of capital equipment, automated data processing systems; and
- (2) financial management and management information systems needed to implement the Chief Financial Officers Act of 1990 (Public Law 101–576, 104 Stat. 2838) and other laws or regulations.

(b) REQUIREMENTS AND AVAILABILITY.—

- (1) TIME FOR TRANSFER.—Transfer of an amount under this section must be done no later than the end of the fifth fiscal year after the fiscal year for which the amount is appropriated or otherwise made available.
- (2) APPROVAL FOR USE.—An amount transferred under this section may be used only with the advance approval of the Committees on Appropriations of the House of Representatives and the Senate.
- (3) AVAILABILITY.—An amount transferred under this section remains available until expended.

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

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.

CHAPTER 5—PROPERTY MANAGEMENT

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SUBCHAPTER I—PROCUREMENT AND WAREHOUSING

§ 501. Services for executive agencies

(a) **AUTHORITY OF ADMINISTRATOR OF GENERAL SERVICES.—**

(1) **IN GENERAL.—**The Administrator of General Services shall take action under this subchapter for an executive agency—

(A) to the extent that the Administrator of General Services determines that the action is advantageous to the Federal Government in terms of economy, efficiency, or service; and

(B) with due regard to the program activities of the agency.

(2) **EXEMPTION FOR DEFENSE.—**The Secretary of Defense may exempt the Department of Defense from an action taken by the Administrator of General Services under this subchapter, unless the President directs otherwise, whenever the Secretary determines that an exemption is in the best interests of national security.

(b) **PROCUREMENT AND SUPPLY.—**

(1) **FUNCTIONS.—**

(A) **IN GENERAL.—**The Administrator of General Services shall procure and supply personal property and nonpersonal services for executive agencies to use in the proper discharge of their responsibilities, and perform functions related to procurement and supply including contracting, inspection, storage, issue, property identification and classification, transportation and traffic management, management of public utility services, and repairing and converting.

(B) **PUBLIC UTILITY CONTRACTS.—**A contract for public utility services may be made for a period of not more than 10 years.

(2) **POLICIES AND METHODS.—**

(A) **IN GENERAL.—**The Administrator of General Services shall prescribe policies and methods for executive agencies regarding the procurement and supply of personal property and nonpersonal services and related functions.