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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.

(B) CONTROLLING REGULATION.—Policies and methods prescribed by the Administrator of General Services under this paragraph are subject to regulations prescribed by the Administrator for Federal Procurement Policy under the Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.).

(c) REPRESENTATION.—For transportation and other public utility services used by executive agencies, the Administrator of General Services shall represent the agencies—

- (1) in negotiations with carriers and other public utilities; and
- (2) in proceedings involving carriers or other public utilities before federal and state regulatory bodies.

(d) FACILITIES.—The Administrator of General Services shall operate, for executive agencies, warehouses, supply centers, repair shops, fuel yards, and other similar facilities. After consultation with the executive agencies affected, the Administrator of General Services shall consolidate, take over, or arrange for executive agencies to operate the facilities.

(Pub. L. 107-217, Aug. 21, 2002, 116 Stat. 1079.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
501(a)	40:481(a) (words before cl. (1), last proviso).	June 30, 1949, ch. 288, title II, § 201(a), 63 Stat. 383; Pub. L. 93-400, § 15(1), Aug. 30, 1974, 88 Stat. 800; Pub. L. 96-83, § 10(a), Oct. 10, 1979, 93 Stat. 652; Pub. L. 98-191, §§ 8(d)(1), 9(a)(2), Dec. 1, 1983, 97 Stat. 1331.
501(b)	40:481(a)(1), (3).	
501(c)	40:481(a)(4).	
501(d)	40:481(a)(2).	

In subsection (a)(2), the words “from time to time” are omitted as unnecessary. The words “Department of Defense” are substituted for “National Military Establishment” in section 201(a) (last proviso) of the Federal Property and Administrative Services Act of 1949, because the Department of Defense was deemed to succeed the National Military Establishment under section 12(a) and (g) of the National Security Act Amendments of 1949 (ch. 412, 63 Stat. 591). The words “or which may be taken” are omitted as unnecessary.

In subsection (b)(2)(B), the words “subject to regulations” are substituted for “subject to regulations and regulations” in section 201(a)(1) of the Federal Property and Administrative Services Act of 1949 to correct an error resulting from an inconsistency between section 8(d)(1) and section 9(a)(2) of the Office of Federal Procurement Policy Act Amendments of 1983 (Public Law 98-191, 97 Stat. 1331).

REFERENCES IN TEXT

The Office of Federal Procurement Policy Act, referred to in subsec. (b)(2)(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.

§ 502. Services for other entities

(a) FEDERAL AGENCIES, MIXED-OWNERSHIP GOVERNMENT CORPORATIONS, AND THE DISTRICT OF COLUMBIA.—On request, the Administrator of General Services shall provide, to the extent practicable, any of the services specified in section 501 of this title to—

- (1) a federal agency;
- (2) a mixed-ownership Government corporation (as defined in section 9101 of title 31); or
- (3) the District of Columbia.

(b) QUALIFIED NONPROFIT AGENCIES.—

(1) IN GENERAL.—On request, the Administrator may provide, to the extent practicable, any of the services specified in section 501 of this title to an agency that is—

- (A)(i) a qualified nonprofit agency for the blind (as defined in section 5(3) of the Javits-Wagner-O’Day Act (41 U.S.C. 48b(3))); or
- (ii) a qualified nonprofit agency for other severely handicapped (as defined in section 5(4) of the Javits-Wagner-O’Day Act (41 U.S.C. 48b(4))); and

(B) providing a commodity or service to the Federal Government under the Javits-Wagner-O’Day Act (41 U.S.C. 46 et seq.).

(2) USE OF SERVICES.—A nonprofit agency receiving services under this subsection shall use the services directly in making or providing to the Government a commodity or service that has been determined by the Committee for Purchase From People Who Are Blind or Severely Disabled under section 2 of the Javits-Wagner-O’Day Act (41 U.S.C. 47) to be suitable for procurement by the Government.

(c) USE OF CERTAIN SUPPLY SCHEDULES.—

(1) IN GENERAL.—The Administrator may provide for the use by State or local governments of Federal supply schedules of the General Services Administration for automated data processing equipment (including firmware), software, supplies, support equipment, and services (as contained in Federal supply classification code group 70).

(2) VOLUNTARY USE.—In any case of the use by a State or local government of a Federal supply schedule pursuant to paragraph (1), participation by a firm that sells to the Federal Government through the supply schedule shall be voluntary with respect to a sale to the State or local government through such supply schedule.

(3) DEFINITIONS.—In this subsection:

(A) The term “State or local government” includes any State, local, regional, or tribal government, or any instrumentality thereof (including any local educational agency or institution of higher education).

(B) The term “tribal government” means—

- (i) the governing body of any Indian tribe, band, nation, or other organized group or community located in the continental United States (excluding the State of Alaska) that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians, and
- (ii) any Alaska Native regional or village corporation established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.).

(C) The term “local educational agency” has the meaning given that term in section 8013 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713).

(D) The term “institution of higher education” has the meaning given that term in

section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

(d) USE OF SUPPLY SCHEDULES FOR CERTAIN GOODS AND SERVICES.—

(1) IN GENERAL.—The Administrator may provide for the use by State or local governments of Federal supply schedules of the General Services Administration for goods or services that are to be used to facilitate recovery from a major disaster declared by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) or to facilitate recovery from terrorism or nuclear, biological, chemical, or radiological attack.

(2) DETERMINATION BY SECRETARY OF HOMELAND SECURITY.—The Secretary of Homeland Security shall determine which goods and services qualify as goods and services described in paragraph (1) before the Administrator provides for the use of the Federal supply schedule relating to such goods and services.

(3) VOLUNTARY USE.—In the case of the use by a State or local government of a Federal supply schedule pursuant to paragraph (1), participation by a firm that sells to the Federal Government through the supply schedule shall be voluntary with respect to a sale to the State or local government through such supply schedule.

(4) DEFINITIONS.—The definitions in subsection (c)(3) shall apply for purposes of this subsection.

(Pub. L. 107-217, Aug. 21, 2002, 116 Stat. 1080; Pub. L. 107-347, title II, §211(a), Dec. 17, 2002, 116 Stat. 2939; Pub. L. 109-364, div. A, title VIII, §833(a), Oct. 17, 2006, 120 Stat. 2332.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
502(a)	40:481(b)(1).	June 30, 1949, ch. 288, title II, §201(b), 63 Stat. 384; Sept. 5, 1950, ch. 849, §9(b), 64 Stat. 591; Pub. L. 103-355, title I, §1555, Oct. 13, 1994, 108 Stat. 3300; Pub. L. 105-61, title IV, §413, Oct. 10, 1997, 111 Stat. 1300.
502(b)	40:481(b)(2).	

In subsection (b)(2), the words “the authority of” in 40:481(b)(2)(B) are omitted as unnecessary. The words “Committee for Purchase From People Who Are Blind or Severely Disabled” are substituted for “[]Committee for Purchase from the Blind and Other Severely Handicapped” because of section 911(a) of the Rehabilitation Act Amendments of 1992 (Public Law 102-569, 106 Stat. 4486) and section 301 of the Rehabilitation Act Amendments of 1993 (Public Law 103-73, 107 Stat. 736).

REFERENCES IN TEXT

The Javits-Wagner-O’Day Act, referred to in subsec. (b)(1)(B), is act June 25, 1938, ch. 697, 52 Stat. 1196, as amended, which is classified to sections 46 to 48c of Title 41, Public Contracts. For complete classification of this Act to the Code, see Tables.

The Alaska Native Claims Settlement Act, referred to in subsec. (c)(3)(B)(ii), is Pub. L. 92-203, Dec. 18, 1971, 85 Stat. 688, as amended, which is classified generally to chapter 33 (§1601 et seq.) of Title 43, Public Lands. For complete classification of this Act to the Code, see Short Title note set out under section 1601 of Title 43 and Tables.

The Robert T. Stafford Disaster Relief and Emergency Assistance Act, referred to in subsec. (d)(1), is Pub. L. 93-288, May 22, 1974, 88 Stat. 143, as amended, which is classified principally to chapter 68 (§5121 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 5121 of Title 42 and Tables.

AMENDMENTS

- 2006—Subsec. (d). Pub. L. 109-364 added subsec. (d).
- 2002—Subsec. (c). Pub. L. 107-347 added subsec. (c).

EFFECTIVE DATE OF 2002 AMENDMENT

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

PROCEDURES

Pub. L. 109-364, div. A, title VIII, §833(b), Oct. 17, 2006, 120 Stat. 2332, provided that: “Not later than 30 days after the date of the enactment of this Act [Oct. 17, 2006], the Administrator of General Services shall establish procedures to implement subsection (d) of section 502 of title 40, United States Code (as added by subsection (a)).”

PUBLIC LAND MANAGEMENT AGENCY FOUNDATIONS

Pub. L. 108-352, §9, Oct. 21, 2004, 118 Stat. 1396, provided that: “Employees of the foundations established by Acts of Congress to solicit private sector funds on behalf of Federal land management agencies shall qualify for General Service Administration contract airfares.”

§ 503. Exchange or sale of similar items

(a) AUTHORITY OF EXECUTIVE AGENCIES.—In acquiring personal property, an executive agency may exchange or sell similar items and may apply the exchange allowance or proceeds of sale in whole or in part payment for the property acquired.

(b) APPLICABLE REGULATION AND LAW.—

(1) REGULATIONS PRESCRIBED BY ADMINISTRATOR OF GENERAL SERVICES.—A transaction under subsection (a) must be carried out in accordance with regulations the Administrator of General Services prescribes, subject to regulations prescribed by the Administrator for Federal Procurement Policy under the Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.).

(2) IN WRITING.—A transaction under subsection (a) must be evidenced in writing.

(3) SECTION 3709 OF REVISED STATUTES.—Section 3709 of the Revised Statutes (41 U.S.C. 5) applies to a sale of property under subsection (a), except that fixed price sales may be conducted in the same manner and subject to the same conditions as are applicable to the sale of property under section 545(d) of this title.

(Pub. L. 107-217, Aug. 21, 2002, 116 Stat. 1081.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
503	40:481(c).	June 30, 1949, ch. 288, title II, §201(c), 63 Stat. 384; Pub. L. 93-400, §15(2), Aug. 30, 1974, 88 Stat. 800; Pub. L. 96-83, §10(a), Oct. 10, 1979, 93 Stat. 652; Pub. L. 99-191, §§8(d)(1), 9(a)(2), Dec. 1, 1983, 97 Stat. 1331; Pub. L. 100-612, §2, Nov. 5, 1988, 102 Stat. 3180.

In subsection (a), the words “in such cases” are omitted as unnecessary.

In subsection (b)(1), the words “subject to regulations” are substituted for “subject to regulations and regulations” in section 201(c) of the Federal Property and Administrative Services Act of 1949 to correct an error resulting from an inconsistency between section 8(d)(1) and section 9(a)(2) of the Office of Federal Procurement Policy Act Amendments of 1983 (Public Law 98-191, 97 Stat. 1331).

In subsection (b)(2), the words “the authority of” are omitted as unnecessary.

REFERENCES IN TEXT

The Office of Federal Procurement Policy Act, referred to in subsec. (b)(1), 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.

§ 504. Agency cooperation for inspection

(a) RECEIVING ASSISTANCE.—An executive agency may use the services, work, materials, and equipment of another executive agency, with the consent of the other executive agency, to inspect personal property incident to procuring the property.

(b) PROVIDING ASSISTANCE.—Notwithstanding section 1301(a) of title 31 or any other law, an executive agency may provide services, work, materials, and equipment for purposes of this section without reimbursement or transfer of amounts.

(c) POLICIES AND METHODS.—The use or provision of services, work, materials, and equipment under this section must be in conformity with policies and methods the Administrator of General Services prescribes under section 501 of this title.

(Pub. L. 107-217, Aug. 21, 2002, 116 Stat. 1081.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
504	40:481(d).	June 30, 1949, ch. 288, title II, § 201(d), as added Pub. L. 85-781, Aug. 27, 1958, 72 Stat. 936.

In subsection (b), the words “section 1301(a) of title 31” are substituted for “section 3678 of the Revised Statutes (31 U.S.C. 628)” in section 201(d) 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), the first section of which enacted Title 31, United States Code.

In subsection (c), the words “and methods” are added for consistency with section 501(b)(2) of the revised title.

§ 505. Exchange or transfer of medical supplies

(a) EXCESS PROPERTY DETERMINATION.—

(1) IN GENERAL.—Medical materials or supplies an executive agency holds for national emergency purposes are considered excess property for purposes of subchapter II when the head of the agency determines that—

(A) the remaining storage or shelf life is too short to justify continued retention for national emergency purposes; and

(B) transfer or other disposal is in the national interest.

(2) TIMING.—To the greatest extent practicable, the head of the agency shall make the determination in sufficient time to allow for the transfer or other disposal and use of medical materials or supplies before their shelf life expires and they are rendered unfit for human use.

(b) TRANSFER OR EXCHANGE.—

(1) IN GENERAL.—In accordance with regulations the Administrator of General Services prescribes, medical materials or supplies considered excess property may be transferred to another federal agency or exchanged with another federal agency for other medical materials or supplies.

(2) USE OF PROCEEDS.—Any proceeds derived from a transfer under this section may be credited to the current applicable appropriation or fund of the transferor agency and shall be available only to purchase medical materials or supplies to be held for national emergency purposes.

(3) DISPOSAL AS SURPLUS PROPERTY.—If the materials or supplies are not transferred to or exchanged with another federal agency, they shall be disposed of as surplus property.

(Pub. L. 107-217, Aug. 21, 2002, 116 Stat. 1081.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
505	40:481(e).	June 30, 1949, ch. 288, title II, § 201(e), as added Pub. L. 91-426, § 1, Sept. 26, 1970, 84 Stat. 883.

In subsection (a)(2), the words “holding such medical materials or supplies” and “provided for in the first sentence of this subsection” are omitted as unnecessary because of the reorganization of the revised section. The words “in sufficient time to allow for” are substituted for “at such times as to insure . . . in sufficient time” for clarity and to eliminate unnecessary words.

§ 506. Inventory controls and systems

(a) ACTIVITIES OF THE ADMINISTRATOR OF GENERAL SERVICES.—

(1) IN GENERAL.—Subject to paragraph (2), and after adequate advance notice to affected executive agencies, the Administrator of General Services may undertake the following activities as necessary to carry out functions under this chapter:

(A) SURVEYS AND REPORTS.—Survey and obtain executive agency reports on Federal Government property and property management practices.

(B) INVENTORY LEVELS.—Cooperate with executive agencies to establish reasonable inventory levels for property stocked by them, and report any excessive inventory levels to Congress and to the Director of the Office of Management and Budget.

(C) FEDERAL SUPPLY CATALOG SYSTEM.—Establish and maintain a uniform federal supply catalog system that is appropriate to identify and classify personal property under the control of federal agencies.

(D) STANDARD PURCHASE SPECIFICATIONS AND STANDARD FORMS AND PROCEDURES.—Prescribe standard purchase specifications and

standard forms and procedures (except forms and procedures that the Comptroller General prescribes by law) subject to regulations the Administrator for Federal Procurement Policy prescribes under the Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.).

(2) SPECIAL CONSIDERATIONS REGARDING DEPARTMENT OF DEFENSE.—

(A) IN GENERAL.—The Administrator of General Services shall carry out activities under paragraph (1) with due regard to the requirements of the Department of Defense, as determined by the Secretary of Defense.

(B) FEDERAL SUPPLY CATALOG SYSTEM.—In establishing and maintaining a uniform federal supply catalog system under paragraph (1)(C), the Administrator of General Services and the Secretary shall coordinate to avoid unnecessary duplication.

(b) ACTIVITIES OF FEDERAL AGENCIES.—Each federal agency shall use the uniformed federal supply catalog system, the standard purchase specifications, and the standard forms and procedures established under subsection (a), except as the Administrator of General Services, considering efficiency, economy, or other interests of the Government, may otherwise provide.

(c) AUDIT OF PROPERTY ACCOUNTS.—The Comptroller General shall audit all types of property accounts and transactions. Audits shall be conducted at the time and in the manner the Comptroller General decides and as far as practicable at the place where the property or records of the executive agencies are kept. Audits shall include an evaluation of the effectiveness of internal controls and audits, and a general audit of the discharge of accountability for Government-owned or controlled property, based on generally accepted principles of auditing.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1082.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
506	40:487.	June 30, 1949, ch. 288, title II, §206, 63 Stat. 390; July 12, 1952, ch. 703, §1(k), 66 Stat. 593; Pub. L. 93–400, §15(3), Aug. 30, 1974, 88 Stat. 800; Pub. L. 96–83, §10(a), Oct. 10, 1979, 93 Stat. 652; Pub. L. 98–191, §§8(d)(1), 9(a)(2), Dec. 1, 1983, 97 Stat. 1331.

In subsection (a)(1)(B), the words “from time to time” 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 206(a)(2) 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 (eff. July 1, 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 (a)(1)(D), the words “Subject to regulations” are substituted for “subject to regulations and regulations” in section 206(a)(4) of the Federal Property

and Administrative Services Act of 1949 to correct an error resulting from an inconsistency between section 8(d)(1) and section 9(a)(2) of the Office of Federal Procurement Policy Act Amendments of 1983 (Public Law 98–191, 97 Stat. 1331).

In subsection (a)(2)(A), the words “Department of Defense” are substituted for “National Military Establishment” in section 206(a) of the Federal Property and Administrative Services Act of 1949 because the Department of Defense is deemed to succeed the National Military Establishment under section 12(a) and (g) of the National Security Act Amendments of 1949 (ch. 412, 63 Stat. 591).

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

REFERENCES IN TEXT

The Office of Federal Procurement Policy Act, referred to in subsec. (a)(1)(D), 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.

SUBCHAPTER II—USE OF PROPERTY

§ 521. Policies and methods

Subject to section 523 of this title, in order to minimize expenditures for property, the Administrator of General Services shall—

(1) prescribe policies and methods to promote the maximum use of excess property by executive agencies; and

(2) provide for the transfer of excess property—

(A) among federal agencies; and

(B) to the organizations specified in section 321(c)(2) of this title.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1083.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
521	40:483(a)(1) (1st sentence).	June 30, 1949, ch. 288, title II, §202(a)(1) (1st sentence), 63 Stat. 384; July 12, 1952, ch. 703, §1(f), 66 Stat. 593; Pub. L. 93–599, (1), Jan. 2, 1975, 88 Stat. 1954.

The words “the provisions of” are omitted as unnecessary.

OPPORTUNITY FOR THE GOVERNMENT OF GUAM TO ACQUIRE EXCESS REAL PROPERTY IN GUAM

Pub. L. 106–504, §1, Nov. 13, 2000, 114 Stat. 2309, as amended by Pub. L. 109–163, div. A, title X, §1056(a)(6), Jan. 6, 2006, 119 Stat. 3439, provided that:

“(a) TRANSFER OF EXCESS REAL PROPERTY.—(1) Except as provided in subsection (d), before screening excess real property located on Guam for further Federal utilization under section 202 [now 40 U.S.C. 521 et seq.] of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.) [now 40 U.S.C. 101 et seq.] (hereinafter the ‘Property Act’), the Administrator shall notify the Government of Guam that the property is available for transfer pursuant to this section.

“(2) If the Government of Guam, within 180 days after receiving notification under paragraph (1), notifies the Administrator that the Government of Guam intends to acquire the property under this section, the Administrator shall transfer such property in accordance with subsection (b). Otherwise, the property shall be

screened for further Federal use and then, if there is no other Federal use, shall be disposed of in accordance with the Property Act.

“(b) CONDITIONS OF TRANSFER.—(1) Any transfer of excess real property to the Government of Guam may be only for a public purpose and shall be without further consideration.

“(2) All transfers of excess real property to the Government of Guam shall be subject to such restrictive covenants as the Administrator, in consultation with the Secretary of Defense, in the case of property reported excess by a military department, determines to be necessary to ensure that: (A) the use of the property is compatible with continued military activities on Guam; (B) the use of the property is consistent with the environmental condition of the property; (C) access is available to the United States to conduct any additional environmental remediation or monitoring that may be required; (D) the property is used only for a public purpose and can not be converted to any other use; and (E) to the extent that facilities on the property have been occupied and used by another Federal agency for a minimum of 2 years, that the transfer to the Government of Guam is subject to the terms and conditions for such use and occupancy.

“(3) All transfers of excess real property to the Government of Guam are subject to all otherwise applicable Federal laws, except section 2696 of title 10, United States Code, or section 501 of Public Law 100-77 (42 U.S.C. 11411).

“(c) DEFINITIONS.—For the purposes of this section:

“(1) The term ‘Administrator’ means—

“(A) the Administrator of General Services; or

“(B) the head of any Federal agency with the authority to dispose of excess real property on Guam.

“(2) The term ‘base closure law’ has the meaning given such term in section 101(a)(17) of title 10, United States Code.

“(3) The term ‘excess real property’ means excess property (as that term is defined in section 3 of the Property Act [now 40 U.S.C. 102]) that is real property and was acquired by the United States prior to the enactment of this section [Nov. 13, 2000].

“(4) The term ‘Guam National Wildlife Refuge’ includes those lands within the refuge overlay under the jurisdiction of the Department of Defense, identified as DoD lands in figure 3, on page 74, and as submergled lands in figure 7, on page 78 of the ‘Final Environmental Assessment for the Proposed Guam National Wildlife Refuge, Territory of Guam, July 1993’ to the extent that the Federal Government holds title to such lands.

“(5) The term ‘public purpose’ means those public benefit purposes for which the United States may dispose of property pursuant to section 203 of the Property Act [now 40 U.S.C. 541 et seq.], as implemented by the Federal Property Management Regulations (41 CFR 101-47) or the specific public benefit uses set forth in section 3(c) of the Guam Excess Lands Act (Public Law 103-339; 108 Stat. 3116), except that such definition shall not include the transfer of land to an individual or entity for private use other than on a nondiscriminatory basis.

“(d) EXEMPTIONS.—Notwithstanding that such property may be excess real property, the provisions of this section shall not apply—

“(1) to real property on Guam that is declared excess by the Department of Defense for the purpose of transferring that property to the Coast Guard;

“(2) to real property on Guam that is located within the Guam National Wildlife Refuge, which shall be transferred according to the following procedure:

“(A) The Administrator shall notify the Government of Guam and the Fish and Wildlife Service that such property has been declared excess. The Government of Guam and the Fish and Wildlife Service shall have 180 days to engage in discussions toward an agreement providing for the future ownership and management of such real property.

“(B) If the parties reach an agreement under subparagraph (A) within 180 days after notification of

the declaration of excess, the real property shall be transferred and managed in accordance with such agreement: *Provided*, That such agreement shall be transmitted to the Committee on Energy and Natural Resources of the United States Senate and the appropriate committees of the United States House of Representatives not less than 60 days prior to such transfer and any such transfer shall be subject to the other provisions of this section.

“(C) If the parties do not reach an agreement under subparagraph (A) within 180 days after notification of the declaration of excess, the Administrator shall provide a report to Congress on the status of the discussions, together with his recommendations on the likelihood of resolution of differences and the comments of the Fish and Wildlife Service and the Government of Guam. If the subject property is under the jurisdiction of a military department, the military department may transfer administrative control over the property to the General Services Administration subject to any terms and conditions applicable to such property. In the event of such a transfer by a military department to the General Services Administration, the Department of the Interior shall be responsible for all reasonable costs associated with the custody, accountability and control of such property until final disposition.

“(D) If the parties come to agreement prior to congressional action, the real property shall be transferred and managed in accordance with such agreement: *Provided*, That such agreement shall be transmitted to the Committee on Energy and Natural Resources of the United States Senate and the appropriate committees of the United States House of Representatives not less than 60 days prior to such transfer and any such transfer shall be subject to the other provisions of this section.

“(E) Absent an agreement on the future ownership and use of the property, such property may not be transferred to another Federal agency or out of Federal ownership except pursuant to an Act of Congress specifically identifying such property;

“(3) to real property described in the Guam Excess Lands Act (Public Law 103-339; 108 Stat. 3116) which shall be disposed of in accordance with such Act;

“(4) to real property on Guam that is declared excess as a result of a base closure law; or

“(5) to facilities on Guam declared excess by the managing Federal agency for the purpose of transferring the facility to a Federal agency that has occupied the facility for a minimum of 2 years when the facility is declared excess together with the minimum land or interest therein necessary to support the facility.

“(e) DUAL CLASSIFICATION PROPERTY.—If a parcel of real property on Guam that is declared excess as a result of a base closure law also falls within the boundary of the Guam National Wildlife Refuge, such parcel of property shall be disposed of in accordance with the base closure law.

“(f) AUTHORITY TO ISSUE REGULATIONS.—The Administrator of General Services, after consultation with the Secretary of Defense and the Secretary of the Interior, may issue such regulations as he deems necessary to carry out this section.”

§ 522. Reimbursement for transfer of excess property

(a) IN GENERAL.—Subject to subsections (b) and (c), the Administrator of General Services, with the approval of the Director of the Office of Management and Budget, shall prescribe the amount of reimbursement required for a transfer of excess property.

(b) REIMBURSEMENT AT FAIR VALUE.—The amount of reimbursement required for a transfer of excess property is the fair value of the

property, as determined by the Administrator, if—

- (1) net proceeds are requested under section 574(a) of this title; or
- (2) either the transferor or the transferee agency (or the organizational unit affected) is—
 - (A) subject to chapter 91 of title 31; or
 - (B) an organization specified in section 321(c)(2) of this title.

(c) DISTRIBUTION THROUGH GENERAL SERVICES ADMINISTRATION SUPPLY CENTERS.—Excess property determined by the Administrator to be suitable for distribution through the supply centers of the General Services Administration shall be retransferred at prices set by the Administrator with due regard to prices established under section 321(d) of this title.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1083; Pub. L. 109–284, §6(1), (2), Sept. 27, 2006, 120 Stat. 1212.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
522	40:483(a)(1) (last sentence).	June 30, 1949, ch. 288, title II, §202(a)(1) (last sentence), 63 Stat. 384; July 12, 1952, ch. 703, §1(f), 66 Stat. 593.

In subsection (a), the words “Director of the Office of Management and Budget” are substituted for “Director of the Bureau of the Budget” in section 202(a)(1) (last sentence) 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 (eff. July 1, 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 (b)(1), the reference to “section 204(b)” in section 202(a)(1) (last sentence) of the Federal Property and Administrative Services Act of 1949 is translated as a reference to section 204(c) of the Act because subsection (b) was redesignated as (c) by the Act of August 31, 1954 (ch.1178, 68 Stat. 1051).

In subsection (b)(2)(A), 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 202(a)(1) (last sentence) 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), the first section of which enacted Title 31, United States Code.

In subsection (c), the word “at” is substituted for “as” (in the phrase “as [sic] prices set by the Administrator”) to reflect the probable intent of Congress. See Senate Report No. 2075, dated July 2, 1952 (United States Code Congressional and Administrative News, 82nd Congress, 2d Session, 1952, Volume 2, p. 2123).

AMENDMENTS

2006—Subsec. (a). Pub. L. 109–284, §6(1), struck out “of this section” after “subsections (b) and (c)”.

Subsec. (b). Pub. L. 109–284, §6(2), substituted “at” for “At” in heading.

§ 523. Excess real property located on Indian reservations

(a) PROCEDURES FOR TRANSFER.—The Administrator of General Services shall prescribe proce-

dures necessary to transfer to the Secretary of the Interior, without compensation, excess real property located within the reservation of any group, band, or tribe of Indians that is recognized as eligible for services by the Bureau of Indian Affairs.

(b) PROPERTY HELD IN TRUST.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary shall hold excess real property transferred under this section in trust for the benefit and use of the group, band, or tribe of Indians, within whose reservation the excess real property is located.

(2) SPECIAL REQUIREMENT FOR OKLAHOMA.—The Secretary shall hold excess real property that is located in Oklahoma and transferred under this section in trust for Oklahoma Indian tribes recognized by the Secretary if the real property—

(A) is located within boundaries of former reservations in Oklahoma, as defined by the Secretary, and was held in trust by the Federal Government for an Indian tribe when the Government acquired it; or

(B) is contiguous to real property presently held in trust by the Government for an Oklahoma Indian tribe and was held in trust by the Government for an Indian tribe at any time.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1083.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
523	40:483(a)(2).	June 30, 1949, ch. 288, title II, §202(a)(2), as added Pub. L. 93–599, (2), Jan. 2, 1975, 88 Stat. 1954.

§ 524. Duties of executive agencies

(a) REQUIRED.—Each executive agency shall—

- (1) maintain adequate inventory controls and accountability systems for property under its control;
- (2) continuously survey property under its control to identify excess property;
- (3) promptly report excess property to the Administrator of General Services;
- (4) perform the care and handling of excess property; and
- (5) transfer or dispose of excess property as promptly as possible in accordance with authority delegated and regulations prescribed by the Administrator.

(b) REQUIRED AS FAR AS PRACTICABLE.—Each executive agency, as far as practicable, shall—

- (1) reassign property to another activity within the agency when the property is no longer required for the purposes of the appropriation used to make the purchase;
- (2) transfer excess property under its control to other federal agencies and to organizations specified in section 321(c)(2) of this title; and
- (3) obtain excess property from other federal agencies.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1084.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
524(a)	40:483(b).	June 30, 1949, ch. 288, title II, §202(b), 63 Stat. 384.

HISTORICAL AND REVISION NOTES—CONTINUED

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
524(b)	40:483(c).	June 30, 1949, ch. 288, title II, § 202(c), 63 Stat. 384; July 12, 1952, ch. 703, § 1(g), 66 Stat. 593.

In clause (a)(2), the word “identify” is substituted for “determine which is” to eliminate unnecessary words. In clause (b)(1), the words “determined to be” are omitted as unnecessary.

OMB REPORT

Pub. L. 109-396, title IV, § 408, Dec. 15, 2006, 120 Stat. 2720, provided that:

“(a) OMB REPORT ON SURPLUS AND EXCESS PROPERTY.—Not later than 6 months after the date of enactment of this Act [Dec. 15, 2006], the Director of the Office of Management and Budget shall submit a report on surplus and excess government property to Congress including—

“(1) the total value and amount of surplus and excess government property, provided in the aggregate, as well as totaled by agency; and

“(2) a list of the 100 most eligible surplus government properties for sale and how much they are worth.

“(b) DATA SHARING AMONG FEDERAL AGENCIES.—Not later than 6 months after the date of enactment of this Act [Dec. 15, 2006], the Director of the Office of Management and Budget shall—

“(1) develop and implement procedures requiring Federal agencies to share data on surplus and excess Federal real property under the jurisdiction of each agency; and

“(2) report to Congress on the development and implementation of such procedures.”

§ 525. Excess personal property for federal agency grantees

(a) GENERAL PROHIBITION.—A federal agency is prohibited from obtaining excess personal property for the purpose of furnishing the property to a grantee of the agency, except as provided in this section.

(b) EXCEPTION FOR PUBLIC AGENCIES AND TAX-EXEMPT NONPROFIT ORGANIZATIONS.—

(1) IN GENERAL.—Under regulations the Administrator of General Services may prescribe, a federal agency may obtain excess personal property for the purpose of furnishing it to a public agency or an organization that is non-profit and exempt from taxation under section 501 of the Internal Revenue Code of 1986 (26 U.S.C. 501), if—

(A) the agency or organization is conducting a federally sponsored project pursuant to a grant made for a specific purpose with a specific termination provision;

(B) the property is to be furnished for use in connection with the grant; and

(C)(i) the sponsoring federal agency pays an amount equal to 25 percent of the original acquisition cost (except for costs of care and handling) of the excess property; and

(ii) the amount is deposited in the Treasury as miscellaneous receipts.

(2) TITLE.—Title to excess property obtained under this subsection vests in the grantee. The grantee shall account for and dispose of the property in accordance with procedures governing accountability for personal property acquired under grant agreements.

(c) EXCEPTION FOR CERTAIN PROPERTY FURNISHED BY SECRETARY OF AGRICULTURE.—

(1) DEFINITION.—In this subsection, the term “State” means a State of the United States, Puerto Rico, Guam, American Samoa, the Northern Mariana Islands, the Federated States of Micronesia, the Marshall Islands, Palau, the Virgin Islands, and the District of Columbia.

(2) IN GENERAL.—Under regulations and restrictions the Administrator may prescribe, subsection (a) does not apply to property furnished by the Secretary of Agriculture to—

(A) a state¹ or county extension service engaged in cooperative agricultural extension work under the Smith-Lever Act (7 U.S.C. 341 et seq.);

(B) a state¹ experiment station engaged in cooperative agricultural research work under the Hatch Act of 1887 (7 U.S.C. 361a et seq.); or

(C) an institution engaged in cooperative agricultural research or extension work under section 1433, 1434, 1444, or 1445 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3195, 3196, 3221, or 3222), or the Act of October 10, 1962 (16 U.S.C. 582a et seq.), if the Federal Government retains title.

(d) OTHER EXCEPTIONS.—Under regulations and restrictions the Administrator may prescribe, subsection (a) does not apply to—

(1) property furnished under section 608 of the Foreign Assistance Act of 1961 (22 U.S.C. 2358), to the extent that the Administrator determines that the property is not needed for donation under section 549 of this title;

(2) scientific equipment furnished under section 11(e) of the National Science Foundation Act of 1950 (42 U.S.C. 1870(e));

(3) property furnished under section 203 of the Department of Agriculture Organic Act of 1944 (16 U.S.C. 580a), in connection with the Cooperative Forest Fire Control Program, if the Government retains title; or

(4) property furnished in connection with a grant to a tribe, as defined in section 3(c) of the Indian Financing Act of 1974 (25 U.S.C. 1452(c)).

(Pub. L. 107-217, Aug. 21, 2002, 116 Stat. 1084.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
525(a)	40:483(d) (words before par. (1)).	June 30, 1949, ch. 288, title II, § 202(d), as added Pub. L. 94-519, § 3, Oct. 17, 1976, 90 Stat. 2454; Pub. L. 97-98, title XIV, § 1443, Dec. 22, 1981, 95 Stat. 1321.
525(b)	40:483(d)(1).	
525(c)	40:483(d)(2)(E).	
525(d)	40:483(d)(2)(A)–(D).	

In subsection (b)(1), before cl. (A), the words “institution or” are omitted as unnecessary. In clause (A), the words “termination provision” are substituted for “termination made” for clarity.

In subsection (b)(2), the words “The grantee shall account for and dispose of” are substituted for “and shall be accounted for and disposed of” for clarity.

¹ So in original. Probably should be capitalized.

In subsections (c) and (d), the text of 40:483(d)(2) (last sentence) is omitted as unnecessary.

In subsection (c)(1), the words “Trust Territory of the Pacific Islands” are omitted and the words “the Federated States of Micronesia, the Marshall Islands, Palau” are added because of the termination of the Trust Territory of the Pacific Islands. See 48:1681 note prec.

In subsection (d)(1), the words “to the extent” are substituted for “where and to the extent” to eliminate unnecessary words. The words “to be furnished under such Act” are omitted as unnecessary.

In subsection (d)(4), the words “Indian Financing Act of 1974” are substituted for “Indian Financing Act” in section 202(d)(2)(D) of the Federal Property and Administrative Services Act of 1949 to execute the probable intent of Congress. The word “tribe” is substituted for “Indian tribes” for consistency with 25:1452(c).

REFERENCES IN TEXT

The Smith-Lever Act, referred to in subsec. (c)(2)(A), is act May 8, 1914, ch. 79, 38 Stat. 372, as amended, which is classified generally to subchapter IV (§341 et seq.) of chapter 13 of Title 7, Agriculture. For complete classification of this Act to the Code, see Short Title note set out under section 341 of Title 7 and Tables.

The Hatch Act of 1887, referred to in subsec. (c)(2)(B), is act Mar. 2, 1887, ch. 314, 24 Stat. 440, as amended, which is classified generally to sections 361a to 361i of Title 7, Agriculture. For complete classification of this Act to the Code, see Short Title note set out under section 361a of Title 7 and Tables.

Act of October 10, 1962 (16 U.S.C. 582a et seq.), referred to in subsec. (c)(2)(C), is Pub. L. 87-788, Oct. 10, 1962, 76 Stat. 806, as amended, popularly known as the McIntire-Stennis Act of 1962, which is classified generally to subchapter III (§582a et seq.) of chapter 3 of Title 16, Conservation. For complete classification of this Act to the Code, see Short Title note set out under section 582a of Title 16 and Tables.

§ 526. Temporary assignment of excess real property

(a) ASSIGNMENT OF SPACE.—The Administrator of General Services may temporarily assign or reassign space in excess real property to a federal agency, for use as office or storage space or for a related purpose, if the Administrator determines that assignment or reassignment is more advantageous than permanent transfer. The Administrator shall determine the duration of the assignment or reassignment.

(b) REIMBURSEMENT FOR MAINTENANCE.—If there is no appropriation available to the Administrator for the expense of maintaining the space, the Administrator may obtain appropriate reimbursement from the federal agency.

(Pub. L. 107-217, Aug. 21, 2002, 116 Stat. 1085.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 1: 526, 40:483(g), June 30, 1949, ch. 288, title II, §202(g), 63 Stat. 385.

In subsection (a), the words “for use as office or storage space or for a related purpose” are substituted for “for office, storage, or related facilities” for clarity.

§ 527. Abandonment, destruction, or donation of property

The Administrator of General Services may authorize the abandonment or destruction of property, or the donation of property to a public body, if—

- (1) the property has no commercial value; or
(2) the estimated cost of continued care and handling exceeds the estimated proceeds from sale.

(Pub. L. 107-217, Aug. 21, 2002, 116 Stat. 1086.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 1: 527, 40:483(h), June 30, 1949, ch. 288, title II, §202(h), 63 Stat. 385.

§ 528. Utilization of excess furniture

A department or agency of the Federal Government may not use amounts provided by law to purchase furniture if the Administrator of General Services determines that requirements can reasonably be met by transferring excess furniture, including rehabilitated furniture, from other departments or agencies pursuant to this subtitle.

(Pub. L. 107-217, Aug. 21, 2002, 116 Stat. 1086.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 1: 528, 40:483b, Aug. 7, 1953, ch. 340, §1316, 67 Stat. 439.

The words “Notwithstanding the provisions of any other law” are omitted as unnecessary. The words “may not use funds provided by law to purchase furniture” are substituted for “no funds shall be available in this or any other Act for the purchase of furniture” for clarity and to eliminate unnecessary words.

§ 529. Annual executive agency reports on excess personal property

(a) IN GENERAL.—During the calendar quarter following the close of each fiscal year, each executive agency shall submit to the Administrator of General Services a report on personal property—

- (1) obtained as—
(A) excess property; or
(B) personal property determined to be no longer required for the purpose of the appropriation used to make the purchase; and

(2) furnished within the United States to a recipient other than a federal agency.

(b) REQUIRED INFORMATION.—The report must set out the categories of equipment and show—

- (1) the acquisition cost of the property;
(2) the recipient of the property; and
(3) other information the Administrator may require.

(Pub. L. 107-217, Aug. 21, 2002, 116 Stat. 1086.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 1: 529, 40:483(e), June 30, 1949, ch. 288, title II, §202(e), as added Pub. L. 94-519, §3, Oct. 17, 1976, 90 Stat. 2454.

In subsection (a)(2), the words “in any manner whatsoever” are omitted as unnecessary.

In subsection (b), the words “set out the categories of equipment” are substituted for “showing . . . cat-

egories of equipment” to clarify the required form and content of the report. The words “The Administrator shall submit a report to the Senate (or to the Secretary of the Senate if the Senate is not in session) and to the House of Representatives (or to the Clerk of the House if the House is not in session) summarizing and analyzing the reports of the executive agencies” 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 173 of House Document No. 103-7.

SUBCHAPTER III—DISPOSING OF PROPERTY

§ 541. Supervision and direction

Except as otherwise provided in this subchapter, the Administrator of General Services shall supervise and direct the disposition of surplus property in accordance with this subtitle.

(Pub. L. 107-217, Aug. 21, 2002, 116 Stat. 1086.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
541	40:484(a).	June 30, 1949, ch. 288, title II, §203(a), 63 Stat. 385.

The words “shall supervise and direct the disposition of surplus property in accordance with this subtitle” are substituted for “shall have supervision and direction over the disposition of surplus property. Such property shall be disposed of to such extent, at such time, in such areas, by such agencies, at such terms and conditions, and in such manner, as may be prescribed in or pursuant to this Act” for clarity and to eliminate unnecessary words.

TRANSFERRED PROPERTIES; REQUESTS PRIOR TO NOVEMBER 30, 1983

Pub. L. 98-181, title I, §126(a)(2), (3), Nov. 30, 1983, 97 Stat. 1175, provided that:

“(2) Notwithstanding paragraph (1) [repealing former 40 U.S.C. 484b], the Secretary of Housing and Urban Development and the Secretary of Agriculture may dispose of Federal surplus real property pursuant to the terms of section 414 of such Act [former 40 U.S.C. 484b] if, prior to the date of the enactment of this Act [Nov. 30, 1983], either Secretary had requested the Administrator of General Services to transfer such property for such disposition.

“(3) Notwithstanding paragraph (1), section 414(b) [former 40 U.S.C. 484b(b)] of such Act shall continue to apply, where applicable, to all property transferred by either Secretary pursuant to section 414 of such Act, including properties transferred pursuant to paragraph (2).”

§ 542. Care and handling

The disposal of surplus property, and the care and handling of the property pending disposition, may be performed by the General Services Administration or, when the Administrator of General Services decides, by the executive agency in possession of the property or by any other executive agency that agrees.

(Pub. L. 107-217, Aug. 21, 2002, 116 Stat. 1086.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
542	40:484(b).	June 30, 1949, ch. 288, title II, §203(b), 63 Stat. 385.

§ 543. Method of disposition

An executive agency designated or authorized by the Administrator of General Services to dispose of surplus property may do so by sale, exchange, lease, permit, or transfer, for cash, credit, or other property, with or without warranty, on terms and conditions that the Administrator considers proper. The agency may execute documents to transfer title or other interest in the property and may take other action it considers necessary or proper to dispose of the property under this chapter.

(Pub. L. 107-217, Aug. 21, 2002, 116 Stat. 1086.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
543	40:484(c).	June 30, 1949, ch. 288, title II, §203(c), 63 Stat. 385.

§ 544. Validity of transfer instruments

A deed, bill of sale, lease, or other instrument executed by or on behalf of an executive agency purporting to transfer title or other interest in surplus property under this chapter is conclusive evidence of compliance with the provisions of this chapter concerning title or other interest of a bona fide grantee or transferee for value and without notice of lack of compliance.

(Pub. L. 107-217, Aug. 21, 2002, 116 Stat. 1087.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
544	40:484(d).	June 30, 1949, ch. 288, title II, §203(d), 63 Stat. 385.

§ 545. Procedure for disposal

(a) PUBLIC ADVERTISING FOR BIDS.—

(1) REQUIREMENT.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Administrator of General Services may make or authorize a disposal or a contract for disposal of surplus property only after public advertising for bids, under regulations the Administrator prescribes.

(B) EXCEPTIONS.—This subsection does not apply to disposal or a contract for disposal of surplus property—

- (i) under subsection (b) or (d); or
- (ii) by abandonment, destruction, or donation or through a contract broker.

(2) TIME, METHOD, AND TERMS.—The time, method, and terms and conditions of advertisement must permit full and free competition consistent with the value and nature of the property involved.

(3) PUBLIC DISCLOSURE.—Bids must be publicly disclosed at the time and place stated in the advertisement.

(4) AWARDS.—An award shall be made with reasonable promptness by notice to the responsible bidder whose bid, conforming to the invitation for bids, is most advantageous to the Federal Government, price and other factors considered. However, all bids may be rejected if it is in the public interest to do so.

(b) **NEGOTIATED DISPOSAL.**—Under regulations the Administrator prescribes, disposals and contracts for disposal may be negotiated without regard to subsection (a), but subject to obtaining competition that is feasible under the circumstances, if—

(1) necessary in the public interest—

(A) during the period of a national emergency declared by the President or Congress, with respect to a particular lot of personal property; or

(B) for a period not exceeding three months, with respect to a specifically described category of personal property as determined by the Administrator;

(2) the public health, safety, or national security will be promoted by a particular disposal of personal property;

(3) public exigency will not allow delay incident to advertising certain personal property;

(4) the nature and quantity of personal property involved are such that disposal under subsection (a) would impact an industry to an extent that would adversely affect the national economy, and the estimated fair market value of the property and other satisfactory terms of disposal can be obtained by negotiation;

(5) the estimated fair market value of the property involved does not exceed \$15,000;

(6) after advertising under subsection (a), the bid prices for the property, or part of the property, are not reasonable or have not been independently arrived at in open competition;

(7) with respect to real property, the character or condition of the property or unusual circumstances make it impractical to advertise publicly for competitive bids and the fair market value of the property and other satisfactory terms of disposal can be obtained by negotiation;

(8) the disposal will be to a State, territory, or possession of the United States, or to a political subdivision of, or a tax-supported agency in, a State, territory, or possession, and the estimated fair market value of the property and other satisfactory terms of disposal are obtained by negotiation; or

(9) otherwise authorized by law.

(c) **DISPOSAL THROUGH CONTRACT BROKERS.**—Disposals and contracts for disposal of surplus real and related personal property through contract realty brokers employed by the Administrator shall be made in the manner followed in similar commercial transactions under regulations the Administrator prescribes. The regulations must require that brokers give wide public notice of the availability of the property for disposal.

(d) **NEGOTIATED SALE AT FIXED PRICE.**—

(1) **AUTHORIZATION.**—The Administrator may make a negotiated sale of personal property at a fixed price, either directly or through the use of a disposal contractor, without regard to subsection (a). However, the sale must be publicized to an extent consistent with the value and nature of the property involved and the price established must reflect the estimated fair market value of the property. Sales under this subsection are limited to categories of personal property for which the Administrator

determines that disposal under this subsection best serves the interests of the Government.

(2) **FIRST OFFER.**—Under regulations and restrictions the Administrator prescribes, an opportunity to purchase property at a fixed price under this subsection may be offered first to an entity specified in subsection (b)(8) that has expressed an interest in the property.

(e) **EXPLANATORY STATEMENTS FOR NEGOTIATED DISPOSALS.**—

(1) **REQUIREMENT.**—

(A) **IN GENERAL.**—Except as provided in subparagraph (B), an explanatory statement of the circumstances shall be prepared for each disposal by negotiation of—

(i) personal property that has an estimated fair market value in excess of \$15,000;

(ii) real property that has an estimated fair market value in excess of \$100,000, except that real property disposed of by lease or exchange is subject only to clauses (iii)–(v) of this subparagraph;

(iii) real property disposed of by lease for a term of not more than 5 years, if the estimated fair annual rent is more than \$100,000 for any year;

(iv) real property disposed of by lease for a term of more than 5 years, if the total estimated rent over the term of the lease is more than \$100,000; or

(v) real property or real and related personal property disposed of by exchange, regardless of value, or any property for which any part of the consideration is real property.

(B) **EXCEPTION.**—An explanatory statement is not required for a disposal of personal property under subsection (d), or for a disposal of real or personal property authorized by any other law to be made without advertising.

(2) **TRANSMITTAL TO CONGRESS.**—The explanatory statement shall be transmitted to the appropriate committees of Congress in advance of the disposal, and a copy of the statement shall be preserved in the files of the executive agency making the disposal.

(3) **LISTING IN REPORT.**—A report of the Administrator under section 126 of this title must include a listing and description of any negotiated disposals of surplus property having an estimated fair market value of more than \$15,000, in the case of real property, or \$5,000, in the case of any other property, other than disposals for which an explanatory statement has been transmitted under this subsection.

(f) **APPLICABILITY OF OTHER LAW.**—Section 3709 of the Revised Statutes (41 U.S.C. 5) does not apply to a disposal or contract for disposal made under this section.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1087.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
545	40:484(e).	June 30, 1949, ch. 288, title II, §203(e), 63 Stat. 386; July 12, 1952, ch. 703, §1(i), 66 Stat. 593; Aug. 8, 1953, ch. 399, 67 Stat. 521; July 14, 1954, ch. 481, 68 Stat. 474; Aug. 3, 1956, ch. 942, 70 Stat. 1020; Pub. L. 85-486, July 2, 1958, 72 Stat. 288; Pub. L. 100-612, §§3, 4, Nov. 5, 1988, 102 Stat. 3180.

In subsection (e)(3), the words “A report” are substituted for “the annual report” for consistency in the revised title. See the revision note under section 126 of this title.

§ 546. Contractor inventories

Subject to regulations of the Administrator of General Services, an executive agency may authorize a contractor or subcontractor with the agency to retain or dispose of contractor inventory.

(Pub. L. 107-217, Aug. 21, 2002, 116 Stat. 1089.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
546	40:484(f).	June 30, 1949, ch. 288, title II, §203(f), 63 Stat. 386.

§ 547. Agricultural commodities, foods, and cotton or woolen goods

(a) POLICIES.—The Administrator of General Services shall consult with the Secretary of Agriculture to formulate policies for the disposal of surplus agricultural commodities, surplus foods processed from agricultural commodities, and surplus cotton or woolen goods. The policies shall be formulated to prevent surplus agricultural commodities, or surplus foods processed from agricultural commodities, from being dumped on the market in a disorderly manner and disrupting the market prices for agricultural commodities.

(b) TRANSFERS TO DEPARTMENT OF AGRICULTURE.—

(1) IN GENERAL.—The Administrator shall transfer without charge to the Department of Agriculture any surplus agricultural commodities, foods, and cotton or woolen goods for disposal, when the Secretary determines that a transfer is necessary for the Secretary to carry out responsibilities for price support or stabilization.

(2) DEPOSIT OF RECEIPTS.—Receipts resulting from disposal by the Department under this subsection shall be deposited pursuant to any authority available to the Secretary. When applicable, however, net proceeds from the sale of surplus property transferred under this subsection shall be credited pursuant to section 572(a) of this title.

(3) LIMITATION OF SALES.—Surplus farm commodities transferred under this subsection may not be sold, other than for export, in quantities exceeding, or at prices less than, the applicable quantities and prices for sales of those commodities by the Commodity Credit Corporation.

(Pub. L. 107-217, Aug. 21, 2002, 116 Stat. 1089.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
547(a)	40:484(g).	June 30, 1949, ch. 288, title II, §203(g), (h), 63 Stat. 386.
547(b)	40:484(h).	

§ 548. Surplus vessels

The Maritime Administration shall dispose of surplus vessels of 1,500 gross tons or more which the Administration determines to be merchant vessels or capable of conversion to merchant use. The vessels shall be disposed of in accordance with part F of subtitle V of title 46 and other laws authorizing the sale of such vessels.

(Pub. L. 107-217, Aug. 21, 2002, 116 Stat. 1090; Pub. L. 109-304, §17(g)(1), Oct. 6, 2006, 120 Stat. 1708.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
548	40:484(i).	June 30, 1949, ch. 288, title II, §203(i), 63 Stat. 386; Pub. L. 97-31, §12(15), Aug. 6, 1981, 95 Stat. 154.

AMENDMENTS

2006—Pub. L. 109-304 substituted “part F of subtitle V of title 46” for “the Merchant Marine Act, 1936 (46 App. U.S.C. 1101 et seq.);”.

§ 549. Donation of personal property through state agencies

(a) DEFINITIONS.—In this section, the following definitions apply:

(1) PUBLIC AGENCY.—The term “public agency” means—

(A) a State;

(B) a political subdivision of a State (including a unit of local government or economic development district);

(C) a department, agency, or instrumentality of a State (including instrumentalities created by compact or other agreement between States or political subdivisions); or

(D) an Indian tribe, band, group, pueblo, or community located on a state reservation.

(2) STATE.—The term “State” means a State of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, the Northern Mariana Islands, and American Samoa.

(3) STATE AGENCY.—The term “state agency” means an agency designated under state law as the agency responsible for fair and equitable distribution, through donation, of property transferred under this section.

(b) AUTHORIZATION.—

(1) IN GENERAL.—The Administrator of General Services, in the Administrator’s discretion and under regulations the Administrator may prescribe, may transfer property described in paragraph (2) to a state agency.

(2) PROPERTY.—

(A) IN GENERAL.—Property referred to in paragraph (1) is any personal property that—

(i) is under the control of an executive agency; and

(ii) has been determined to be surplus property.

(B) SPECIAL RULE.—In determining whether the property is to be transferred for donation under this section, no distinction may be made between property capitalized in a working-capital fund established under section 2208 of title 10 (or similar fund) and any other property.

(3) NO COST.—Transfer of property under this section is without cost, except for any costs of care and handling.

(c) ALLOCATION AND TRANSFER OF PROPERTY.—

(1) IN GENERAL.—The Administrator shall allocate and transfer property under this section in accordance with criteria that are based on need and use and that are established after consultation with state agencies to the extent feasible. The Administrator shall give fair consideration, consistent with the established criteria, to an expression of need and interest from a public agency or other eligible institution within a State. The Administrator shall give special consideration to an eligible recipient's request, transmitted through the state agency, for a specific item of property.

(2) ALLOCATION AMONG STATES.—The Administrator shall allocate property among the States on a fair and equitable basis, taking into account the condition of the property as well as the original acquisition cost of the property.

(3) RECIPIENTS AND PURPOSES.—The Administrator shall transfer to a state agency property the state agency selects for distribution through donation within the State—

(A) to a public agency for use in carrying out or promoting, for residents of a given political area, a public purpose, including conservation, economic development, education, parks and recreation, public health, and public safety; or

(B) for purposes of education or public health (including research), to a nonprofit educational or public health institution or organization that is exempt from taxation under section 501 of the Internal Revenue Code of 1986 (26 U.S.C. 501), including—

(i) a medical institution, hospital, clinic, health center, or drug abuse treatment center;

(ii) a provider of assistance to homeless individuals or to families or individuals whose annual incomes are below the poverty line (as that term is defined in section 673 of the Community Services Block Grant Act (42 U.S.C. 9902));

(iii) a school, college, or university;

(iv) a school for the mentally retarded or physically handicapped;

(v) a child care center;

(vi) a radio or television station licensed by the Federal Communications Commission as an educational radio or educational television station;

(vii) a museum attended by the public;

(viii) a library serving free all residents of a community, district, State, or region; or

(ix) a historic light station as defined under section 308(e)(2) of the National His-

toric Preservation Act (16 U.S.C. 470w-7(e)(2)), including a historic light station conveyed under subsection (b) of that section, notwithstanding the number of hours that the historic light station is open to the public.

(4) EXCEPTION.—This subsection does not apply to property transferred under subsection (d).

(d) DEPARTMENT OF DEFENSE PROPERTY.—

(1) DETERMINATION.—The Secretary of Defense shall determine whether surplus personal property under the control of the Department of Defense is usable and necessary for educational activities which are of special interest to the armed services, including maritime academies, or military, naval, Air Force, or Coast Guard preparatory schools.

(2) PROPERTY USABLE FOR SPECIAL INTEREST ACTIVITIES.—If the Secretary of Defense determines that the property is usable and necessary for educational activities which are of special interest to the armed services, the Secretary shall allocate the property for transfer by the Administrator to the appropriate state agency for distribution through donation to the educational activities.

(3) PROPERTY NOT USABLE FOR SPECIAL INTEREST ACTIVITIES.—If the Secretary of Defense determines that the property is not usable and necessary for educational activities which are of special interest to the armed services, the property may be disposed of in accordance with subsection (c).

(e) STATE PLAN OF OPERATION.—

(1) IN GENERAL.—Before property may be transferred to a state agency, the State shall develop a detailed state plan of operation, in accordance with this subsection and with state law.

(2) PROCEDURE.—

(A) CONSIDERATION OF NEEDS AND RESOURCES.—In developing and implementing the state plan of operation, the relative needs and resources of all public agencies and other eligible institutions in the State shall be taken into consideration. The Administrator may consult with interested federal agencies to obtain their views concerning the administration and operation of this section.

(B) PUBLICATION AND PERIOD FOR COMMENT.—The state plan of operation, and any major amendment to the plan, may not be filed with the Administrator until 60 days after general notice of the proposed plan or amendment has been published and interested persons have been given at least 30 days to submit comments.

(C) CERTIFICATION.—The chief executive officer of the State shall certify and submit the state plan of operation to the Administrator.

(3) REQUIREMENTS.—

(A) STATE AGENCY.—The state plan of operation shall include adequate assurance that the state agency has—

(i) the necessary organizational and operational authority and capability in-

cluding staff, facilities, and means and methods of financing; and

(ii) established procedures for accountability, internal and external audits, cooperative agreements, compliance and use reviews, equitable distribution and property disposal, determination of eligibility, and assistance through consultation with advisory bodies and public and private groups.

(B) **EQUITABLE DISTRIBUTION.**—The state plan of operation shall provide for fair and equitable distribution of property in the State based on the relative needs and resources of interested public agencies and other eligible institutions in the State and their abilities to use the property.

(C) **MANAGEMENT CONTROL AND ACCOUNTING SYSTEMS.**—The state plan of operation shall require, for donable property transferred under this section, that the state agency use management control and accounting systems of the same type as systems required by state law for state-owned property. However, with approval from the chief executive officer of the State, the state agency may elect to use other management control and accounting systems that are effective to govern the use, inventory control, accountability, and disposal of property under this section.

(D) **RETURN AND REDISTRIBUTION FOR NON-USE.**—The state plan of operation shall require the state agency to provide for the return and redistribution of donable property if the property, while still usable, has not been placed in use for the purpose for which it was donated within one year of donation or ceases to be used by the donee for that purpose within one year of being placed in use.

(E) **REQUEST BY RECIPIENT.**—The state plan of operation shall require the state agency, to the extent practicable, to select property requested by a public agency or other eligible institution in the State and, if requested by the recipient, to arrange shipment of the property directly to the recipient.

(F) **SERVICE CHARGES.**—If the state agency is authorized to assess and collect service charges from participating recipients to cover direct and reasonable indirect costs of its activities, the method of establishing the charges shall be set out in the state plan of operation. The charges shall be fair and equitable and shall be based on services the state agency performs, including screening, packing, crating, removal, and transportation.

(G) **TERMS, CONDITIONS, RESERVATIONS, AND RESTRICTIONS.**—

(i) **IN GENERAL.**—The state plan of operation shall provide that the state agency—

(I) may impose reasonable terms, conditions, reservations, and restrictions on the use of property to be donated under subsection (c); and

(II) shall impose reasonable terms, conditions, reservations, and restrictions on the use of a passenger motor vehicle and any item of property having a unit acquisition cost of \$5,000 or more.

(ii) **SPECIAL LIMITATIONS.**—If the Administrator finds that an item has characteristics that require special handling or use limitations, the Administrator may impose appropriate conditions on the donation of the property.

(H) **UNUSABLE PROPERTY.**—

(i) **DISPOSAL.**—The state plan of operation shall provide that surplus personal property which the state agency determines cannot be used by eligible recipients shall be disposed of—

(I) subject to the disapproval of the Administrator within 30 days after notice to the Administrator, through transfer by the state agency to another state agency or through abandonment or destruction if the property has no commercial value or if the estimated cost of continued care and handling exceeds estimated proceeds from sale; or

(II) under this subtitle, on terms and conditions and in a manner the Administrator prescribes.

(ii) **PROCEEDS FROM SALE.**—Notwithstanding subchapter IV of this chapter and section 702 of this title, the Administrator, from the proceeds of sale of property described in subsection (b), may reimburse the state agency for expenses that the Administrator considers appropriate for care and handling of the property.

(f) **COOPERATIVE AGREEMENTS WITH STATE AGENCIES.**—

(1) **PARTIES TO THE AGREEMENT.**—For purposes of carrying out this section, a cooperative agreement may be made between a state surplus property distribution agency designated under this section and—

(A) the Administrator;

(B) the Secretary of Education, for property transferred under section 550(c) of this title;

(C) the Secretary of Health and Human Services, for property transferred under section 550(d) of this title; or

(D) the head of a federal agency designated by the Administrator, the Secretary of Education, or the Secretary of Health and Human Services.

(2) **SHARED RESOURCES.**—The cooperative agreement may provide that the property, facilities, personnel, or services of—

(A) a state agency may be used by a federal agency; and

(B) a federal agency may be made available to a state agency.

(3) **REIMBURSEMENT.**—The cooperative agreement may require payment or reimbursement for the use or provision of property, facilities, personnel, or services. Payment or reimbursement received from a state agency shall be credited to the fund or appropriation against which charges would otherwise be made.

(4) **SURPLUS PROPERTY TRANSFERRED TO STATE AGENCY.**—

(A) **IN GENERAL.**—Under the cooperative agreement, surplus property transferred to a state agency for distribution pursuant to

subsection (c) may be retained by the state agency for use in performing its functions. Unless otherwise directed by the Administrator, title to the retained property vests in the state agency.

(B) CONDITIONS.—Retention of surplus property under this paragraph is subject to conditions that may be imposed by—

- (i) the Administrator;
- (ii) the Secretary of Education, for property transferred under section 550(c) of this title; or
- (iii) the Secretary of Health and Human Services, for property transferred under section 550(d) of this title.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1090; Pub. L. 109–313, § 5, Oct. 6, 2006, 120 Stat. 1737.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
549(a)(1), (2)	40:484(j)(5).	June 30, 1949, ch. 288, title II, §203(j), 63 Stat. 386; Sept. 5, 1950, ch. 849, §4, 64 Stat. 579; June 3, 1955, ch. 130, §§1, 2(a), 6(a), (b), 69 Stat. 83, 84; July 3, 1956, ch. 513, §1, 70 Stat. 493; Pub. L. 87–786, Oct. 10, 1962, 76 Stat. 805; Pub. L. 94–519, §1(1), Oct. 17, 1976, 90 Stat. 2451; Pub. L. 99–386, title II, §207, Aug. 22, 1986, 100 Stat. 823; Pub. L. 100–77, title V, §502(a), July 22, 1987, 101 Stat. 510; Pub. L. 100–690, title II, §2081(b), Nov. 18, 1988, 102 Stat. 4216; Pub. L. 105–50, §1, Oct. 6, 1997, 111 Stat. 1167.
549(a)(3), (b)	40:484(j)(1).	June 30, 1949, ch. 288, title II, §203(n), formerly (m), as added June 3, 1955, ch. 130, §3, 69 Stat. 84; redesignated (n), Aug. 1, 1955, ch. 442, 69 Stat. 430; July 3, 1956, ch. 513, §3, 70 Stat. 494; Pub. L. 87–94, July 20, 1961, 75 Stat. 213; Pub. L. 90–351, title I, §525, as added Pub. L. 93–83, §2, Aug. 6, 1973, 87 Stat. 216; Pub. L. 91–485, §3, Oct. 22, 1970, 84 Stat. 1085; Pub. L. 94–519, §1(3), Oct. 17, 1976, 90 Stat. 2453.
549(c)	40:484(j)(3).	
549(d)	40:484(j)(2).	
549(e)	40:484(j)(4).	
549(f)	40:484(n).	

In subsection (a)(2), the words “the Northern Mariana Islands” are added because of section 502(a)(2) of the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union With the United States of America (48:1801 note).

In subsection (d), the words “Secretary of Defense” are substituted for “National Military Establishment” [subsequently changed to “Department of Defense” because of section 12(a) of the National Security Act Amendments of 1949 (ch. 412, 63 Stat. 591)] because of 10:113(a).

In subsection (e)(2)(B), the words “In the event that a State legislature has not developed, according to State law, a State plan within two hundred and seventy calendar days after October 17, 1976, the chief executive officer of the State shall approve, and submit to the Administrator, a temporary State plan” are omitted as obsolete.

In subsection (f)(1)(B)–(D) and (4)(B), the words “Secretary of Education” and “Secretary of Health and Human Services” are substituted for “Secretary of Health, Education, and Welfare” because of sections 301(a)(2)(P) and (b), 507, and 509(b) of the Department of Education Organization Act (20:3441(a)(2)(P) and (b), 3507, and 3508(b)).

AMENDMENTS

2006—Subsec. (c)(3)(B)(ix). Pub. L. 109–313 added cl. (ix).

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.

TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 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.

EX. ORD. NO. 12999. EDUCATIONAL TECHNOLOGY: ENSURING OPPORTUNITY FOR ALL CHILDREN IN THE NEXT CENTURY

Ex. Ord. No. 12999, Apr. 17, 1996, 61 F.R. 17227, provided:

In order to ensure that American children have the skills they need to succeed in the information-intensive 21st century, the Federal Government is committed to working with the private sector to promote four major developments in American education: making modern computer technology an integral part of every classroom; providing teachers with the professional development they need to use new technologies effectively; connecting classrooms to the National Information Infrastructure; and encouraging the creation of excellent educational software. This Executive order streamlines the transfer of excess and surplus Federal computer equipment to our Nation’s classrooms and encourages Federal employees to volunteer their time and expertise to assist teachers and to connect classrooms.

Accordingly, by the authority vested in me as President by the Constitution and the laws of the United States of America, including the provisions of the Stevenson-Wydler Technology Innovation Act of 1980, as amended (15 U.S.C. 3701 *et seq.*), the Federal Property and Administrative Services Act of 1949, ch. 288, 63 Stat. 377 [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 the National Defense Authorization Act for Fiscal Year 1996, Public Law 104–106 [see Tables for classification], it is hereby ordered as follows:

SECTION 1. *Protection of Educationally Useful Federal Equipment.* (a) Educationally useful Federal equipment is a vital national resource. To the extent such equipment can be used as is, separated into parts for other computers, or upgraded—either by professional technicians, students, or other recycling efforts—educationally useful Federal equipment is a valuable tool for computer education. Therefore, to the extent possible, all executive departments and agencies (hereinafter referred to as “agencies”) shall protect and safeguard such equipment, particularly when declared excess or surplus, so that it may be recycled and transferred, if appropriate, pursuant to this order.

SEC. 2. *Efficient Transfer of Educationally Useful Federal Equipment to Schools and Nonprofit Organizations.* (a) To the extent permitted by law, all agencies shall give highest preference to schools and nonprofit organizations, including community-based educational organizations, (“schools and nonprofit organizations”) in the transfer, through gift or donation, of educationally useful Federal equipment.

(b) Agencies shall attempt to give particular preference to schools and nonprofit organizations located in the Federal enterprise communities and empowerment zones established in the Omnibus Reconciliation Act of 1993, Public Law 103–66 [see 26 U.S.C. 1391 *et seq.*].

(c) Each agency shall, to the extent permitted by law and where appropriate, identify educationally useful Federal equipment that it no longer needs and transfer it to a school or nonprofit organization by:

(1) conveying research equipment directly to the school or organization pursuant to 15 U.S.C. 3710(i); or
 (2) reporting excess equipment to the General Services Administration (GSA) for donation when declared surplus in accordance with section 203(j) of the Federal Property and Administrative Services Act of 1949, as amended, 40 U.S.C. 484(j) [now 40 U.S.C. 549]. Agencies shall report such equipment as far as possible in advance of the date the equipment becomes excess, so that GSA may attempt to arrange direct transfers from the donating agency to recipients eligible under this order.

(d) In transfers made pursuant to paragraph (c)(1) of this section, title shall transfer directly from the agency to the schools or nonprofit organizations as required by 15 U.S.C. 3710(i). All such transfers shall be reported to the GSA. At the direction of the recipient institution or organization, and if appropriate, transferred equipment may be conveyed initially to a nonprofit reuse or recycling program that will upgrade it before transfer to the school or nonprofit organization holding title.

(e) All transfers to schools or nonprofit organizations, whether made directly or through GSA, shall be made at the lowest cost to the school or nonprofit organization permitted by law.

(f) The availability of educationally useful Federal equipment shall be made known to eligible recipients under this order by all practicable means, including newspaper, community announcements, and the Internet.

(g) The regional Federal Executive Boards shall help facilitate the transfer of educationally useful Federal equipment from the agencies they represent to recipients eligible under this order.

SEC. 3. *Assisting Teachers' Professional Development: Connecting Classrooms.* (a) Each agency that has employees who have computer expertise shall, to the extent permitted by law and in accordance with the guidelines of the Office of Personnel Management, encourage those employees to:

(1) help connect America's classrooms to the National Information Infrastructure;

(2) assist teachers in learning to use computers to teach; and

(3) provide ongoing maintenance of and technical support for the educationally useful Federal equipment transferred pursuant to this order.

(b) Each agency described in subsection (a) shall submit to the Office of Science and Technology Policy, within 6 months of the date of this order, an implementation plan to advance the developments described in this order, particularly those required in this section. The plan shall be consistent with approved agency budget totals and shall be coordinated through the Office of Science and Technology Policy.

(c) Nothing in this order shall be interpreted to bar a recipient of educationally useful Federal equipment from lending that equipment, whether on a permanent or temporary basis, to a teacher, administrator, student, employee, or other designated person in furtherance of educational goals.

SEC. 4. *Definitions.* For the purposes of this order: (a) "Schools" means individual public or private education institutions encompassing prekindergarten through twelfth grade, as well as public school districts.

(b) "Community-based educational organizations" means nonprofit entities that are engaged in collaborative projects with schools or that have education as their primary focus. Such organizations shall qualify as nonprofit educational institutions or organizations for purposes of section 203(j) of the Federal Property and Administrative Services Act of 1949, as amended [now 40 U.S.C. 549].

(c) "Educationally useful Federal equipment" means computers and related peripheral tools (e.g., printers,

modems, routers, and servers), including telecommunications and research equipment, that are appropriate for use in prekindergarten, elementary, middle, or secondary school education. It shall also include computer software, where the transfer of licenses is permitted.

(d) "Nonprofit reuse or recycling program" means a 501(c) organization able to upgrade computer equipment at no or low cost to the school or nonprofit organization taking title to it.

(e) "Federal Executive Boards," as defined in 5 C.F.R. Part 960, are regional organizations of each Federal agency's highest local officials.

SEC. 5. This order shall supersede Executive Order No. 12821 of November 16, 1992.

SEC. 6. *Judicial Review.* 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.

WILLIAM J. CLINTON.

§ 550. Disposal of real property for certain purposes

(a) **DEFINITION.**—In this section, the term "State" includes the District of Columbia, Puerto Rico, and the territories and possessions of the United States.

(b) **ENFORCEMENT AND REVISION OF INSTRUMENTS TRANSFERRING PROPERTY UNDER THIS SECTION.**—

(1) **IN GENERAL.**—Subject to disapproval by the Administrator of General Services within 30 days after notice of a proposed action to be taken under this section, except for personal property transferred pursuant to section 549 of this title, the official specified in paragraph (2) shall determine and enforce compliance with the terms, conditions, reservations, and restrictions contained in an instrument by which a transfer under this section is made. The official shall reform, correct, or amend the instrument if necessary to correct the instrument or to conform the transfer to the requirements of law. The official shall grant a release from any term, condition, reservation or restriction contained in the instrument, and shall convey, quitclaim, or release to the transferee (or other eligible user) any right or interest reserved to the Federal Government by the instrument, if the official determines that the property no longer serves the purpose for which it was transferred or that a release, conveyance, or quitclaim deed will not prevent accomplishment of that purpose. The release, conveyance, or quitclaim deed may be made subject to terms and conditions that the official considers necessary to protect or advance the interests of the Government.

(2) **SPECIFIED OFFICIAL.**—The official referred to in paragraph (1) is—

(A) the Secretary of Education, for property transferred under subsection (c) for school, classroom, or other educational use;

(B) the Secretary of Health and Human Services, for property transferred under subsection (d) for use in the protection of public health, including research;

(C) the Secretary of the Interior, for property transferred under subsection (e) for public park or recreation area use;

(D) the Secretary of Housing and Urban Development, for property transferred under subsection (f) to provide housing or housing

assistance for low-income individuals or families; and

(E) the Secretary of the Interior, for property transferred under subsection (h) for use as a historic monument for the benefit of the public.

(c) PROPERTY FOR SCHOOL, CLASSROOM, OR OTHER EDUCATIONAL USE.—

(1) ASSIGNMENT.—The Administrator, in the Administrator's discretion and under regulations that the Administrator may prescribe, may assign to the Secretary of Education for disposal surplus real property, including buildings, fixtures, and equipment situated on the property, that the Secretary recommends as needed for school, classroom, or other educational use.

(2) SALE OR LEASE.—Subject to disapproval by the Administrator within 30 days after notice to the Administrator by the Secretary of Education of a proposed transfer, the Secretary, for school, classroom, or other educational use, may sell or lease property assigned to the Secretary under paragraph (1) to a State, a political subdivision or instrumentality of a State, a tax-supported educational institution, or a nonprofit educational institution that has been held exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 501(c)(3)).

(3) FIXING VALUE.—In fixing the sale or lease value of property disposed of under paragraph (2), the Secretary of Education shall take into consideration any benefit which has accrued or may accrue to the Government from the use of the property by the State, political subdivision or instrumentality, or institution.

(d) PROPERTY FOR USE IN THE PROTECTION OF PUBLIC HEALTH, INCLUDING RESEARCH.—

(1) ASSIGNMENT.—The Administrator, in the Administrator's discretion and under regulations that the Administrator may prescribe, may assign to the Secretary of Health and Human Services for disposal surplus real property, including buildings, fixtures, and equipment situated on the property, that the Secretary recommends as needed for use in the protection of public health, including research.

(2) SALE OR LEASE.—Subject to disapproval by the Administrator within 30 days after notice to the Administrator by the Secretary of Health and Human Services of a proposed transfer, the Secretary, for use in the protection of public health, including research, may sell or lease property assigned to the Secretary under paragraph (1) to a State, a political subdivision or instrumentality of a State, a tax-supported medical institution, or a hospital or similar institution not operated for profit that has been held exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 501(c)(3)).

(3) FIXING VALUE.—In fixing the sale or lease value of property disposed of under paragraph (2), the Secretary of Health and Human Services shall take into consideration any benefit which has accrued or may accrue to the Government from the use of the property by the State, political subdivision or instrumentality, or institution.

(e) PROPERTY FOR USE AS A PUBLIC PARK OR RECREATION AREA.—

(1) ASSIGNMENT.—The Administrator, in the Administrator's discretion and under regulations that the Administrator may prescribe, may assign to the Secretary of the Interior for disposal surplus real property, including buildings, fixtures, and equipment situated on the property, that the Secretary recommends as needed for use as a public park or recreation area.

(2) SALE OR LEASE.—Subject to disapproval by the Administrator within 30 days after notice to the Administrator by the Secretary of the Interior of a proposed transfer, the Secretary, for public park or recreation area use, may sell or lease property assigned to the Secretary under paragraph (1) to a State, a political subdivision or instrumentality of a State, or a municipality.

(3) FIXING VALUE.—In fixing the sale or lease value of property disposed of under paragraph (2), the Secretary of the Interior shall take into consideration any benefit which has accrued or may accrue to the Government from the use of the property by the State, political subdivision or instrumentality, or municipality.

(4) DEED OF CONVEYANCE.—The deed of conveyance of any surplus real property disposed of under this subsection—

(A) shall provide that all of the property be used and maintained for the purpose for which it was conveyed in perpetuity, and that if the property ceases to be used or maintained for that purpose, all or any portion of the property shall, in its then existing condition, at the option of the Government, revert to the Government; and

(B) may contain additional terms, reservations, restrictions, and conditions the Secretary of the Interior determines are necessary to safeguard the interests of the Government.

(f) PROPERTY FOR LOW INCOME HOUSING ASSISTANCE.—

(1) ASSIGNMENT.—The Administrator, in the Administrator's discretion and under regulations that the Administrator may prescribe, may assign to the Secretary of Housing and Urban Development for disposal surplus real property, including buildings, fixtures, and equipment situated on the property, that the Secretary recommends as needed to provide housing or housing assistance for low-income individuals or families.

(2) SALE OR LEASE.—Subject to disapproval by the Administrator within 30 days after notice to the Administrator by the Secretary of Housing and Urban Development of a proposed transfer, the Secretary, to provide housing or housing assistance for low-income individuals or families, may sell or lease property assigned to the Secretary under paragraph (1) to a State, a political subdivision or instrumentality of a State, or a nonprofit organization that exists for the primary purpose of providing housing or housing assistance for low-income individuals or families.

(3) SELF-HELP HOUSING.—

(A) IN GENERAL.—The Administrator shall disapprove a proposed transfer of property

under this subsection unless the Administrator determines that the property will be used for low-income housing opportunities through the construction, rehabilitation, or refurbishment of self-help housing, under terms requiring that—

(i) subject to subparagraph (B), an individual or family receiving housing or housing assistance through use of the property shall contribute a significant amount of labor toward the construction, rehabilitation, or refurbishment; and

(ii) dwellings constructed, rehabilitated, or refurbished through use of the property shall be quality dwellings that comply with local building and safety codes and standards and shall be available at prices below prevailing market prices.

(B) GUIDELINES FOR CONSIDERING DISABILITIES.—For purposes of fulfilling self-help requirements under paragraph (3)(A)(i), the Administrator shall ensure that nonprofit organizations receiving property under paragraph (2) develop and use guidelines to consider any disability (as defined in section 3(2) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102(2))).

(4) FIXING VALUE.—

(A) IN GENERAL.—In fixing the sale or lease value of property disposed of under paragraph (2), the Secretary of Housing and Urban Development shall take into consideration and discount the value for any benefit which has accrued or may accrue to the Government from the use of the property by the State, political subdivision or instrumentality, or nonprofit organization.

(B) AMOUNT OF DISCOUNT.—The amount of the discount under subparagraph (A) is 75 percent of the market value of the property, except that the Secretary of Housing and Urban Development may discount by a greater percentage if the Secretary, in consultation with the Administrator, determines that a higher percentage is justified.

(g) PROPERTY FOR NATIONAL SERVICE ACTIVITIES.—

(1) ASSIGNMENT.—The Administrator, in the Administrator's discretion and under regulations that the Administrator may prescribe, may assign to the Chief Executive Officer of the Corporation for National and Community Service for disposal surplus property that the Chief Executive Officer recommends as needed for national service activities.

(2) SALE, LEASE, OR DONATION.—Subject to disapproval by the Administrator within 30 days after notice to the Administrator by the Chief Executive Officer of a proposed transfer, the Chief Executive Officer, for national service activities, may sell, lease, or donate property assigned to the Chief Executive Officer under paragraph (1) to an entity that receives financial assistance under the National and Community Service Act of 1990 (42 U.S.C. 12501 et seq.).

(3) FIXING VALUE.—In fixing the sale or lease value of property disposed of under paragraph (2), the Chief Executive Officer shall take into consideration any benefit which has accrued

or may accrue to the Government from the use of the property by the entity receiving the property.

(h) PROPERTY FOR USE AS A HISTORIC MONUMENT.—

(1) CONVEYANCE.—

(A) IN GENERAL.—Without monetary consideration to the Government, the Administrator may convey to a State, a political subdivision or instrumentality of a State, or a municipality, the right, title, and interest of the Government in and to any surplus real and related personal property that the Secretary of the Interior determines is suitable and desirable for use as a historic monument for the benefit of the public.

(B) RECOMMENDATION BY NATIONAL PARK SYSTEM ADVISORY BOARD.—Property may be determined to be suitable and desirable for use as a historic monument only in conformity with a recommendation by the National Park System Advisory Board established under section 3 of the Act of August 21, 1935 (16 U.S.C. 463) (known as the Historic Sites, Buildings, and Antiquities Act). Only the portion of the property that is necessary for the preservation and proper observation of the property's historic features may be determined to be suitable and desirable for use as a historic monument.

(2) REVENUE-PRODUCING ACTIVITY.—

(A) IN GENERAL.—The Administrator may authorize use of any property conveyed under this subsection for revenue-producing activities if the Secretary of the Interior—

(i) determines that the activities are compatible with use of the property for historic monument purposes;

(ii) approves the grantee's plan for repair, rehabilitation, restoration, and maintenance of the property;

(iii) approves the grantee's plan for financing the repair, rehabilitation, restoration, and maintenance of the property; and

(iv) examines and approves the accounting and financial procedures used by the grantee.

(B) USE OF EXCESS INCOME.—The Secretary of the Interior may approve a grantee's financial plan only if the plan provides that the grantee shall use income exceeding the cost of repair, rehabilitation, restoration, and maintenance only for public historic preservation, park, or recreational purposes.

(C) AUDITS.—The Secretary of the Interior may periodically audit the records of the grantee that are directly related to the property conveyed.

(3) DEED OF CONVEYANCE.—The deed of conveyance of any surplus real property disposed of under this subsection—

(A) shall provide that all of the property be used and maintained for historical monument purposes in perpetuity, and that if the property ceases to be used or maintained for historical monument purposes, all or any portion of the property shall, in its then existing condition, at the option of the Government, revert to the Government; and

(B) may contain additional terms, reservations, restrictions, and conditions the Administrator determines are necessary to safeguard the interests of the Government.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1094.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
550(a)	40:484(k)(1)(D).	June 30, 1949, ch. 288, title II, §203(k), 63 Stat. 387; July 12, 1952, ch. 703, §1(j), 66 Stat. 593; June 3, 1955, ch. 130, §6(a), (c), 69 Stat. 84, 85; July 3, 1956, ch. 513, §2, 70 Stat. 494; Pub. L. 91-485, §2, Oct. 22, 1970, 84 Stat. 1084; Pub. L. 92-362, §1, Aug. 4, 1972, 86 Stat. 503; Pub. L. 94-519, §1(2), Oct. 17, 1976, 90 Stat. 2453; Pub. L. 103-82, title II, §202(f), Sept. 21, 1993, 107 Stat. 888; Pub. L. 105-50, §2, Oct. 6, 1997, 111 Stat. 1167.
550(b)	40:484(k)(4).	
550(c)	40:484(k)(1) (matter before (A) related to education), (A), (C) (related to education).	
550(d)	40:484(k)(1) (matter before (A) related to public health), (B), (C) (related to public health).	
550(e)	40:484(k)(2).	
550(f)	40:484(k)(6).	
550(g)	40:484(k)(5).	
550(h)	40:484(k)(3).	

In subsections (b)(2), (c), and (d), the words “Secretary of Education” and “Secretary of Health and Human Services” are substituted for “Secretary of Health, Education, and Welfare”, as appropriate, because of sections 301(a)(2)(P) and (b), 507, and 509(b) of the Department of Education Organization Act (20:3441(a)(2)(P) and (b), 3507, and 3508(b)).

In subsection (b)(2), the words “the Surplus Property Act of 1944, as amended”, and the text of 40:484(k)(4)(D), are omitted because the relevant provisions of the Surplus Property Act of 1944 (50 App.:1611 et seq.) have been repealed.

In subsection (e), the definition of “States” is omitted as unnecessary because of 40:484(k)(1)(D), restated in subsection (a).

In subsection (e)(4), the words “this subsection” are used to reflect the probable intent of Congress. In 40:484(k)(2)(C), the words “this subsection” should probably be “this paragraph”, meaning 40:484(k)(2). In the revised section, the reference to 40:484(k)(2) is translated as “this subsection” to reflect the restatement of 40:484(k)(2) as subsection (e) of the revised section.

In subsection (h), the definition of “States”, is omitted as unnecessary because of 40:484(k)(1)(D), restated in subsection (a).

In subsection (h)(1)(B), the words “National Park System Advisory Board” are substituted for “Advisory Board on National Parks, Historic Sites, Buildings and Monuments” because of the amendment of 16:463 by section 9 of the Act of August 18, 1970 (Public Law 91-383), as added by section 2 of the Act of October 7, 1976 (Public Law 94-458, 90 Stat. 1940).

In subsection (h)(2)(A), the words “this subsection” are used to reflect the probable intent of Congress. In 40:484(k)(3)(A), the words “this subsection” should probably be “this paragraph”, meaning 40:484(k)(3). In the revised section, the reference to 40:484(k)(3) is translated as “this subsection” to reflect the restatement of 40:484(k)(3) as subsection (h) of the revised section. The words “or the Surplus Property Act of 1944, as amended” are omitted because the relevant provisions of the Surplus Property Act of 1944 (50 App.:1611 et seq.) have been repealed.

In subsection (h)(3), the words “this subsection” are used to reflect the probable intent of Congress. In

40:484(k)(3)(B), the words “this subsection” should probably be “this paragraph”, meaning 40:484(k)(3). In the revised section, the reference to 40:484(k)(3) is translated as “this subsection” to reflect the restatement of 40:484(k)(3) as subsection (h) of the revised section.

REFERENCES IN TEXT

The National and Community Service Act of 1990, referred to in subsec.(g)(2), is Pub. L. 101-610, Nov. 16, 1990, 104 Stat. 3127, as amended, which is classified principally to chapter 129 (§12501 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 12501 of Title 42 and Tables.

§ 551. Donations to American Red Cross

The Administrator of General Services, in the Administrator’s discretion and under regulations that the Administrator may prescribe, may donate to the American National Red Cross for charitable purposes property that the American National Red Cross processed, produced, or donated and that has been determined to be surplus property.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1099.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
551	40:484(l).	June 30, 1949, ch. 288, title II, §203(l), as added Aug. 1, 1955, ch. 442, 69 Stat. 430.

§ 552. Abandoned or unclaimed property on Government premises

(a) AUTHORITY TO TAKE PROPERTY.—The Administrator of General Services may take possession of abandoned or unclaimed property on premises owned or leased by the Federal Government and determine when title to the property vests in the Government. The Administrator may use, transfer, or otherwise dispose of the property.

(b) CLAIM FILED BY FORMER OWNER.—If a former owner files a proper claim within three years from the date that title to the property vests in the Government, the former owner shall be paid an amount—

(1) equal to the proceeds realized from the disposition of the property less costs incident to care and handling as determined by the Administrator; or

(2) if the property has been used or transferred, equal to the fair value of the property as of the time title vested in the Government less costs incident to care and handling as determined by the Administrator.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1099; Pub. L. 109–284, § 6(3), Sept. 27, 2006, 120 Stat. 1212.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
552	40:484(m).	June 30, 1949, ch. 288, title II, §203(m), formerly §203(l), 63 Stat. 388; redesignated §203(m), Aug. 1, 1955, ch. 442, 69 Stat. 430.

AMENDMENTS

2006—Subsec. (a). Pub. L. 109-284 substituted “(a) AUTHORITY TO TAKE PROPERTY.—The Administrator” for “(a) AUTHORITY TO TAKE PROPERTY Administrator”.

§ 553. Property for correctional facility, law enforcement, and emergency management response purposes

(a) DEFINITION.—In this section, the term “State” includes the District of Columbia, Puerto Rico, Guam, American Samoa, the Virgin Islands, the Federated States of Micronesia, the Marshall Islands, Palau, and, the Northern Mariana Islands.

(b) AUTHORITY TO TRANSFER PROPERTY.—The Administrator of General Services, in the Administrator’s discretion and under regulations that the Administrator may prescribe, may transfer or convey to a State, or political subdivision or instrumentality of a State, surplus real and related personal property that—

(1) the Attorney General determines is required by the transferee or grantee for correctional facility use under a program approved by the Attorney General for the care or rehabilitation of criminal offenders;

(2) the Attorney General determines is required by the transferee or grantee for law enforcement purposes; or

(3) the Administrator of the Federal Emergency Management Agency determines is required by the transferee or grantee for emergency management response purposes including fire and rescue services.

(c) NO MONETARY CONSIDERATION.—A transfer or conveyance under this section shall be made without monetary consideration to the Federal Government.

(d) DEED OF CONVEYANCE.—The deed of conveyance of any surplus real and related personal property disposed of under this section—

(1) shall provide that all of the property be used and maintained for the purpose for which it was conveyed in perpetuity, and that if the property ceases to be used or maintained for that purpose, all or any portion of the property shall, in its then existing condition, at the option of the Government, revert to the Government; and

(2) may contain additional terms, reservations, restrictions, and conditions that the Administrator determines are necessary to safeguard the interests of the Government.

(e) ENFORCEMENT AND REVISION OF INSTRUMENTS TRANSFERRING PROPERTY UNDER THIS SECTION.—The Administrator shall determine and enforce compliance with the terms, conditions, reservations, and restrictions contained in an instrument by which a transfer or conveyance under this section is made. The Administrator shall reform, correct, or amend the instrument if necessary to correct the instrument or to conform the transfer to the requirements of law. The Administrator shall grant a release from any term, condition, reservation or restriction contained in the instrument, and shall convey, quitclaim, or release to the transferee (or other eligible user) any right or interest reserved to the Government by the instrument, if the Administrator determines that the property no longer serves the purpose for which it was transferred or that a release, conveyance, or quitclaim deed will not prevent accomplishment of that purpose. The release, conveyance, or quitclaim deed may be made subject to terms

and conditions that the Administrator considers necessary to protect or advance the interests of the Government.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1099; Pub. L. 109–295, title VI, §612(c), Oct. 4, 2006, 120 Stat. 1410.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
553	40:484(p).	June 30, 1949, ch. 288, title II, §203(p), as added Pub. L. 98–473, title II, §701, Oct. 12, 1984, 98 Stat. 2129; Pub. L. 105–119, title I, §118, Nov. 26, 1997, 111 Stat. 2468; Pub. L. 106–113, §1000(a)(5) [§233(a)], Nov. 29, 1999, 113 Stat. 1501A–301; Pub. L. 106–168, title III, §301, Dec. 12, 1999, 113 Stat. 1821; Pub. L. 106–398, §1 [§2814], Oct. 30, 2000, 114 Stat. 1654A–419.

In subsection (a), the words “Trust Territory of the Pacific Islands” are omitted and the words “the Federated States of Micronesia, the Marshall Islands, Palau” are added because of the termination of the Trust Territory of the Pacific Islands. See 48:1681 note prec.

In subsection (c), the text of 40:484(p)(1)(A) (last sentence) is omitted as executed and obsolete.

REFERENCES IN TEXT

The “Administrator”, referred to in subsecs. (d)(2) and (e), is the Administrator of General Services.

CHANGE OF NAME

“Administrator of the Federal Emergency Management Agency” substituted for “Director of the Federal Emergency Management Agency” in subsec. (b)(3) on authority of section 612(c) of Pub. L. 109–295, set out as a note under section 313 of Title 6, Domestic Security. Any reference to the Administrator of the Federal Emergency Management Agency in title VI of Pub. L. 109–295 or an amendment by title VI to be considered to refer and apply to the Director of the Federal Emergency Management Agency until Mar. 31, 2007, see section 612(f)(2) of Pub. L. 109–295, set out as a note under section 313 of Title 6.

TRANSFER OF FUNCTIONS

For transfer of all functions, personnel, assets, components, authorities, grant programs, and liabilities of the Federal Emergency Management Agency, including the functions of the Under Secretary for Federal Emergency Management relating thereto, to the Federal Emergency Management Agency, see section 315(a)(1) of Title 6, Domestic Security.

For transfer of functions, personnel, assets, and liabilities of the Federal Emergency Management Agency, including the functions of the Director of the Federal Emergency Management Agency relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see former section 313(1) and sections 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.

§ 554. Property for development or operation of a port facility

(a) DEFINITIONS.—In this section, the following definitions apply:

(1) BASE CLOSURE LAW.—The term “base closure law” has the meaning given that term in section 101(a)(17) of title 10.

(2) STATE.—The term “State” includes the District of Columbia, Puerto Rico, Guam,

American Samoa, the Virgin Islands, the Federated States of Micronesia, the Marshall Islands, Palau, and the Northern Mariana Islands.

(b) **AUTHORITY FOR ASSIGNMENT TO THE SECRETARY OF TRANSPORTATION.**—Under regulations that the Administrator of General Services, after consultation with the Secretary of Defense, may prescribe, the Administrator, or the Secretary of Defense in the case of property located at a military installation closed or realigned pursuant to a base closure law, may assign to the Secretary of Transportation for disposal surplus real property, including buildings, fixtures, and equipment situated on the property, that the Secretary of Transportation recommends as needed for the development or operation of a port facility.

(c) **AUTHORITY FOR CONVEYANCE BY THE SECRETARY OF TRANSPORTATION.**—

(1) **IN GENERAL.**—Subject to disapproval by the Administrator or the Secretary of Defense within 30 days after notice of a proposed conveyance by the Secretary of Transportation, the Secretary of Transportation, for the development or operation of a port facility, may convey property assigned to the Secretary of Transportation under subsection (b) to a State or political subdivision, municipality, or instrumentality of a State.

(2) **CONVEYANCE REQUIREMENTS.**—A transfer of property may be made under this section only after the Secretary of Transportation has—

(A) determined, after consultation with the Secretary of Labor, that the property to be conveyed is located in an area of serious economic disruption;

(B) received and, after consultation with the Secretary of Commerce, approved an economic development plan submitted by an eligible grantee and based on assured use of the property to be conveyed as part of a necessary economic development program; and

(C) transmitted to Congress an explanatory statement that contains information substantially similar to the information contained in statements prepared under section 545(e) of this title.

(d) **NO MONETARY CONSIDERATION.**—A conveyance under this section shall be made without monetary consideration to the Federal Government.

(e) **DEED OF CONVEYANCE.**—The deed of conveyance of any surplus real and related personal property disposed of under this section shall—

(1) provide that all of the property be used and maintained for the purpose for which it was conveyed in perpetuity, and that if the property ceases to be used or maintained for that purpose, all or any portion of the property shall, in its then existing condition, at the option of the Government, revert to the Government; and

(2) contain additional terms, reservations, restrictions, and conditions that the Secretary of Transportation shall by regulation require to ensure use of the property for the purposes for which it was conveyed and to safeguard the interests of the Government.

(f) **ENFORCEMENT AND REVISION OF INSTRUMENTS TRANSFERRING PROPERTY UNDER THIS SECTION.**—The Secretary of Transportation shall determine and enforce compliance with the terms, conditions, reservations, and restrictions contained in an instrument by which a transfer or conveyance under this section is made. The Secretary shall reform, correct, or amend the instrument if necessary to correct the instrument or to conform the transfer to the requirements of law. The Secretary shall grant a release from any term, condition, reservation or restriction contained in the instrument, and shall convey, quitclaim, or release to the grantee any right or interest reserved to the Government by the instrument, if the Secretary determines that the property no longer serves the purpose for which it was transferred or that a release, conveyance, or quitclaim deed will not prevent accomplishment of that purpose. The release, conveyance, or quitclaim deed may be made subject to terms and conditions that the Secretary considers necessary to protect or advance the interests of the Government.

(Pub. L. 107-217, Aug. 21, 2002, 116 Stat. 1100; Pub. L. 109-163, div. A, title X, §1056(a)(5)(A), Jan. 6, 2006, 119 Stat. 3439; Pub. L. 109-284, §6(4), Sept. 27, 2006, 120 Stat. 1212.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
554	40:484(q).	June 30, 1949, ch. 288, title II, §203(q), as added Pub. L. 103-160, div. B, title XXIX, §2927(2), Nov. 30, 1993, 107 Stat. 1933.

In subsection (a), the words “Trust Territory of the Pacific Islands” are omitted and the words “the Federated States of Micronesia, the Marshall Islands, Palau” are added because of the termination of the Trust Territory of the Pacific Islands. See 48:1681 note prec.

AMENDMENTS

2006—Subsec. (a)(1). Pub. L. 109-163 substituted “has the meaning given that term in section 101(a)(17) of title 10.” for “means the following:

“(A) Title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note).

“(B) The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note).

“(C) Section 2687 of title 10.”

Subsec. (c). Pub. L. 109-284 substituted “TRANSPORTATION.—” for “TRANSPORTATION.” in heading.

§ 555. Donation of law enforcement canines to handlers

The head of a federal agency having control of a canine that has been used by a federal agency in the performance of law enforcement duties and that has been determined by the agency to be no longer needed for official purposes may donate the canine to an individual who has experience handling canines in the performance of those duties.

(Pub. L. 107-217, Aug. 21, 2002, 116 Stat. 1102.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
555	40:484(r).	June 30, 1949, ch. 288, title II, §203(r), as added Pub. L. 105-27, §1, July 18, 1997, 111 Stat. 244.

§ 556. Disposal of dredge vessels

(a) IN GENERAL.—The Administrator of General Services, pursuant to sections 521 through 527, 529, and 549 of this title, may dispose of a United States Army Corps of Engineers vessel used for dredging, together with related equipment owned by the Federal Government and under the control of the Chief of Engineers, if the Secretary of the Army declares the vessel to be in excess of federal needs.

(b) RECIPIENTS AND PURPOSES.—Disposal under this section is accomplished—

- (1) through sale or lease to—
 - (A) a foreign government as part of a Corps of Engineers technical assistance program;
 - (B) a federal or state maritime academy for training purposes; or
 - (C) a non-federal public body for scientific, educational, or cultural purposes; or
- (2) through sale solely for scrap to foreign or domestic interests.

(c) NO DREDGING ACTIVITIES.—A vessel described in subsection (a) shall not be disposed of under any law for the purpose of engaging in dredging activities within the United States.

(d) DEPOSIT OF AMOUNTS COLLECTED.—Amounts collected from the sale or lease of a vessel or equipment under this section shall be deposited into the revolving fund authorized by section 101 (9th par.) of the Civil Functions Appropriation¹ Act, 1954 (33 U.S.C. 576), to be available, as provided in appropriation laws, for the operation and maintenance of vessels under the control of the Corps of Engineers.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1102.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
556	40:483d.	Pub. L. 99-662, title IX, §945, Nov. 17, 1986, 100 Stat. 4200.

In subsection (a), the words “U.S. Army Corps of Engineers” are substituted for “Corps of Engineers” for clarity. The words “Secretary of the Army” are substituted for “Secretary” because of section 2 of the Water Resources Development Act of 1986 (33:2201).

In subsection (d), the words “U.S. Army Corps of Engineers” are substituted for “Corps of Engineers” for clarity.

§ 557. Donation of books to Free Public Library

Subject to regulations under this subtitle, a book that is no longer needed by an executive department, bureau, or commission of the Federal Government, and that is not an advisable addition to the Library of Congress, shall be turned over to the Free Public Library of the District of Columbia for general use if the book is appropriate for the Free Public Library.

¹ So in original. Probably should be “Appropriations”.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1102.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
557	40:484-1.	Feb. 25, 1903, ch. 755, §1 (7th par. on p. 865), 32 Stat. 865; Oct. 31, 1951, ch. 654, §2(1), 65 Stat. 706.

§ 558. Donation of forfeited vessels

(a) IN GENERAL.—A vessel that is forfeited to the Federal Government may be donated, in accordance with procedures under this subtitle, to an eligible institution described in subsection (b).

(b) ELIGIBLE INSTITUTION.—An eligible institution referred to in subsection (a) is an educational institution with a commercial fishing vessel safety program or other vessel safety, education and training program. The institution must certify to the federal officer making the donation that the program includes, at a minimum, all of the following courses in vessel safety:

- (1) Vessel stability.
- (2) Firefighting.
- (3) Shipboard first aid.
- (4) Marine safety and survival.
- (5) Seamanship rules of the road.

(c) TERMS AND CONDITIONS.—The donation of a vessel under this section shall be made on terms and conditions considered appropriate by the federal officer making the donation. All of the following terms and conditions are required:

(1) NO WARRANTY.—The institution must accept the vessel as is, where it is, and without warranty of any kind and without any representation as to its condition or suitability for use.

(2) MAINTENANCE.—The institution is responsible for maintaining the vessel.

(3) INSTRUCTION ONLY.—The vessel may be used only for instructing students in a vessel safety education and training program.

(4) DOCUMENTATION.—If the vessel is eligible to be documented, it must be documented by the institution as a vessel of the United States under chapter 121 of title 46. The requirements of paragraph (5) must be noted on the permanent record of the vessel.

(5) DISPOSAL.—The institution must obtain prior approval from the Administrator of General Services before disposing of the vessel and any proceeds from disposal shall be payable to the Government.

(6) INSPECTION OR REGULATION.—The vessel shall be inspected or regulated in the same manner as a nautical school vessel under chapter 33 of title 46.

(d) GOVERNMENT LIABILITY.—The Government is not liable in an action arising out of the transfer or use of a vessel transferred under this section.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1103.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
558	40:484d.	Pub. L. 99-640, §13(a)-(c), Nov. 10, 1986, 100 Stat. 3551.

In subsection (b), the words “all of” are inserted for clarity.

§ 559. Advice of Attorney General with respect to antitrust law

(a) DEFINITION.—In this section, the term “antitrust law” includes—

- (1) the Sherman Act (15 U.S.C. 1 et seq.);
- (2) the Clayton Act (15 U.S.C. 12 et seq., 29 U.S.C. 52, 53);
- (3) the Federal Trade Commission Act (15 U.S.C. 41 et seq.); and
- (4) sections 73 and 74 of the Wilson Tariff Act (15 U.S.C. 8, 9).

(b) ADVICE REQUIRED.—

(1) IN GENERAL.—An executive agency shall not dispose of property to a private interest until the agency has received the advice of the Attorney General on whether the disposal to a private interest would tend to create or maintain a situation inconsistent with antitrust law.

(2) EXCEPTION.—This section does not apply to disposal of—

- (A) real property, if the estimated fair market value is less than \$3,000,000; or
- (B) personal property (other than a patent, process, technique, or invention), if the estimated fair market value is less than \$3,000,000.

(c) NOTICE TO ATTORNEY GENERAL.—

(1) IN GENERAL.—An executive agency that contemplates disposing of property to a private interest shall promptly transmit notice of the proposed disposal, including probable terms and conditions, to the Attorney General.

(2) COPY.—Except for the General Services Administration, an executive agency that transmits notice under paragraph (1) shall simultaneously transmit a copy of the notice to the Administrator of General Services.

(d) ADVICE FROM ATTORNEY GENERAL.—Within a reasonable time, not later than 60 days, after receipt of notice under subsection (c), the Attorney General shall advise the Administrator and any interested executive agency whether, so far as the Attorney General can determine, the proposed disposition would tend to create or maintain a situation inconsistent with antitrust law.

(e) REQUEST FOR INFORMATION.—On request from the Attorney General, the head of an executive agency shall furnish information the agency possesses that the Attorney General determines is appropriate or necessary to—

- (1) give advice required by this section; or
- (2) determine whether any other disposition or proposed disposition of surplus property violates antitrust law.

(f) NO EFFECT ON ANTITRUST LAW.—This subtitle does not impair, amend, or modify antitrust law or limit or prevent application of anti-

trust law to a person acquiring property under this subtitle.

(Pub. L. 107-217, Aug. 21, 2002, 116 Stat. 1103.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
559	40:488.	June 30, 1949, ch. 288, title II, §207, 63 Stat. 391; Pub. L. 85-680, Aug. 19, 1958, 72 Stat. 631; Pub. L. 100-612, §7, Nov. 5, 1988, 102 Stat. 3182.

In subsection (e), the words “the head of an executive agency” are substituted for “the Administrator or any other executive agency”, the words “or cause to be furnished” are omitted, and the words “information the agency possesses” are substituted for “such information as the Administrator or such other executive agency may possess”, to eliminate unnecessary words.

REFERENCES IN TEXT

The Sherman Act, referred to in subsec. (a)(1), is act July 2, 1890, ch. 647, 26 Stat. 209, as amended, which is classified to sections 1 to 7 of Title 15, Commerce and Trade. For complete classification of this Act to the Code, see Short Title note set out under section 1 of Title 15 and Tables.

The Clayton Act, referred to in subsec. (a)(2), is act Oct. 15, 1914, ch. 323, 38 Stat. 730, as amended, which is classified generally to sections 12, 13, 14 to 19, 21, 22 to 27 of Title 15, Commerce and Trade, and sections 52 and 53 of Title 29, Labor. For further details and complete classification of this Act to the Code, see note set out under section 12 of Title 15 and Tables.

The Federal Trade Commission Act, referred to in subsec. (a)(3), is act Sept. 26, 1914, ch. 311, 38 Stat. 717, as amended, which is classified generally to subchapter I (§41 et seq.) of chapter 2 of Title 15, Commerce and Trade. For complete classification of this Act to the Code, see section 58 of Title 15 and Tables.

SUBCHAPTER IV—PROCEEDS FROM SALE OR TRANSFER

§ 571. General rules for deposit and use of proceeds

(a) DEPOSIT IN TREASURY AS MISCELLANEOUS RECEIPTS.—

(1) IN GENERAL.—Except as otherwise provided in this subchapter, proceeds described in paragraph (2) shall be deposited in the Treasury as miscellaneous receipts.

(2) PROCEEDS.—The proceeds referred to in paragraph (1) are proceeds under this chapter from a—

- (A) transfer of excess property to a federal agency for agency use; or
- (B) sale, lease, or other disposition of surplus property.

(b) PAYMENT OF EXPENSES OF SALE BEFORE DEPOSIT.—Subject to regulations under this subtitle, the expenses of the sale of old material, condemned stores, supplies, or other public property may be paid from the proceeds of sale so that only the net proceeds are deposited in the Treasury. This subsection applies whether proceeds are deposited as miscellaneous receipts or to the credit of an appropriation as authorized by law.

(Pub. L. 107-217, Aug. 21, 2002, 116 Stat. 1104.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
571(a)	40:485(a).	June 30, 1949, ch. 288, title II, §204(a), 63 Stat. 388; Pub. L. 101-510, div. B, title XXVIII, §2805(d), Nov. 5, 1990, 104 Stat. 1786.
571(b)	40:485a.	June 8, 1896, ch. 373, 29 Stat. 268; Oct. 31, 1951, ch. 654, §2(20), 65 Stat. 707; Pub. L. 104-316, title I, §120(a), Oct. 19, 1996, 110 Stat. 3836.

In subsection (b), the words “whether proceeds are deposited as miscellaneous receipts or to the credit of an appropriation as authorized by law” are substituted for “either as miscellaneous receipts on account of ‘proceeds of Government property’ or to the credit of the appropriations to which such proceeds are by law authorized to be made . . . either as miscellaneous receipts or to the credit of such appropriations, as the case may be” to eliminate unnecessary words.

§ 572. Real property

(a) IN GENERAL.—

(1) SEPARATE FUND.—Except as provided in subsection (b), proceeds of the disposition of surplus real and related personal property by the Administrator of General Services shall be set aside in a separate fund in the Treasury.

(2) PAYMENT OF EXPENSES FROM THE FUND.—

(A) AUTHORITY.—From the fund described in paragraph (1), the Administrator may obligate an amount to pay the following direct expenses incurred for the use of excess property and the disposal of surplus property under this subtitle:

(i) Fees of appraisers, auctioneers, and realty brokers, in accordance with the scale customarily paid in similar commercial transactions.

(ii) Costs of environmental and historic preservation services, highest and best use of property studies, utilization of property studies, deed compliance inspection, and the expenses incurred in a relocation.

(iii) Advertising and surveying.

(B) LIMITATIONS.—

(i) PERCENTAGE LIMITATION.—In each fiscal year, no more than 12 percent of the proceeds of all dispositions of surplus real and related personal property may be paid to meet direct expenses incurred in connection with the dispositions.

(ii) DETERMINATION OF MAXIMUM AMOUNT.—The Director of the Office of Management and Budget each quarter shall determine the maximum amount that may be obligated under this paragraph.

(C) DIRECT PAYMENT OR REIMBURSEMENT.—

An amount obligated under this paragraph may be used to pay an expense directly or to reimburse a fund or appropriation that initially paid the expense.

(3) TRANSFER TO MISCELLANEOUS RECEIPTS.—At least once each year, excess amounts beyond current operating needs shall be transferred from the fund described in paragraph (1) to miscellaneous receipts.

(4) REPORT.—A report of receipts, disbursements, and transfers to miscellaneous receipts

under this subsection shall be made annually, in connection with the budget estimate, to the Director and to Congress.

(b) REAL PROPERTY UNDER CONTROL OF A MILITARY DEPARTMENT.—

(1) DEFINITIONS.—In this subsection, the following definitions apply:

(A) MILITARY INSTALLATION.—The term “military installation” has the meaning given that term in section 2687(e)(1) of title 10.

(B) BASE CLOSURE LAW.—The term “base closure law” has the meaning given that term in section 101(a)(17) of title 10.

(2) APPLICATION.—

(A) IN GENERAL.—This subsection applies to real property, including any improvement on the property, that is under the control of a military department and that the Secretary of the department determines is excess to the department’s needs.

(B) EXCEPTIONS.—This subsection does not apply to—

(i) damaged or deteriorated military family housing facilities conveyed under section 2854a of title 10; or

(ii) property at a military installation designated for closure or realignment pursuant to a base closure law.

(3) TRANSFER BETWEEN MILITARY DEPARTMENTS.—The Secretary of Defense shall provide that property described in paragraph (2) is available for transfer, without reimbursement, to other military departments within the Department of Defense.

(4) ALTERNATIVE DISPOSITION BY ADMINISTRATOR OF GENERAL SERVICES.—If property is not transferred pursuant to paragraph (3), the Secretary of the military department with the property under its control shall request the Administrator to transfer or dispose of the property in accordance with this subtitle or other applicable law.

(5) PROCEEDS.—

(A) DEPOSIT IN SPECIAL ACCOUNT.—For a transfer or disposition of property pursuant to paragraph (4), the Administrator shall deposit any proceeds (less expenses of the transfer or disposition as provided in subsection (a)) in a special account in the Treasury.

(B) AVAILABILITY OF AMOUNT DEPOSITED.—To the extent provided in an appropriation law, an amount deposited in a special account under subparagraph (A) is available for facility maintenance and repair or environmental restoration as follows:

(i) In the case of property located at a military installation that is closed, the amount is available for facility maintenance and repair or environmental restoration by the military department that had jurisdiction over the property before the closure of the military installation.

(ii) In the case of property located at any other military installation—

(I) 50 percent of the amount is available for facility maintenance and repair or environmental restoration at the military installation where the property

was located before it was disposed of or transferred; and

(II) 50 percent of the amount is available for facility maintenance and repair and for environmental restoration by the military department that had jurisdiction over the property before it was disposed of or transferred.

(6) REPORT.—As part of the annual request for authorizations of appropriations to the Committees on Armed Services of the Senate and the House of Representatives, the Secretary of Defense shall include an accounting of each transfer and disposal made in accordance with this subsection during the fiscal year preceding the fiscal year in which the request is made. The accounting shall include a detailed explanation of each transfer and disposal and of the use of the proceeds received from it by the Department of Defense.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1105; Pub. L. 108–447, div. H, title IV, §408, Dec. 8, 2004, 118 Stat. 3258; Pub. L. 109–13, div. A, title VI, §6068, May 11, 2005, 119 Stat. 299; Pub. L. 109–163, div. A, title X, §1056(a)(5)(B), Jan. 6, 2006, 119 Stat. 3439.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
572(a)	40:485(b).	June 30, 1949, ch. 288, title II, §204(b), as added Aug. 31, 1954, ch. 1178, §1(b), 68 Stat. 1051; Pub. L. 86–215, Sept. 1, 1959, 73 Stat. 446; Pub. L. 100–612, §6, Nov. 5, 1988, 102 Stat. 3181; Pub. L. 101–510, div. B, title XXVIII, §2805(2), Nov. 5, 1990, 104 Stat. 1786; Pub. L. 107–107, §2812, Dec. 28, 2001, 115 Stat. 1307.
572(b)	40:485(h).	June 30, 1949, ch. 288, title II, §204(h), as added Pub. L. 101–510, div. B, title XXVIII, §2805(3), Nov. 5, 1990, 104 Stat. 1786; Pub. L. 104–106, div. A, title XV, §1502(d)(7), div. B, title XXVIII, §2818(b), Feb. 10, 1996, 110 Stat. 510, 555; Pub. L. 106–65, title X, §1067(18), Oct. 5, 1999, 113 Stat. 775; Pub. L. 107–107, §2812, Dec. 28, 2001, 115 Stat. 1307.

In subsection (b)(4), the words “section 13(g) of the Surplus Property Act of 1944 (50 U.S.C. App. 1622(g))” are omitted because 50 App.:1622(g) has been repealed.

AMENDMENTS

2006—Subsec. (b)(1)(B). Pub. L. 109–163 substituted “section 101(a)(17) of title 10” for “section 2667(h)(2) of title 10”.

2005—Subsec. (a)(2)(A)(ii). Pub. L. 109–13 made technical correction to directory language of Pub. L. 108–447, §408. See 2004 Amendment note below.

2004—Subsec. (a)(2)(A)(ii). Pub. L. 108–447, §408, as amended by Pub. L. 109–13, inserted “, highest and best use of property studies, utilization of property studies, deed compliance inspection, and the expenses incurred in a relocation” before period at end.

§ 573. Personal property

The Administrator of General Services may retain from the proceeds of sales of personal property the Administrator conducts amounts necessary to recover, to the extent practicable, costs the Administrator (or the Administrator’s agent) incurs in conducting the sales. The Ad-

ministrator shall deposit amounts retained into the Acquisition Services Fund established under section 321(a) of this title. From the amounts deposited, the Administrator may pay direct costs and reasonably related indirect costs incurred in conducting sales of personal property. At least once each year, amounts retained that are not needed to pay the direct and indirect costs shall be transferred from the Acquisition Services Fund to the general fund or another appropriate account in the Treasury.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1107; Pub. L. 109–313, §3(h)(4), Oct. 6, 2006, 120 Stat. 1736.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
573	40:485(i).	June 30, 1949, ch. 288, title II, §204(i), as added Pub. L. 103–123, title IV, §7, Oct. 28, 1993, 107 Stat. 1247.

AMENDMENTS

2006—Pub. L. 109–313 substituted “Acquisition Services Fund” for “General Supply Fund” in two places.

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.

§ 574. Other rules regarding proceeds

(a) CREDIT TO REIMBURSABLE FUND OR APPROPRIATION.—

(1) APPLICATION.—This subsection applies to property acquired with amounts—

(A) not appropriated from the general fund of the Treasury; or

(B) appropriated from the general fund of the Treasury but by law reimbursable from assessment, tax, or other revenue or receipts.

(2) IN GENERAL.—The net proceeds of a disposition or transfer of property described in paragraph (1) shall be—

(A) credited to the applicable reimbursable fund or appropriation; or

(B) paid to the federal agency that determined the property to be excess.

(3) CALCULATION OF NET PROCEEDS.—For purposes of this subsection, the net proceeds of a disposition or transfer of property are the proceeds less all expenses incurred for the disposition or transfer, including care and handling.

(4) ALTERNATIVE CREDIT TO MISCELLANEOUS RECEIPTS.—If the agency that determined the property to be excess decides that it is un economical or impractical to ascertain the amount of net proceeds, the proceeds shall be credited to miscellaneous receipts.

(b) SPECIAL ACCOUNT FOR REFUNDS OR PAYMENTS FOR BREACH.—

(1) DEPOSITS.—A federal agency that disposes of surplus property under this chapter may deposit, in a special account in the Treasury, amounts of the proceeds of the dispositions that the agency decides are necessary to permit—

(A) appropriate refunds to purchasers for dispositions that are rescinded or that do not become final; and

(B) payments for breach of warranty.

(2) WITHDRAWALS.—A federal agency that deposits proceeds in a special account under paragraph (1) may withdraw amounts to be refunded or paid from the account without regard to the origin of the amounts withdrawn.

(c) CREDIT TO COST OF CONTRACTOR'S WORK.—If a contract made by an executive agency, or a subcontract under that contract, authorizes the proceeds of a sale of property in the custody of a contractor or subcontractor to be credited to the price or cost of work covered by the contract or subcontract, then the proceeds of the sale shall be credited in accordance with the contract or subcontract.

(d) ACCEPTANCE OF PROPERTY INSTEAD OF CASH.—An executive agency entitled to receive cash under a contract for the lease, sale, or other disposition of surplus property may accept property instead of cash if the President determines that the property is strategic or critical material. The property is valued at the prevailing market price when the cash payment becomes due.

(e) MANAGEMENT OF CREDIT, LEASES, AND PERMITS.—For a disposition of surplus property under this chapter, if credit has been extended, or if the disposition has been by lease or permit, the Administrator of General Services, in a manner and on terms the Administrator determines are in the best interest of the Federal Government—

(1) shall administer and manage the credit, lease, or permit, and any security for the credit, lease, or permit; and

(2) may enforce, adjust, and settle any right of the Government with respect to the credit, lease, or permit.

(Pub. L. 107-217, Aug. 21, 2002, 116 Stat. 1107.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
574(a)	40:485(c).	June 30, 1949, ch. 288, title II, § 204(c)-(g), formerly § 204(b)-(f), 63 Stat. 389; redesignated § 204(c)-(g), Aug. 31, 1954, ch. 1178, § 1(a), 68 Stat. 1051; Pub. L. 96-41, § 3(d), July 30, 1979, 93 Stat. 325.
574(b)	40:485(d).	
574(c)	40:485(e).	
574(d)	40:485(f).	
574(e)	40:485(g).	

In subsection (b)(1), the words “in the Treasury” are substituted for “with the Treasurer of the United States” because of section 1 of Reorganization Plan No. 26 of 1950 (eff. July 31, 1950, 64 Stat. 1280), restated as 31:321.

In subsection (e), the words “or by War Assets Administration (or its predecessor agencies) under the Surplus Property Act of 1944” are omitted because the War Assets Administration was abolished and its functions were transferred to the General Services Administration by section 105 of the Federal Property and Administrative Services Act of 1949 (ch. 288, 63 Stat. 381).

DELEGATION OF FUNCTIONS

Functions of President under subsec. (f) of section 485 of former Title 40, Public Buildings, Property, and Works (which was repealed and reenacted as subsec. (d) of this section by Pub. L. 107-217, §§ 1, 6(b), Aug. 21, 2002, 116 Stat. 1062, 1304), delegated to Secretary of Defense,

see section 3 of Ex. Ord. No. 12626, Feb. 25, 1988, 53 F.R. 6114, set out as a note under section 98 of Title 50, War and National Defense.

SUBCHAPTER V—OPERATION OF BUILDINGS AND RELATED ACTIVITIES

§ 581. General authority of Administrator of General Services

[(a) Repealed. Pub. L. 107-296, title XVII, § 1706(a)(1), Nov. 25, 2002, 116 Stat. 2316.]

(b) PERSONNEL AND EQUIPMENT.—The Administrator of General Services may—

(1) employ and pay personnel at per diem rates approved by the Administrator, not exceeding rates currently paid by private industry for similar services in the place where the services are performed; and

(2) purchase, repair, and clean uniforms for civilian employees of the General Services Administration who are required by law or regulation to wear uniform clothing.

(c) ACQUISITION AND MANAGEMENT OF PROPERTY.—

(1) REAL ESTATE.—The Administrator may acquire, by purchase, condemnation, or otherwise, real estate and interests in real estate.

(2) GROUND RENT.—The Administrator may pay ground rent for buildings owned by the Federal Government or occupied by federal agencies, and pay the rent in advance if required by law or if the Administrator determines that advance payment is in the public interest.

(3) RENT AND REPAIRS UNDER A LEASE.—The Administrator may pay rent and make repairs, alterations, and improvements under the terms of a lease entered into by, or transferred to, the Administration for the housing of a federal agency.

(4) REPAIRS THAT ARE ECONOMICALLY ADVANTAGEOUS.—The Administrator may repair, alter, or improve rented premises if the Administrator determines that doing so is advantageous to the Government in terms of economy, efficiency, or national security. The Administrator's determination must—

(A) set forth the circumstances that make the repair, alteration, or improvement advantageous; and

(B) show that the total cost (rental, repair, alteration, and improvement) for the expected life of the lease is less than the cost of alternative space not needing repair, alteration, or improvement.

(5) INSURANCE PROCEEDS FOR DEFENSE INDUSTRIAL RESERVE.—At the direction of the Secretary of Defense, the Administrator may use insurance proceeds received for damage to property that is part of the Defense Industrial Reserve to repair or restore the property.

(6) MAINTENANCE CONTRACTS.—The Administrator may enter into a contract, for a period not exceeding five years, for the inspection, maintenance, and repair of fixed equipment in a federally owned building.

(d) LEASE OF FEDERAL BUILDING SITES.—

(1) IN GENERAL.—The Administrator may lease a federal building site or addition, including any improvements, until the site is

needed for construction purposes. The lease must be for fair rental value and on other terms and conditions the Administrator considers to be in the public interest pursuant to section 545 of this title.

(2) NEGOTIATION WITHOUT ADVERTISING.—A lease under this subsection may be negotiated without public advertising for bids if—

(A) the lessee is—

(i) the former owner from whom the Government acquired the property; or

(ii) the former owner's tenant in possession; and

(B) the lease is negotiated incident to or in connection with the acquisition of the property.

(3) DEPOSIT OF RENT.—Rent received under this subsection may be deposited into the Federal Buildings Fund.

(e) ASSISTANCE TO THE INAUGURAL COMMITTEE.—The Administrator may provide direct assistance and special services for the Inaugural Committee (as defined in section 501 of title 36) during an inaugural period in connection with Presidential inaugural operations and functions. Assistance and services under this subsection may include—

(1) employment of personal services without regard to chapters 33 and 51 and subchapter III of chapter 53 of title 5;

(2) providing Government-owned and leased space for personnel and parking;

(3) paying overtime to guard and custodial forces;

(4) erecting and removing stands and platforms;

(5) providing and operating first-aid stations;

(6) providing furniture and equipment; and

(7) providing other incidental services in the discretion of the Administrator.

(f) UTILITIES FOR DEFENSE INDUSTRIAL RESERVE AND SURPLUS PROPERTY.—The Administrator may—

(1) provide utilities and services, if the utilities and services are not provided by other sources, to a person, firm, or corporation occupying or using a plant or portion of a plant that constitutes—

(A) any part of the Defense Industrial Reserve pursuant to section 2535 of title 10; or

(B) surplus real property; and

(2) credit an amount received for providing utilities and services under this subsection to an applicable appropriation of the Administration.

(g) OBTAINING PAYMENTS.—The Administrator may—

(1) obtain payments, through advances or otherwise, for services, space, quarters, maintenance, repair, or other facilities furnished, on a reimbursable basis, to a federal agency, a mixed-ownership Government corporation (as defined in chapter 91 of title 31), or the District of Columbia; and

(2) credit the payments to the applicable appropriation of the Administration.

(h) COOPERATIVE USE OF PUBLIC BUILDINGS.—

(1) LEASING SPACE FOR COMMERCIAL AND OTHER PURPOSES.—The Administrator may lease space on a major pedestrian access level, courtyard, or rooftop of a public building to a person, firm, or organization engaged in commercial, cultural, educational, or recreational activity (as defined in section 3306(a) of this title). The Administrator shall establish a rental rate for leased space equivalent to the prevailing commercial rate for comparable space devoted to a similar purpose in the vicinity of the public building. The lease may be negotiated without competitive bids, but shall contain terms and conditions and be negotiated pursuant to procedures that the Administrator considers necessary to promote competition and to protect the public interest.

(2) OCCASIONAL USE OF SPACE FOR NON-COMMERCIAL PURPOSES.—The Administrator may make available, on occasion, or lease at a rate and on terms and conditions that the Administrator considers to be in the public interest, an auditorium, meeting room, courtyard, rooftop, or lobby of a public building to a person, firm, or organization engaged in cultural, educational, or recreational activity (as defined in section 3306(a) of this title) that will not disrupt the operation of the building.

(3) DEPOSIT AND CREDIT OF AMOUNTS RECEIVED.—The Administrator may deposit into the Federal Buildings Fund an amount received under a lease or rental executed pursuant to paragraph (1) or (2). The amount shall be credited to the appropriation from the Fund applicable to the operation of the building.

(4) FURNISHING UTILITIES AND MAINTENANCE.—The Administrator may furnish utilities, maintenance, repair, and other services to a person, firm, or organization leasing space pursuant to paragraph (1) or (2). The services may be provided during and outside of regular working hours of federal agencies.

(Pub. L. 107-217, Aug. 21, 2002, 116 Stat. 1108; Pub. L. 107-296, title XVII, §1706(a), Nov. 25, 2002, 116 Stat. 2316; Pub. L. 109-284, §6(5), Sept. 27, 2006, 120 Stat. 1212.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
581	40:490(a).	June 30, 1949, ch. 288, title II, §210(a), as added Sept. 5, 1950, ch. 849, §5(c), 64 Stat. 580; Pub. L. 85-886, §1, Sept. 2, 1958, 72 Stat. 1709; Pub. L. 89-276, Oct. 20, 1965, 79 Stat. 1010; Pub. L. 90-626, Oct. 22, 1968, 82 Stat. 1319; Pub. L. 94-541, title I, §104(a), Oct. 18, 1976, 90 Stat. 2506; Pub. L. 104-201, title VIII, §823, Sept. 23, 1996, 110 Stat. 2609; Pub. L. 104-316, title I, §120(b), Oct. 19, 1996, 110 Stat. 3836.

In this section, 40:490(a)(7) is omitted as obsolete because the pneumatic tube system referred to in the provision is no longer used or maintained and 40:490(a)(9) is omitted as obsolete because the relevant provisions of the Surplus Property Act of 1944 (50 App.:1611 et seq.) have been repealed.

In subsection (c)(3) and (4), the words “without regard to the provisions of section 278a of this title” and

“which on June 30, 1950, was specifically exempted by law from the requirements of said section” (in 40:490(a)(5)), and the words “without regard to the 25 per centum limitation of section 278a of this title” and “without reference to such limitation” (in 40:490(a)(8)), respectively, are omitted as obsolete because 40:278a was repealed by section 7 of the Public Buildings Amendments of 1988 (Public Law 100-678, 40:278a).

In subsection (c)(5), the words “Defense Industrial Reserve” are substituted for “National Industrial Reserve” because the National Industrial Reserve Act was renamed the 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 10:2535 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 (d)(3), the words “Federal Buildings Fund” are substituted for “Buildings Management Fund” because the fund established under 40:490(f)(1) is the Federal Buildings Fund and unexpended balances in the Buildings Management Fund were merged into the Federal Buildings Fund under 40:490(f)(3).

In subsection (e), before clause (1), the words “section 501 of title 36” are substituted for “the Act of August 6, 1965, 70 Stat 1049” in section 210(a)(15) of the Federal Property and Administrative Services Act of 1949 because of section 5(b) of the Act of August 12, 1998 (Public Law 105-225, 112 Stat. 1499), the first section of which enacted Title 36, United States Code. In clause (1), the words “chapters 33 and 51 and subchapter III of chapter 53 of title 5” are substituted for “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 (f)(1)(A), the words “Defense Industrial Reserve pursuant to section 2535 of title 10” are substituted for “National Industrial Reserve pursuant to the National Industrial Reserve Act of 1948 [50 U.S.C. 451 et seq.]” because the National Industrial Reserve Act was renamed the 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 10:2535 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 (g)(1), the words “mixed-ownership Government corporation” are substituted for “mixed-ownership corporation” for consistency with chapter 91 of title 31. The words “chapter 91 of title 31” are substituted for “the Government Corporation Control Act” in section 210(a)(6) 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), the first section of which enacted Title 31, United States Code.

AMENDMENTS

2006—Subsec. (b). Pub. L. 109-284 substituted “The Administrator of General Services may—” for “The Administrator may—” in introductory provisions.

2002—Subsec. (a). Pub. L. 107-296, §1706(a)(1), struck out subsec. (a) which read as follows: “APPLICABILITY.—To the extent that the Administrator of General Services by law, other than this section, may maintain, operate, and protect buildings or property, including the construction, repair, preservation, demolition, furnishing, or equipping of buildings or property, the Administrator, in the discharge of these duties, may exercise authority granted under this section.”

Subsec. (b). Pub. L. 107-296, §1706(a)(2), in par. (1), inserted “and” at end, in par. (2), substituted a period for “; and” at end, and struck out par. (3) which read as follows: “furnish arms and ammunition for the protection force the Administration maintains.”

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107-296 effective 60 days after Nov. 25, 2002, see section 4 of Pub. L. 107-296, set out as an Effective Date note under section 101 of Title 6, Domestic Security.

FACILITATING ACCESS TO FEDERAL PROPERTY FOR SITING OF MOBILE SERVICES ANTENNAS

Memorandum of President of the United States, Aug. 10, 1995, 60 F.R. 42023, provided:

Memorandum for the Heads of Departments and Agencies

Recent advancements in mobile telecommunications technology present an opportunity for the rapid construction of the Nation’s wireless communications infrastructure. As a matter of policy, the Federal Government shall encourage the efficient and timely implementation of such new technologies and the concomitant infrastructure buildout as a means of stimulating economic growth and creating new jobs. The recent auctioning and impending licensing of radio frequencies for mobile personal communications services presents the Federal Government with the opportunity to foster new technologies and to encourage the development of communications infrastructure by making Federal property available for the siting of mobile services antennas.

Therefore, to the extent permitted by law, I hereby direct the Administrator of General Services, within 90 days, in consultation with the Secretaries of Agriculture, Interior, Defense, and the heads of such other agencies as the Administrator may determine, to develop procedures necessary to facilitate appropriate access to Federal property for the siting of mobile services antennas.

The procedures should be developed in accordance with the following:

1. (a) Upon request, and to the extent permitted by law and where practicable, executive departments and agencies shall make available Federal Government buildings and lands for the siting of mobile service antennas. This should be done in accordance with Federal, State, and local laws and regulations, and consistent with national security concerns (including minimizing mutual electromagnetic interactions), public health and safety concerns, environmental and aesthetic concerns, preservation of historic buildings and monuments, protection of natural and cultural resources, protection of national park and wilderness values, protection of National Wildlife Refuge systems, and subject to any Federal requirements promulgated by the agency managing the facility and the Federal Communications Commission, the Federal Aviation Administration, National Telecommunications and Information Administration, and other relevant departments and agencies.

(b) Antennas on Federal buildings or land may not contain any advertising.

(c) Federal property does not include lands held by the United States in trust for individual or Native American tribal governments.

(d) Agencies shall retain discretion to reject inappropriate siting requests, and assure adequate protection of public property and timely removal of equipment and structures at the end of service.

2. All procedures and mechanisms adopted regarding access to Federal property shall be clear and simple so as to facilitate the efficient and rapid buildout of the national wireless communications infrastructure.

3. Unless otherwise prohibited by or inconsistent with Federal law, agencies shall charge fees based on market value for siting antennas on Federal property, and may use competitive procedures if not all applicants can be accommodated.

This memorandum does not give the siting of mobile services antennas priority over other authorized uses of Federal buildings or land.

All independent regulatory commissions and agencies are requested to comply with the provisions of this memorandum.

This memorandum is not intended to create any right, benefit or trust responsibility, substantive or procedural, enforceable at law or equity by a party against the United States, its agencies or instrumentalities, its officers, or any other person.

This memorandum shall be published in the Federal Register.

WILLIAM J. CLINTON.

§ 582. Management of buildings by Administrator of General Services

(a) REQUEST BY FEDERAL AGENCY OR INSTRUMENTALITY.—At the request of a federal agency, a mixed-ownership Government corporation (as defined in chapter 91 of title 31), or the District of Columbia, the Administrator of General Services may operate, maintain, and protect a building that is owned by the Federal Government (or, in the case of a wholly owned or mixed-ownership Government corporation, by the corporation) and occupied by the agency or instrumentality making the request.

(b) TRANSFER OF FUNCTIONS BY DIRECTOR OF THE OFFICE OF MANAGEMENT AND BUDGET.—

(1) IN GENERAL.—When the Director of the Office of Management and Budget determines that it is in the interest of economy or efficiency, the Director shall transfer to the Administrator all functions vested in a federal agency with respect to the operation, maintenance, and custody of an office building owned by the Government or a wholly owned Government corporation, or an office building, or part of an office building, that is occupied by a federal agency under a lease.

(2) EXCEPTION FOR POST-OFFICE BUILDINGS.—A transfer of functions shall not be made under this subsection for a post-office building, unless the Director determines that the building is not used predominantly for post-office purposes. The Administrator may delegate functions with respect to a post-office building that are transferred to the Administrator under this subsection only to another officer or employee of the General Services Administration or to the Postmaster General.

(3) EXCEPTION FOR BUILDINGS IN A FOREIGN COUNTRY.—A transfer of functions shall not be made under this subsection for a building located in a foreign country.

(4) EXCEPTION FOR DEPARTMENT OF DEFENSE BUILDINGS.—A transfer of functions shall not be made under this subsection for a building located on the grounds of a facility of the Department of Defense (including a fort, camp, post, arsenal, navy yard, naval training station, airfield, proving ground, military supply depot, or school) unless and only to the extent that the Secretary of Defense has issued a permit for use by another agency.

(5) EXCEPTION FOR GROUPS OF SPECIAL PURPOSE BUILDINGS.—A transfer of functions shall not be made under this subsection for a building that the Director finds to be a part of a group of buildings that are—

- (A) located in the same vicinity;
- (B) used wholly or predominantly for the special purposes of the agency with custody of the buildings; and
- (C) not generally suitable for use by another agency.

(6) EXCEPTION FOR CERTAIN GOVERNMENT BUILDINGS.—A transfer of functions shall not be made under this subsection for the Treasury Building, the Bureau of Engraving and Printing Building, the buildings occupied by the National Institute of Standards and Technology, and the buildings under the jurisdiction of the regents of the Smithsonian Institution.

(Pub. L. 107-217, Aug. 21, 2002, 116 Stat. 1110.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
582(a)	40:490(b).	June 30, 1949, ch. 288, title II, §210(b), (d), as added Sept. 5, 1950, ch. 849, §5(c), 64 Stat. 581, 582; Pub. L. 100-418, title V, §5115(c), Aug. 23, 1988, 102 Stat. 1433.
582(b)	40:490(d).	

In subsection (a), the words “mixed-ownership Government corporation” are substituted for “mixed-ownership corporation” for consistency in the subsection and with chapter 91 of title 31. The words “chapter 91 of title 31” are substituted for “the Government Corporation Control Act” in section 210(b) 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), the first section of which enacted Title 31, United States Code.

In subsection (b), the words “Director of the Office of Management and Budget” are substituted for “Director of the Bureau of the Budget” in section 210(i) 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 (eff. July 1, 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.

§ 583. Construction of buildings

(a) AUTHORITY.—At the request of a federal agency, a mixed-ownership Government corporation (as defined in chapter 91 of title 31), or the District of Columbia, the Administrator of General Services may—

- (1) acquire land for a building or project authorized by Congress;
- (2) make or cause to be made (under contract or otherwise) surveys and test borings and prepare plans and specifications for a building or project prior to the Attorney General’s approval of the title to the site; and
- (3) contract for, and supervise, the construction, development, and equipping of a building or project.

(b) TRANSFER OF AMOUNTS.—An amount available to a federal agency or instrumentality for a building or project may be transferred, in advance, to the General Services Administration for purposes the Administrator determines are necessary, including payment of salaries and expenses for preparing plans and specifications and for field supervision.

(Pub. L. 107-217, Aug. 21, 2002, 116 Stat. 1111.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
583	40:490(c).	June 30, 1949, ch. 288, title II, §210(c), as added Sept. 5, 1950, ch. 849, §5(c), 64 Stat. 582.

In subsection (a), the words “mixed-ownership Government corporation” are substituted for “mixed-ownership corporation” for consistency in the subsection and with chapter 91 of title 31. The words “chapter 91 of title 31” are substituted for “the Government Corporation Control Act” in section 210(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), the first section of which enacted Title 31, United States Code.

In subsection (b), the words “salaries and expenses for preparing plans and specifications and for field supervision” are substituted for “salaries and expenses of personnel engaged in the preparation of plans and specifications or in field supervision, and for general office expenses to be incurred in the rendition of any such service” to eliminate unnecessary words.

§ 584. Assignment and reassignment of space

(a) AUTHORITY.—

(1) IN GENERAL.—Subject to paragraph (2), the Administrator of General Services may assign or reassign space for an executive agency in any Federal Government-owned or leased building.

(2) REQUIREMENTS.—The Administrator’s authority under paragraph (1) may be exercised only—

(A) in accordance with policies and directives the President prescribes under section 121(a) of this title;

(B) after consultation with the head of the executive agency affected; and

(C) on a determination by the Administrator that the assignment or reassignment is advantageous to the Government in terms of economy, efficiency, or national security.

(b) PRIORITY FOR PUBLIC ACCESS.—In assigning space on a major pedestrian access level (other than space leased under section 581(h)(1) or (2) of this title), the Administrator shall, where practicable, give priority to federal activities requiring regular contact with the public. If the space is not available, the Administrator shall provide space with maximum ease of access to building entrances.

(Pub. L. 107-217, Aug. 21, 2002, 116 Stat. 1112.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
584	40:490(e).	June 30, 1949, ch. 288, title II, §210(e), as added Sept. 5, 1950, ch. 849, §5(c), 64 Stat. 582; Pub. L. 94-541, title I, §104(b), Oct. 18, 1976, 90 Stat. 2506.

EX. ORD. NO. 12411. GOVERNMENT WORK SPACE MANAGEMENT REFORMS

Ex. Ord. No. 12411, Mar. 29, 1983, 48 F.R. 13391, provided:

By the authority vested in me as President by the Constitution and laws of the United States of America, including Section 486 of Title 40 of the United States Code [now 40 U.S.C. 121], in order to institute fun-

damental changes in the manner in which Federal work space is managed to ensure its efficient utilization, it is hereby ordered as follows:

SECTION 1. In order to make the Federal use of work space (including office space, warehouses and special purpose space, whether federally owned, leased or controlled) and related furnishings more effective in support of agency missions, minimize the acquisition of government resources, and reduce the administrative costs of the Federal government, the heads of all Federal Executive agencies shall:

(a) Establish programs to reduce the amount of work space, used or held, to that amount which is essential for known agency missions;

(b) Produce and maintain a total inventory of work space and related furnishings and declare excess to the Administrator of General Services all such holdings that are not necessary to satisfy existing or known and verified planned programs;

(c) Ensure that the amount of office space used by each employee of the agency, or others using agency-controlled space, is held to the minimum necessary to accomplish the task that must be performed;

(d) Manage the furniture, equipment, decoration, drapes, carpeting, plants and other accoutrements so that the use of all furnishings by the agency reflects a judicious employment of public moneys;

(e) Consider, in making decisions concerning the use, acquisition, or disposal of work space and related furnishings, the effects of its actions on costs incurred by other Federal agencies;

(f) Report all vacant work space retained for future Federal uses to the Administrator of General Services so that it may be made available for the temporary use of other Federal agencies, to the extent consistent with national defense requirements;

(g) Establish a work space management plan to meet the provisions of this Order, including specification of the goals to be achieved and actions to be taken by the agency in order to improve its utilization of all work space and related furnishings; and

(h) Establish information systems, implement inventory controls and conduct surveys, in accordance with procedures established by the Administrator of General Services, so that a government-wide reporting system may be developed.

SEC. 2. The Administrator of General Services is delegated authority, to the extent not prohibited by other laws, to conduct surveys, establish agency-wide objectives for work space use for each Executive agency, and establish procedures, guidelines and regulations to be followed by the agencies in developing the work space planning, information and reporting systems required by this Order.

RONALD REAGAN.

§ 585. Lease agreements

(a) IN GENERAL.—

(1) AUTHORITY.—The Administrator of General Services may enter into a lease agreement with a person, copartnership, corporation, or other public or private entity for the accommodation of a federal agency in a building (or improvement) which is in existence or being erected by the lessor to accommodate the federal agency. The Administrator may assign and reassign the leased space to a federal agency.

(2) TERMS.—A lease agreement under this subsection shall be on terms the Administrator considers to be in the interest of the Federal Government and necessary for the accommodation of the federal agency. However, the lease agreement may not bind the Government for more than 20 years and the obligation of amounts for a lease under this subsection is limited to the current fiscal year for

which payments are due without regard to section 1341(a)(1)(B) of title 31.

(b) SUBLEASE.—

(1) APPLICATION.—This subsection applies to rent received if the Administrator—

- (A) determines that an unexpired portion of a lease of space to the Government is surplus property; and
- (B) disposes of the property by sublease.

(2) USE OF RENT.—Notwithstanding section 571(a) of this title, the Administrator may deposit rent received into the Federal Buildings Fund. The Administrator may defray from the fund any costs necessary to provide services to the Government's lessee and to pay the rent (not otherwise provided for) on the lease of the space to the Government.

(c) AMOUNTS FOR RENT AVAILABLE FOR LEASE OF BUILDINGS ON GOVERNMENT LAND.—Amounts made available to the General Services Administration for the payment of rent may be used to lease space, for a period of not more than 30 years, in buildings erected on land owned by the Government.

(Pub. L. 107-217, Aug. 21, 2002, 116 Stat. 1112.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
585(a)	40:490(h)(1).	June 30, 1949, ch. 288, title II, §210(h)(1), as added Pub. L. 85-493, §1, July 2, 1958, 72 Stat. 294; Pub. L. 86-249, §12(e), formerly §12(d), Sept. 9, 1959, 73 Stat. 482; redesignated §12(e), Pub. L. 94-541, title I, §103(3) (related to §12(e)), Oct. 18, 1976, 90 Stat. 2506.
	40:490e.	Pub. L. 101-136, title IV, §22, Nov. 3, 1989, 103 Stat. 807.
585(b)	40:490(h)(2).	June 30, 1949, ch. 288, title II, §210(h)(2), as added Pub. L. 85-493, §1, July 2, 1958, 72 Stat. 294.
585(c)	40:490d.	Pub. L. 101-136, title IV, §5, Nov. 3, 1989, 103 Stat. 802.

In subsection (b)(2), the words “Federal Buildings Fund” are substituted for “buildings management fund” because the fund established under 40:490(f)(1) is the Federal Buildings Fund and unexpended balances in the Buildings Management Fund were merged into the Federal Buildings Fund under 40:490(f)(3).

LEASE OF BUILDING SPACE BY WHOLLY OWNED GOVERNMENT CORPORATIONS

Act July 30, 1947, ch. 358, title III, §306, 61 Stat. 584, provided in part that: “Wholly owned Government corporations requiring space in office buildings at the seat of government shall occupy only such space as may be allotted in accordance with the provisions of such Act of March 1, 1919, as amended [ch. 86, §10, 40 Stat. 1269] ([former] 40 U.S.C. 1), and shall pay such rental thereon as may be determined by the Federal Works Administrator [Administrator of General Services], such rental to include all cost of maintenance, upkeep, and repair.”

§ 586. Charges for space and services

(a) DEFINITION.—In this section, “space and services” means space, services, quarters, maintenance, repair, and other facilities.

(b) CHARGES BY ADMINISTRATOR OF GENERAL SERVICES.—

(1) IN GENERAL.—The Administrator of General Services shall impose a charge for furnishing space and services.

(2) RATES.—The Administrator shall, from time to time, determine the rates to be charged for furnishing space and services and shall prescribe regulations providing for the rates. The rates shall approximate commercial charges for comparable space and services. However, for a building for which the Administrator is responsible for alterations only (as the term “alter” is defined in section 3301(a) of this title), the rates shall be fixed to recover only the approximate cost incurred in providing alterations.

(3) EXEMPTIONS.—The Administrator may exempt anyone from the charges required by this subsection when the Administrator determines that charges would be infeasible or impractical. To the extent an exemption is granted, appropriations to the General Services Administration are authorized to reimburse the Federal Buildings Fund for any loss of revenue.

(c) CHARGES BY EXECUTIVE AGENCIES.—

(1) IN GENERAL.—An executive agency, other than the Administration, may impose a charge for furnishing space and services at rates approved by the Administrator.

(2) CREDITING AMOUNTS RECEIVED.—An amount an executive agency receives under this subsection shall be credited to the appropriation or fund initially charged for providing the space or service. However, amounts in excess of actual operating and maintenance costs shall be credited to miscellaneous receipts unless otherwise provided by law.

(d) RENT PAYMENTS FOR LEASE SPACE.—An agency may make rent payments to the Administration for lease space relating to expansion needs of the agency. Payment rates shall approximate commercial charges for comparable space as provided in subsection (b). Payments shall be deposited into the Federal Buildings Fund. The Administration may use amounts received under this subsection, in addition to amounts received as New Obligational Authority, in the Rental of Space activity of the Fund.

(Pub. L. 107-217, Aug. 21, 2002, 116 Stat. 1113.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
586(a), (b) ...	40:490(j).	June 30, 1949, ch. 288, title II, §210(j), (k), as added Pub. L. 92-313, §4, June 16, 1972, 86 Stat. 219.
586(c)	40:490(k).	Pub. L. 102-393, title IV, §5, Oct. 6, 1992, 106 Stat. 1750.
586(d)	40:490f.	

In subsection (b)(3), the words “Federal Buildings Fund” are substituted for “the fund” for clarity and to execute the probable intent of Congress. Sections 3 and 4 of the Public Buildings Amendments of 1972 (Public Law 92-313, 86 Stat. 218) added subsection (j) of 40:490 (in which the words “the fund” appear) and amended subsection (f) to create a fund into which “charges made pursuant to subsection (j)” are deposited (40:490(f)(1)(A)). That fund was subsequently named “Federal Buildings Fund” by section 153(1) of the Energy Policy Act of 1992 (Public Law 102-486, 106 Stat. 2851). If an exemption from charges is granted under 40:490(j), “the fund” that suffers the loss of revenue is the Federal Buildings Fund.

In subsection (d), the words “on and after October 6, 1992” are omitted as obsolete. The words “subsection

(b)” are substituted for “section 201(j) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(j))” in section 5(a) of the Independent Agencies Appropriations Act, 1993, to reflect the probable intent of Congress. Section 201 of the Federal Property and Administrative Services Act of 1949 does not contain a subsection (j) and the intended reference was probably “section 210(j)”, which is restated in this section. The text of 40:490f(b) is omitted as executed.

§ 587. Telecommuting and other alternative workplace arrangements

(a) DEFINITION.—In this section, the term “telecommuting centers” means flexiplace work telecommuting centers.

(b) TELECOMMUTING CENTERS ESTABLISHED BY ADMINISTRATOR OF GENERAL SERVICES.—

(1) ESTABLISHMENT.—The Administrator of General Services may acquire space for, establish, and equip telecommuting centers for use in accordance with this subsection.

(2) USE.—A telecommuting center may be used by employees of federal agencies, state and local governments, and the private sector. The Administrator shall give federal employees priority in using a telecommuting center. The Administrator may make a telecommuting center available for use by others to the extent it is not fully utilized by federal employees.

(3) USER FEES.—The Administrator shall charge a user fee for the use of a telecommuting center. The amount of the user fee shall approximate commercial charges for comparable space and services. However, the user fee may not be less than necessary to pay the cost of establishing and operating the telecommuting center, including the reasonable cost of renovation and replacement of furniture, fixtures, and equipment.

(4) DEPOSIT AND USE OF FEES.—The Administrator may—

(A) deposit user fees into the Federal Buildings Fund and use the fees to pay costs incurred in establishing and operating the telecommuting center; and

(B) accept and retain income received by the General Services Administration, from federal agencies and non-federal sources, to defray costs directly associated with the functions of telecommuting centers.

(c) DEVELOPMENT OF ALTERNATIVE WORKPLACE ARRANGEMENTS BY EXECUTIVE AGENCIES AND OTHERS.—

(1) DEFINITION.—In this subsection, the term “alternative workplace arrangements” includes telecommuting, hoteling, virtual offices, and other distributive work arrangements.

(2) CONSIDERATION BY EXECUTIVE AGENCIES.—In considering whether to acquire space, quarters, buildings, or other facilities for use by employees, the head of an executive agency shall consider whether needs can be met using alternative workplace arrangements.

(3) GUIDANCE FROM ADMINISTRATOR.—The Administrator may provide guidance, assistance, and oversight to any person regarding the establishment and operation of alternative workplace arrangements.

(d) AMOUNTS AVAILABLE FOR FLEXIPLACE WORK TELECOMMUTING PROGRAMS.—

(1) DEFINITION.—In this subsection, the term “flexiplace work telecommuting program” means a program under which employees of a department or agency set out in paragraph (2) are permitted to perform all or a portion of their duties at a telecommuting center established under this section or other federal law.

(2) MINIMUM FUNDING.—For each of the following departments and agencies, in each fiscal year at least \$50,000 of amounts made available for salaries and expenses is available only for carrying out a flexiplace work telecommuting program:

- (A) Department of Agriculture.
- (B) Department of Commerce.
- (C) Department of Defense.
- (D) Department of Education.
- (E) Department of Energy.
- (F) Department of Health and Human Services.
- (G) Department of Housing and Urban Development.
- (H) Department of the Interior.
- (I) Department of Justice.
- (J) Department of Labor.
- (K) Department of State.
- (L) Department of Transportation.
- (M) Department of the Treasury.
- (N) Department of Veterans Affairs.
- (O) Environmental Protection Agency.
- (P) General Services Administration.
- (Q) Office of Personnel Management.
- (R) Small Business Administration.
- (S) Social Security Administration.
- (T) United States Postal Service.

(Pub. L. 107-217, Aug. 21, 2002, 116 Stat. 1113.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
587(a), (b)(1)–(4)(A).	40:490(l)(1)–(3).	June 30, 1949, ch. 288, title II, §210(l), as added Pub. L. 104-208, div. A, title I, §101(f) [title IV, §407(a)], Sept. 30, 1996, 110 Stat. 3009-337.
587(b)(4)(B).	40:490h.	Pub. L. 104-52, title IV, §5, Nov. 19, 1995, 109 Stat. 486.
587(c)(1)	40:490(l)(4) (words after 3d comma).	
587(c)(2)	40:490(l)(5).	
587(c)(3)	40:490(l)(4) (words before 3d comma).	
587(d)	40:490 note.	Pub. L. 105-277, div. A, §101(h) [title VI, §630], Oct. 21, 1998, 112 Stat. 2681-522.

§ 588. Movement and supply of office furniture

(a) DEFINITION.—In this section, the term “controlled space” means a substantial and identifiable segment of space (such as a building, floor, or wing) in a location that the Administrator of General Services controls for purposes of assignment of space.

(b) APPLICATION.—This section applies if an agency (or unit of the agency), moves from one controlled space to another, whether in the same or a different location.

(c) MOVING EXISTING FURNITURE.—The furniture and furnishings used by an agency (or organizational unit of the agency) shall be moved only if the Administrator determines, after con-

sultation with the head of the agency and with due regard for the program activities of the agency, that it would not be more economical and efficient to make suitable replacements available in the new controlled space.

(d) PROVIDING REPLACEMENT FURNITURE.—In the absence of a determination under subsection (c), suitable furniture and furnishings for the new controlled space shall be provided from stocks under the control of the moving agency or from stocks available to the Administrator, whichever the Administrator determines to be more economical and efficient. However, the same or similar items may not be provided from both sources.

(e) CONTROL OF REPLACEMENT FURNITURE.—If furniture and furnishings for a new controlled space are provided from stocks available to the Administrator, the items being provided remain in the control of the Administrator.

(f) CONTROL OF FURNITURE NOT MOVED.—

(1) IN GENERAL.—If furniture and furnishings for a new controlled space are provided from stocks available to the Administrator, the furniture and furnishings that were previously used by the moving agency (or unit of the agency) pass to the control of the Administrator.

(2) REIMBURSEMENT.—

(A) IN GENERAL.—Furniture and furnishings passing to the control of the Administrator under this section pass without reimbursement.

(B) EXCEPTION FOR TRUST FUND.—If furniture and furnishings that were purchased from a trust fund pass to the control of the Administrator under this section, the Administrator shall reimburse the trust fund for the fair market value of the furniture and furnishings.

(3) REVOLVING OR WORKING CAPITAL FUND.—If furniture and furnishings are carried as assets of a revolving or working capital fund at the time they pass to the control of the Administrator under this section, the net book value of the furniture and furnishings shall be written off and the capital of the fund is diminished by the amount of the write-off.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1115.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
588	40:490(g).	June 30, 1949, ch. 288, title II, §210(g), as added Sept. 1, 1954, ch. 1211, §3, 68 Stat. 1129.

In subsection (f)(2), the reimbursement requirement in 40:490(g) (last sentence) is set out as an exception to a general “without reimbursement” rule in 40:490(g) (3d sentence) to harmonize an inconsistency in the source law.

§ 589. Installation, repair, and replacement of sidewalks

(a) IN GENERAL.—An executive agency may install, repair, and replace sidewalks around buildings, installations, property, or grounds that are—

- (1) under the agency’s control;

- (2) owned by the Federal Government; and
- (3) located in a State, the District of Columbia, Puerto Rico, or a territory or possession of the United States.

(b) REIMBURSEMENT.—Subsection (a) may be carried out by—

- (1) reimbursement to a State or political subdivision of a State, the District of Columbia, Puerto Rico, or a territory or possession of the United States; or
- (2) a means other than reimbursement.

(c) REGULATIONS.—Subsection (a) shall be carried out in accordance with regulations the Administrator of General Services prescribes with the approval of the Director of the Office of Management and Budget.

(d) USE OF AMOUNTS.—Amounts appropriated to an executive agency for installation, repair, and maintenance, generally, are available to carry out this section.

(e) LIABILITY.—This section does not increase or enlarge the tort liability of the Government for injuries to individuals or damages to property.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1116.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
589	40:490(i).	June 30, 1949, ch. 288, title II, §210(i), as added Pub. L. 89–344, Nov. 8, 1965, 79 Stat. 1304.

In subsections (a) and (b), the words “territory or” are added for consistency in the revised title and with other titles of the United States Code.

In subsection (c), the words “Director of the Office of Management and Budget” are substituted for “Director of the Bureau of the Budget” in section 210(i) 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 (eff. July 1, 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 (e), the words “beyond such liability presently existing by virtue of any other law” are omitted as unnecessary.

§ 590. Child care

(a) GUIDANCE, ASSISTANCE, AND OVERSIGHT.—Through the General Services Administration’s licensing agreements, the Administrator of General Services shall provide guidance, assistance, and oversight to federal agencies for the development of child care centers to provide economical and effective child care for federal workers.

(b) ALLOTMENT OF SPACE IN FEDERAL BUILDINGS.—

(1) DEFINITIONS.—In this subsection, the following definitions apply:

(A) CHILD CARE PROVIDER.—The term “child care provider” means an individual or entity that provides or proposes to provide child care services for federal employees.

(B) ALLOTMENT OFFICER.—The term “allotment officer” means an officer or agency of

the Federal Government charged with the allotment of space in federal buildings.

(2) ALLOTMENT.—A child care provider may be allotted space in a federal building by an allotment officer if—

(A) the child care provider applies to the allotment officer in the community or district in which child care services are to be provided;

(B) the space is available; and

(C) the allotment officer determines that—

(i) the space will be used to provide child care services to children of whom at least 50 percent have one parent or guardian employed by the Government; and

(ii) the child care provider will give priority to federal employees for available child care services in the space.

(c) PAYMENT FOR SPACE AND SERVICES.—

(1) DEFINITION.—For purposes of this subsection, the term “services” includes the providing of lighting, heating, cooling, electricity, office furniture, office machines and equipment, classroom furnishings and equipment, kitchen appliances, playground equipment, telephone service (including installation of lines and equipment and other expenses associated with telephone services), and security systems (including installation and other expenses associated with security systems), including replacement equipment, as needed.

(2) NO CHARGE.—Space allotted under subsection (b) may be provided without charge for rent or services.

(3) REIMBURSEMENT FOR COSTS.—For space allotted under subsection (b), if there is an agreement for the payment of costs associated with providing space or services, neither title 31, nor any other law, prohibits or restricts payment by reimbursement to the miscellaneous receipts or other appropriate account of the Treasury.

(d) PAYMENT OF OTHER COSTS.—If an agency has a child care facility in its space, or is a sponsoring agency for a child care facility in other federal or leased space, the agency or the Administration may—

(1) pay accreditation fees, including renewal fees, for the child care facility to be accredited by a nationally recognized early-childhood professional organization;

(2) pay travel and per diem expenses for representatives of the child care facility to attend the annual Administration child care conference; and

(3) enter into a consortium with one or more private entities under which the private entities assist in defraying costs associated with the salaries and benefits for personnel providing services at the facility.

(e) REIMBURSEMENT FOR EMPLOYEE TRAINING.—Notwithstanding section 1345 of title 31, an agency, department, or instrumentality of the Government that provides or proposes to provide child care services for federal employees may reimburse a federal employee or any individual employed to provide child care services for travel, transportation, and subsistence expenses incurred for training classes, conferences, or other

meetings in connection with providing the services. A per diem allowance made under this subsection may not exceed the rate specified in regulations prescribed under section 5707 of title 5.

(f) CRIMINAL HISTORY BACKGROUND CHECKS.—

(1) DEFINITION.—In this subsection, the term “executive facility” means a facility owned or leased by an office or entity within the executive branch of the Government. The term includes a facility owned or leased by the General Services Administration on behalf of an office or entity within the judicial branch of the Government.

(2) IN GENERAL.—All workers in a child care center located in an executive facility shall undergo a criminal history background check as defined in section 231 of the Crime Control Act of 1990 (42 U.S.C. 13041).

(3) NONAPPLICATION TO LEGISLATIVE BRANCH FACILITIES.—This subsection does not apply to a facility owned by or leased on behalf of an office or entity within the legislative branch of the Government.

(g) APPROPRIATED AMOUNTS FOR AFFORDABLE CHILD CARE.—

(1) DEFINITION.—For purposes of this subsection, the term “Executive agency” has the meaning given that term in section 105 of title 5, but does not include the Government Accountability Office.

(2) IN GENERAL.—In accordance with regulations the Office of Personnel Management prescribes, an Executive agency that provides or proposes to provide child care services for federal employees may use appropriated amounts that are otherwise available for salaries and expenses to provide child care in a federal or leased facility, or through contract, for civilian employees of the agency.

(3) AFFORDABILITY.—Amounts used pursuant to paragraph (2) shall be applied to improve the affordability of child care for lower income federal employees using or seeking to use the child care services.

(4) ADVANCES.—Notwithstanding section 3324 of title 31, amounts may be paid in advance to licensed or regulated child care providers for services to be rendered during an agreed period.

(5) NOTIFICATION.—No amounts made available by law may be used to implement this subsection without advance notice to the Committees on Appropriations of the House of Representatives and the Senate.

(Pub. L. 107-217, Aug. 21, 2002, 116 Stat. 1116; Pub. L. 108-271, § 8(b), July 7, 2004, 118 Stat. 814.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
590(a)	40:490b(c).	Pub. L. 100-202, § 101(m) [title VI, § 616(a)-(d)], Dec. 22, 1987, 101 Stat. 1329-423; Pub. L. 102-393, title V, § 528, Oct. 6, 1992, 106 Stat. 1760.
590(b)	40:490b(a).	
590(c)	40:490b(b)(1), (2), (4).	
590(d)	40:490b(b)(3).	
	40:490b(d).	
590(e)	40:490b note.	Pub. L. 105-277, div. A, § 101(h) [title VI, § 603], Oct. 21, 1998, 112 Stat. 2681-513.

HISTORICAL AND REVISION NOTES—CONTINUED

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
590(f)	40:490b(e).	Pub. L. 100-202, §101(m) [title VI, §616(e)], as added Pub. L. 106-554, §1[(a)(3) [title VI, §643], Dec. 21, 2000, 114 Stat. 2763A-169.
590(g)	40:490b-1.	Pub. L. 107-67, title VI, §630, Nov. 12, 2001, 115 Stat. 552.

In subsection (a), the word “provide” is substituted for “promote the provision of” to eliminate unnecessary words.

In subsection (f)(2), the word “workers” is substituted for “existing and newly hired workers” to eliminate unnecessary words.

In subsection (g)(2), the word “hereafter” is omitted as unnecessary.

In subsection (g)(4), the words “as appropriate” are omitted as unnecessary.

In subsection (g)(5), the words “in this or any other Act” are omitted as unnecessary. The words “of the House of Representatives and the Senate” are added for consistency in the revised title.

AMENDMENTS

2004—Subsec. (g)(1). Pub. L. 108-271 substituted “Government Accountability Office” for “General Accounting Office”.

§ 591. Purchase of electricity

(a) GENERAL LIMITATION ON USE OF AMOUNTS.—A department, agency, or instrumentality of the Federal Government may not use amounts appropriated or made available by any law to purchase electricity in a manner inconsistent with state law governing the provision of electric utility service, including—

- (1) state utility commission rulings; and
- (2) electric utility franchises or service territories established under state statute, state regulation, or state-approved territorial agreements.

(b) EXCEPTIONS.—

(1) ENERGY SAVINGS.—This section does not preclude the head of a federal agency from entering into a contract under section 801 of the National Energy Conservation Policy Act (42 U.S.C. 8287).

(2) ENERGY SAVINGS FOR MILITARY INSTALLATIONS.—This section does not preclude the Secretary of a military department from—

- (A) entering into a contract under section 2394¹ of title 10; or
- (B) purchasing electricity from any provider if the Secretary finds that the utility having the applicable state-approved franchise (or other service authorization) is unwilling or unable to meet unusual standards of service reliability that are necessary for purposes of national defense.

(Pub. L. 107-217, Aug. 21, 2002, 116 Stat. 1118.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
591	40:490 note.	Pub. L. 100-202, §101(b) [title VIII, §8093], Dec. 22, 1987, 101 Stat. 1329-79.

In subsection (b)(1), the words “section 801 of the National Energy Conservation Policy Act (42 U.S.C. 8287)”

¹ See References in Text note below.

are substituted for “42 U.S.C. 8287” in section 8093 of the Department of Defense Appropriations Act, 1988 as the probable intent of Congress.

REFERENCES IN TEXT

Section 2394 of title 10, referred to in subsec. (b)(2)(A), was renumbered section 2922a of such title by Pub. L. 109-364, div. B, title XXVIII, §2851(b)(2), Oct. 17, 2006, 120 Stat. 2494.

§ 592. Federal Buildings Fund

(a) EXISTENCE.—There is in the Treasury a fund known as the Federal Buildings Fund.

(b) DEPOSITS.—

(1) IN GENERAL.—The following revenues and collections shall be deposited into the Fund:

(A) User charges under section 586(b) of this title, payable in advance or otherwise.

(B) Proceeds from the lease of federal building sites or additions under section 581(d) of this title.

(C) Receipts from carriers and others for loss of, or damage to, property belonging to the Fund.

(2) REIMBURSEMENTS FOR SPECIAL SERVICES.—This subchapter does not preclude the Administrator of General Services from providing special services, not included in the standard level user charge, on a reimbursable basis. The reimbursements may be credited to the Fund.

(3) TRANSFER OF SURPLUS AMOUNTS.—To prevent the accumulation of excessive surpluses in the Fund, in any fiscal year an amount specified in an appropriation law may be transferred out of the Fund and deposited as miscellaneous receipts in the Treasury.

(c) USES.—

(1) IN GENERAL.—Deposits in the Fund are available for real property management and related activities in the amounts specified in annual appropriation laws without regard to fiscal year limitations.

(2) SALARIES AND EXPENSES RELATED TO CONSTRUCTION PROJECTS OR PLANNING PROGRAMS.—Deposits in the Fund that are available pursuant to annual appropriation laws may be transferred and consolidated on the books of the Treasury into a special account in accordance with, and for the purposes specified in, section 3176 of this title.

(3) REPAYMENT OF GENERAL SERVICES ADMINISTRATION BORROWING FROM FEDERAL FINANCING BANK.—The Administrator, in accordance with rules and procedures that the Office of Management and Budget and the Secretary of the Treasury establish, may transfer from the Fund an amount necessary to repay the principal amount of a General Services Administration borrowing from the Federal Financing Bank, if the borrowing is a legal obligation of the Fund.

(4) BUILDINGS DEEMED FEDERALLY OWNED.—For purposes of amounts authorized to be expended from the Fund, the following are deemed to be federally owned buildings:

(A) A building constructed pursuant to the purchase contract authority of section 5 of the Public Buildings Amendments of 1972 (Public Law 92-313, 86 Stat. 219).

(B) A building occupied pursuant to an installment purchase contract.

(C) A building under the control of a department or agency, if alterations of the building are required in connection with moving the department or agency from a former building that is, or will be, under the control of the Administration.

(d) ENERGY MANAGEMENT PROGRAMS.—

(1) RECEIVING CASH INCENTIVES.—The Administrator may receive amounts from rebates or other cash incentives related to energy savings and shall deposit the amounts in the Fund for use as provided in paragraph (4).

(2) RECEIVING GOODS OR SERVICES.—The Administrator may accept, from a utility, goods or services that enhance the energy efficiency of federal facilities.

(3) ASSIGNMENT OF ENERGY REBATES.—In the administration of real property that the Administrator leases and for which the Administrator pays utility costs, the Administrator may assign all or a portion of energy rebates to the lessor to underwrite the costs incurred in undertaking energy efficiency improvements in the real property if the payback period for the improvement is at least 2 years less than the remainder of the term of the lease.

(4) OBLIGATING AMOUNTS FOR ENERGY MANAGEMENT IMPROVEMENT PROGRAMS.—In addition to amounts appropriated for energy management improvement programs and without regard to subsection (c)(1), the Administrator may obligate for those programs—

(A) amounts received and deposited in the Fund under paragraph (1);

(B) goods and services received under paragraph (2); and

(C) amounts the Administrator determines are not needed for other authorized projects and that are otherwise available to implement energy efficiency programs.

(e) RECYCLING PROGRAMS.—

(1) RECEIVING AMOUNTS.—The Administrator may receive amounts from the sale of recycled materials and shall deposit the amounts in the Fund for use as provided in paragraph (2).

(2) OBLIGATING AMOUNTS FOR RECYCLING PROGRAMS.—In addition to amounts appropriated for such purposes and without regard to subsection (c)(1), the Administrator may obligate amounts received and deposited in the Fund under paragraph (1) for programs which—

(A) promote further source reduction and recycling programs; and

(B) encourage employees to participate in recycling programs by providing financing for child care.

(f) ADDITIONAL AUTHORITY RELATED TO ENERGY MANAGEMENT AND RECYCLING PROGRAMS.—The Fund may receive, in the form of rebates, cash incentives or otherwise, any revenues, collections, or other income related to energy savings or recycling efforts. Amounts received under this subsection remain in the Fund until expended and remain available for federal energy management improvement programs, recycling programs, or employee programs that are authorized by law or that the Administrator considers appropriate. The Administration may use amounts received under this subsection, in addition to amounts received as New Obligational Authority, in activities of the Fund as necessary.

tion to amounts received as New Obligational Authority, in activities of the Fund as necessary.

(Pub. L. 107-217, Aug. 21, 2002, 116 Stat. 1118.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
592(a)	40:490(f)(1) (related to establishment), (3), (4).	June 30, 1949, ch. 288, title II, §210(f), as added July 12, 1952, ch. 703, §1(f), 66 Stat. 594; Pub. L. 85-886, §3, Sept. 2, 1958, 72 Stat. 1709; Pub. L. 92-313, §3, June 16, 1972, 86 Stat. 218; Pub. L. 102-486, title I, §153, Oct. 24, 1992, 106 Stat. 2851.
592(b)(1)	40:490(f)(1) (related to deposits).	
592(b)(2)	40:490(f)(6).	
592(b)(3)	40:490(f)(5).	
592(c)(1)	40:490(f)(2).	
592(c)(2)	40:490a.	Pub. L. 94-91, title IV, §401, Aug. 9, 1975, 89 Stat. 452.
592(c)(3)	40:490a-1.	Pub. L. 101-136, title IV, §7, Nov. 3, 1989, 103 Stat. 803.
592(c)(4)	40:490i.	Pub. L. 105-277, div. A, §101(h) [title IV, 6th proviso on p. 2681-502], Oct. 21, 1998, 112 Stat. 2681-502.
592(d)	40:490(f)(7).	
592(e)	40:490(f)(8).	
592(f)	40:490g.	Pub. L. 102-393, title IV, §13, Oct. 6, 1992, 106 Stat. 1751.

In subsection (a), the words “on such date as may be determined by the Administrator” are omitted as obsolete. The text of 40:490(f)(3) and (4) is omitted as executed.

In subsection (b)(1)(B), the words “federal building sites or additions” are substituted for “building sites” for consistency with section 581(d) of the revised title.

In subsection (b)(3), the words “To prevent the accumulation of excessive surpluses in the Fund” and “transferred out of the Fund” are added for clarity. See House Report No. 92-989, dated April 14, 1972 (United States Code Congressional and Administrative News, 92d Congress, 2d Session, 1972, Vol. 2, pp. 2370, 2377).

In subsection (c)(4), the words “amounts authorized to be expended from the Fund” are substituted for “this authorization, and hereafter” to restate the provision as general and permanent law without reference to a single year’s appropriation Act.

In subsection (f), the words “during a fiscal year” are omitted as unnecessary.

REFERENCES IN TEXT

Section 5 of the Public Buildings Amendments of 1972, referred to in subsec. (c)(4)(A), is section 5 of Pub. L. 92-313, June 16, 1972, 86 Stat. 219, as amended, which enacted section 602a of former Title 40, Public Buildings, Property, and Works, and was omitted from the Code in the revision and reenactment of Title 40 by Pub. L. 107-217, §1, Aug. 21, 2002, 116 Stat. 1062.

§ 593. Protection for veterans preference employees

(a) DEFINITIONS.—In this section, the following definitions apply:

(1) COVERED SERVICES.—The term “covered services” means any guard, elevator operator, messenger, or custodial services.

(2) SHELTERED WORKSHOP.—The term “sheltered workshop” means a sheltered workshop employing the severely handicapped under the Javits-Wagner-O’Day Act (41 U.S.C. 46 et seq.).

(b) IN GENERAL.—Except as provided in subsection (c), amounts made available to the General Services Administration pursuant to section 592 of this title may not be obligated or ex-

pending to procure covered services by contract if an employee who was a permanent veterans preference employee of the Administration on November 19, 1995, would be terminated as a result.

(c) EXCEPTION.—Amounts made available to the Administration pursuant to section 592 of this title may be obligated and expended to procure covered services by contract with a sheltered workshop or, if sheltered workshops decline to contract for the provision of covered services, by competitive contract for a period of no longer than 5 years. When a competitive contract expires, or is terminated for any reason, the Administration shall again offer to procure the covered services by contract with a sheltered workshop before procuring the covered services by competitive contract.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1120; Pub. L. 109–284, § 6(6), Sept. 27, 2006, 120 Stat. 1212.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
593	40:490c.	Pub. L. 104–52, title V, § 503, Nov. 19, 1995, 109 Stat. 491.

REFERENCES IN TEXT

The Javits-Wagner-O’Day Act, referred to in subsec. (a)(2), is act June 25, 1938, ch. 697, 52 Stat. 1196, as amended, which is classified to sections 46 to 48c of Title 41, Public Contracts. For complete classification of this Act to the Code, see Tables.

AMENDMENTS

2006—Subsec. (b). Pub. L. 109–284 substituted “available to the General Services Administration” for “available to the Administration”.

SUBCHAPTER VI—MOTOR VEHICLE POOLS AND TRANSPORTATION SYSTEMS

§ 601. Purposes

In order to provide an economical and efficient system for transportation of Federal Government personnel and property consistent with section 101 of this title, the purposes of this subchapter are—

- (1) to establish procedures to ensure safe operation of motor vehicles on Government business;
- (2) to provide for proper identification of Government motor vehicles;
- (3) to establish an effective means to limit the use of Government motor vehicles to official purposes;
- (4) to reduce the number of Government-owned vehicles to the minimum necessary to transact public business; and
- (5) to provide wherever practicable for centrally operated interagency pools or systems for local transportation of Government personnel and property.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1121.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
601	40:491(a).	June 30, 1949, ch. 288, title II, § 211(a), as added Sept. 5, 1950, ch. 849, § 5(c), 64 Stat. 583; Sept. 1, 1954, ch. 1211, § 2, 68 Stat. 1126.

EX. ORD. NO. 10579. INTERAGENCY MOTOR-VEHICLE POOLS AND SYSTEMS

Ex. Ord. No. 10579, Dec. 1, 1954, 19 F.R. 7925, provided:

SECTION 1. *Purpose and general policy.* (a) The purpose of these regulations is to establish policies and procedures under which interagency motor-vehicle pools or systems may be established, operated, curtailed, or discontinued.

(b) The Administrator of General Services (hereinafter referred to as the Administrator) shall establish and provide for the operation of interagency motor-vehicle pools and systems for the purpose of providing more efficient or economical transportation of Government personnel and property within specific areas by motor vehicles or local transit systems. Pools or systems based in whole or in part upon use of privately-owned vehicles and facilities shall be preferred to Government ownership of vehicles and facilities to the extent that it is feasible to provide required motor-vehicle services of satisfactory quality and cost from commercial or other private sources.

SEC. 2. *Conduct of studies to determine advisability of establishing motor-vehicle pools or systems.* (a) The Administrator shall select areas in which studies are to be conducted to determine the advisability of establishing motor-vehicle pools or systems. Before initiating any such study, he shall give at least thirty days notice to the head of each executive agency (as defined in section 3(a) of the Act [now 40 U.S.C. 102(4)]). The notice shall include a statement of the approximate geographic area to be studied and the date on which the study will begin.

(b) The head of each executive agency receiving notice that such a study is to be made shall provide information which is required or pertinent. He shall also designate one or more officials in the field with whom members of a staff assigned by the General Services Administration may consult. Such designated officials shall provide such assigned staff with needed information and assistance, including reasonable opportunities to observe motor-vehicle operations and facilities and to examine pertinent cost and other records.

SEC. 3. *Determination to establish an interagency motor-vehicle pool or system.* (a) If the Administrator determines, with due regard to the program activities of the agencies concerned, and on the basis of a study made in accordance with section 2 hereof, that an interagency motor-vehicle pool or system should be established, he shall be responsible for preparing a formal determination to that effect. Such determination shall include:

- (1) A description of the proposed operation, including a statement of the types of service and of the geographic area, and the agencies or parts of agencies to be served.
- (2) The name of the executive agency designated to be responsible for operating the pool or system, and the reasons for such designation.
- (3) A statement indicating the motor vehicles and related equipment and supplies to be transferred and the amount of reimbursement, if any, to be made therefor.

(b) Each determination shall be accompanied by an analytical justification which shall include a comparison of estimated costs of the present and proposed methods of operation and a showing of the estimated savings to be realized through the establishment of the proposed pool or system. The justification shall also describe the alternatives considered in making the determination, and shall include a statement concerning the availability of privately-owned facilities and equipment, and the feasibility and estimated cost (immediate and long-term) of using such facilities and equipment.

(c) The Administrator shall send a copy of each determination to each executive agency affected and to the Director of the Bureau of the Budget [now the Director of the Office of Management and Budget] (hereinafter referred to as the Director).

SEC. 4. *Transfers of records, facilities, personnel, and appropriations.* Whenever the Administrator prepares a de-

termination as set forth in section 3 of these regulations, he shall also prepare and present to the Director a schedule of the proposed transfer of such records, facilities, personnel, and appropriations as relate primarily to the functions which are to be transferred to the interagency motor-vehicle pool or system. A copy of such schedule shall be sent by the Administrator to each executive agency affected. The Director shall determine the records, facilities, personnel, and appropriations to be transferred.

SEC. 5. *Taking effect of determinations.* Unless a greater time is allowed therein, any determination made by the Administrator shall become binding on all affected executive agencies forty-five days after the issuance thereof except with respect to any agency which appeals, or requests an exemption, from any such determination in accordance with section 6 of these regulations.

SEC. 6. *Review of determinations not agreed to by agencies affected.* (a) Any executive agency may appeal or request exemption from any or all proposals affecting it which are contained in a determination. Appeals shall be submitted in writing to the Director with a copy to the Administrator within forty-five days from the date of the determination. Such appeals shall be accompanied by factual and objective supporting data and justification.

(b) The Director shall review any determination from which an executive agency has appealed and shall make a final decision on such appeal. The Director shall make such decisions, within seventy-five days after he receives the appeal or as soon thereafter as practicable, on the basis of information contained in the Administrator's determination, the executive agencies' appeals therefrom, and any supplementary data submitted by the Administrator and the contesting agencies. The Director shall send copies of decisions to the Administrator and to the heads of other executive agencies concerned.

(c) The Director's decision upon each such appeal, if it holds that the determination shall apply in whole or in part to the appealing agency, shall state the extent to which the determination applies and the effective date of its application. To the extent that the Director's decision on an appeal does not uphold the Administrator's determination, such determination shall be of no force and effect.

SEC. 7. *Compliance with determinations and decisions on appeals.* (a) When a determination or a decision on an appeal made in accordance with these regulations has become effective, each executive agency affected shall comply therewith.

(b) The Director shall take such actions as he deems appropriate to assist in securing compliance with determinations which have become effective. In the exercise of this authority to establish reserves in apportioning appropriations and funds, the Director shall take account of such savings as accrue from the establishment of inter-agency motor-vehicle pools and systems.

(c) The executive agency which operates any pool or system established hereunder shall maintain accurate records of the cost of establishment, maintenance, and operation of any interagency motor-vehicle pool or system established pursuant to these regulations.

(d) The Administrator shall be responsible for maintaining adequate reviews and controls of the economy and efficiency of all pools or systems established in accordance with these regulations, including those not directly operated by the General Services Administration.

SEC. 8. *Discontinuance or curtailment of service.* (a) If, during any reasonable period, not exceeding two successive fiscal years, no actual savings are realized from the operation of any pool or system established hereunder, the Administrator shall discontinue the pool or system concerned.

(b) The Administrator may discontinue or curtail a motor-vehicle pool or system when he determines that it is not the most economical method of rendering re-

quired motor-vehicle service; but he shall give at least sixty days notice of such intention to executive agencies affected and to the Director before taking such action.

(c) Executive agencies affected by a pool or system for which the Administrator is responsible (including inter-agency pools or systems operated by another executive agency designated by the Administrator) may bring problems of service and cost to the attention of the Administrator, who shall assure that such problems receive proper attention.

(d) Executive agencies receiving motor-vehicle services from an interagency motor-vehicle pool or system under these regulations may request discontinuance or curtailment of their participation in such pool or system after at least one year of participation or in the event that the need for the services from the pool or system ceases. Such requests shall be submitted to the Administrator with pertinent factual justification.

(e) If the Administrator does not agree with such request and is unable to make arrangements which are mutually acceptable to him and to the head of the executive agency concerned, the agency's request for discontinuance or modification and the Administrator's reasons for not agreeing with the request shall be forwarded to the Director who shall be responsible for making a final and binding decision.

(f) When a pool or system is discontinued or curtailed, such transfers of vehicles and related equipment and supplies, personnel, records, facilities, and funds as may be appropriate will be made, subject to the approval of the Director.

SEC. 9. *Motor vehicles exempted from inclusion in interagency motor-vehicle pools.* The following-described classes of motor vehicles shall be exempt from inclusion in interagency motor-vehicle pools or systems:

(1) Motor vehicles 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.

(2) Any motor vehicle regularly used by an agency in the performance of investigative, law enforcement, or intelligence duties if the head of such agency determines that exclusive control of such vehicle is essential to the effective performance of such duties: *Provided*, that vehicles regularly used for common administrative purposes not directly connected with the performance of law enforcement, investigative, or intelligence duties shall not because of such use be exempted from such inclusion.

(3) Any motor vehicle the conspicuous identification of which as a Government vehicle would interfere with the purpose for which it is acquired and used.

(4) Unless inclusion is mutually agreed upon by the Administrator and the head of the agency concerned:

(i) Motor vehicles for the use of the heads of the executive agencies, ambassadors, ministers, charge [sic] d'affaires, and other principal diplomatic and consular officials.

(ii) Motor vehicles regularly and principally used for the transportation of diplomats and representatives of foreign countries or by officers of the Department of State for the conduct of official business with representatives of foreign countries.

(iii) Motor vehicles regularly used for the distribution and transportation of mails.

(5) Motor vehicles which, because of their design or the special purposes for which they are used, or for other reasons, cannot advantageously be incorporated in an interagency motor-vehicle pool or system if the exemption thereof has been mutually agreed upon by the Administrator and the head of the executive agency concerned.

(6) Motor vehicles exempted by an agency which has authority to make such an exemption under the provisions of the Act [probably means the Federal Property and Administrative Services Act of 1949, 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.)].

SEC. 10. *Optional use arrangements.* Nothing in these regulations shall be construed as precluding the estab-

lishment or operation of interagency motor-vehicle pools or systems on the basis of optional use by executive or other Federal agencies.

SEC. 11. *Supplementary regulations.* The Administrator shall, after consultation with the executive agencies concerned and with due regard to their program activities, issue such supplementary regulations of general applicability to the executive agencies concerned as are necessary for the effective and economical operation of pools or systems under the Act [probably means the Federal Property and Administrative Services Act of 1949].

DWIGHT D. EISENHOWER.

§ 602. Authority to establish motor vehicle pools and transportation systems

(a) IN GENERAL.—Subject to section 603 of this title, and regulations issued under section 603, the Administrator of General Services shall—

- (1) take over from executive agencies and consolidate, or otherwise acquire, motor vehicles and related equipment and supplies;
(2) provide for the establishment, maintenance, and operation (including servicing and storage) of motor vehicle pools or systems; and
(3) furnish motor vehicles and related services to executive agencies for the transportation of property and passengers.

(b) METHODS OF PROVIDING VEHICLES AND SERVICES.—As determined by the Administrator, motor vehicles and related services may be furnished by providing an agency with—

- (1) Federal Government-owned motor vehicles;
(2) the use of motor vehicles, under rental or other arrangements, through private fleet operators, taxicab companies, or local or interstate common carriers; or
(3) both.

(c) RECIPIENTS OF VEHICLES AND SERVICES.—The Administrator shall, so far as practicable, furnish motor vehicles and related services under this section to any federal agency, mixed-ownership Government corporation (as defined in chapter 91 of title 31), or the District of Columbia, on its request.

(Pub. L. 107-217, Aug. 21, 2002, 116 Stat. 1121.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 1: 602, 40:491(b), June 30, 1949, ch. 288, title II, §211(b)...

Subsection (a)(1) is substituted for "in respect of executive agencies, . . . consolidate, take over, acquire, or arrange for the operation by any executive agency of, motor vehicles and other related equipment and supplies for the purpose of establishing motor vehicle pools and systems to serve the needs of executive agencies" for clarity and to eliminate unnecessary words.

In subsection (c), the words "mixed-ownership Government corporation" are substituted for "mixed ownership corporation" for consistency with chapter 91 of title 31. The words "chapter 91 of title 31" are substituted for "the Government Corporation Control Act" in section 211(b) 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), the first section of which enacted Title 31, United States Code.

§ 603. Process for establishing motor vehicle pools and transportation systems

(a) DETERMINATION REQUIREMENT.—

(1) IN GENERAL.—The Administrator of General Services may carry out section 602 only if the Administrator determines, after consultation with the agencies concerned and with due regard to their program activities, that doing so is advantageous to the Federal Government in terms of economy, efficiency, or service.

(2) ELEMENTS OF THE DETERMINATION.—A determination under this section must be in writing. For each motor vehicle pool or system, the determination must set forth an analytical justification that includes—

- (A) a detailed comparison of estimated costs for present and proposed modes of operation; and
(B) a showing that savings can be realized by the establishment, maintenance, and operation of a motor vehicle pool or system.

(b) REGULATIONS RELATED TO ESTABLISHMENT.—

(1) IN GENERAL.—The President shall prescribe regulations establishing procedures to carry out section 602 of this title.

(2) ELEMENTS OF THE REGULATIONS.—The regulations shall provide for—

- (A) adequate notice to an executive agency of any determination that affects the agency or its functions;
(B) independent review and decision as directed by the President of any determination disputed by an agency, with the possibility that the decision may include a partial or complete exemption of the agency from the determination; and
(C) enforcement of determinations that become effective under the regulations.

(3) EFFECT OF THE REGULATIONS.—A determination under subsection (a) is binding on an agency only as provided in regulations issued under this subsection.

(Pub. L. 107-217, Aug. 21, 2002, 116 Stat. 1122.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 1: 603(a)(1), 40:491(b), June 30, 1949, ch. 288, title II, §211(b)...

In subsection (b)(1), the words "within ninety days after the effective date of this section" are omitted as obsolete.

§ 604. Treatment of assets taken over to establish motor vehicle pools and transportation systems

(a) REIMBURSEMENT.—

(1) REQUIREMENT.—When the Administrator of General Services takes over motor vehicles or related equipment or supplies under section

602 of this title, reimbursement is required if the property is taken over from—

(A) a Government corporation; or

(B) an agency, if the agency acquired the property through unreimbursed expenditures made from a revolving or trust fund authorized by law.

(2) AMOUNT.—The Administrator shall reimburse a Government corporation, or a fund through which an agency acquired property, by an amount equal to the fair market value of the property. If the Administrator subsequently returns property of a similar kind under section 610 of this title, the Government corporation or the fund shall reimburse the Administrator by an amount equal to the fair market value of the property returned.

(b) ADDITION TO ACQUISITION SERVICES FUND.—If the Administrator takes over motor vehicles or related equipment or supplies under section 602 of this title but reimbursement is not required under subsection (a), the value of the property taken over, as determined by the Administrator, may be added to the capital of the Acquisition Services Fund. If the Administrator subsequently returns property of a similar kind under section 610 of this title, the value of the property may be deducted from the Fund.

(Pub. L. 107-217, Aug. 21, 2002, 116 Stat. 1122; Pub. L. 109-313, §3(h)(5), Oct. 6, 2006, 120 Stat. 1736.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
604(a)	40:491(g).	June 30, 1949, ch. 288, title II, §211(g), (h), as added Sept. 5, 1950, ch. 849, §5(c), 64 Stat. 583; Sept. 1, 1954, ch. 1211, §2, 68 Stat. 1128.
604(b)	40:491(h).	

AMENDMENTS

2006—Subsec. (b). Pub. L. 109-313 substituted “Acquisition Services Fund” for “General Supply Fund” in heading and text.

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.

§ 605. Payment of costs

(a) USE OF ACQUISITION SERVICES FUND TO COVER COSTS.—The Acquisition Services Fund provided for in section 321 of this title is available for use by or under the direction and control of the Administrator of General Services to pay the costs of carrying out section 602 of this title, including the cost of purchasing or renting motor vehicles and related equipment and supplies.

(b) SETTING PRICES TO RECOVER COSTS.—

(1) IN GENERAL.—The Administrator shall set prices for furnishing motor vehicles and related services under section 602 of this title. Prices shall be set to recover, so far as practicable, all costs of carrying out section 602 of this title.

(2) INCREMENT FOR REPLACEMENT COST.—In the Administrator’s discretion, prices may in-

clude an increment for the estimated replacement cost of motor vehicles and related equipment and supplies. Notwithstanding section 321(f) of this title, the increment may be retained as a part of the capital of the Acquisition Services Fund but is available only to replace motor vehicles and related equipment and supplies.

(c) ACCOUNTING METHOD.—The purchase price of motor vehicles and related equipment, and any increment for estimated replacement cost, shall be recovered only through charges for the cost of amortization. Costs shall be determined, and financial reports prepared, in accordance with the accrual accounting method.

(Pub. L. 107-217, Aug. 21, 2002, 116 Stat. 1123; Pub. L. 109-313, §3(h)(6), Oct. 6, 2006, 120 Stat. 1736.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
605	40:491(d).	June 30, 1949, ch. 288, title II, §211(d), as added Sept. 5, 1950, ch. 849, §5(c), 64 Stat. 583; Sept. 1, 1954, ch. 1211, §2, 68 Stat. 1127; Pub. L. 95-506, Oct. 24, 1978, 92 Stat. 1756.

AMENDMENTS

2006—Subsec. (a). Pub. L. 109-313, §3(h)(6)(A), substituted “Acquisition Services Fund” for “General Supply Fund” in heading and text.

Subsec. (b)(2). Pub. L. 109-313, §3(h)(6)(B), substituted “321(f)” for “321(f)(1)” and “Acquisition Services Fund” for “General Supply Fund”.

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.

§ 606. Regulations related to operation

(a) IN GENERAL.—The Director of the Office of Personnel Management shall prescribe regulations to govern executive agencies in authorizing civilian personnel to operate Federal Government-owned motor vehicles for official purposes within the States of the United States, the District of Columbia, Puerto Rico, and the territories and possessions of the United States.

(b) ELEMENTS OF THE REGULATIONS.—The regulations shall prescribe standards of physical fitness for authorized operators. The regulations may require operators and prospective operators to obtain state and local licenses or permits that are required to operate similar vehicles for other than official purposes.

(c) AGENCY ORDERS.—The head of each executive agency shall issue orders and directives necessary for compliance with the regulations. The orders and directives shall provide for—

(1) periodically testing the physical fitness of operators and prospective operators; and

(2) suspension and revocation of authority to operate.

(Pub. L. 107-217, Aug. 21, 2002, 116 Stat. 1123.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
606	40:491(j).	June 30, 1949, ch. 288, title II, §211(j), as added Sept. 5, 1950, ch. 849, §5(c), 64 Stat. 583; Sept. 1, 1954, ch. 1211, §2, 68 Stat. 1128; Pub. L. 86-624, §27(b), July 12, 1960, 74 Stat. 418.

In subsection (a), the words “Director of the Office of Personnel Management” are substituted for “United States Civil Service Commission” in section 211(j) of the Federal Property and Administrative Services Act of 1949 because of section 102 of Reorganization Plan No. 2 of 1978 (eff. Jan. 1, 1979, 92 Stat. 3783). The words “territories and” are added for consistency in the revised title and with other titles of the United States Code.

§ 607. Records

The Administrator of General Services shall maintain an accurate record of the cost of establishing, maintaining, and operating each motor vehicle pool or system established under section 602 of this title.

(Pub. L. 107-217, Aug. 21, 2002, 116 Stat. 1124.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
607	40:491(f) (1st sentence).	June 30, 1949, ch. 288, title II, §211(f) (1st sentence), as added Sept. 5, 1950, ch. 849, §5(c), 64 Stat. 583; Sept. 1, 1954, ch. 1211, §2, 68 Stat. 1127.

§ 608. Scrip, tokens, tickets

The Administrator of General Services, in the operation of motor vehicle pools or systems under this subchapter, may provide for the sale and use of scrip, tokens, tickets, and similar devices to collect payment.

(Pub. L. 107-217, Aug. 21, 2002, 116 Stat. 1124.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
608	40:491(i).	June 30, 1949, ch. 288, title II, §211(i), as added Sept. 5, 1950, ch. 849, §5(c), 64 Stat. 583; Sept. 1, 1954, ch. 1211, §2, 68 Stat. 1128.

§ 609. Identification of vehicles

(a) IN GENERAL.—Under regulations prescribed by the Administrator of General Services, every motor vehicle acquired and used for official purposes within the United States, or the territories or possessions of the United States, by any federal agency or by the District of Columbia shall be conspicuously identified by showing, on the vehicle—

(1)(A) the full name of the department, establishment, corporation, or agency that uses the vehicle and the service for which the vehicle is used; or

(B) a title that readily identifies the department, establishment, corporation, or agency that uses the vehicle and that is descriptive of the service for which the vehicle is used; and

(2) the legend “For official use only”.

(b) EXCEPTIONS.—The regulations prescribed pursuant to this section may provide for exemptions when conspicuous identification would interfere with the purpose for which a vehicle is acquired and used.

(Pub. L. 107-217, Aug. 21, 2002, 116 Stat. 1124.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
609	40:491(k).	June 30, 1949, ch. 288, title II, §211(k), as added Sept. 5, 1950, ch. 849, §5(c), 64 Stat. 583; Sept. 1, 1954, ch. 1211, §2, 68 Stat. 1128.

§ 610. Discontinuance of motor vehicle pool or system

(a) IN GENERAL.—The Administrator of General Services shall discontinue a motor vehicle pool or system if there are no actual savings realized (based on accounting as provided in section 605 of this title) during a reasonable period of not longer than two successive fiscal years.

(b) RETURN OF COMPARABLE PROPERTY.—If a motor vehicle pool or system is discontinued, the Administrator shall return to each agency involved motor vehicles and related equipment and supplies similar in kind and reasonably comparable in value to any motor vehicles and related equipment and supplies which were previously taken over by the Administrator.

(Pub. L. 107-217, Aug. 21, 2002, 116 Stat. 1124.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
610	40:491(f) (last sentence).	June 30, 1949, ch. 288, title II, §211(f) (last sentence), as added Sept. 5, 1950, ch. 849, §5(c), 64 Stat. 583; Sept. 1, 1954, ch. 1211, §2, 68 Stat. 1127.

§ 611. Duty to report violations

During the regular course of the duties of the Administrator of General Services, if the Administrator becomes aware of a violation of section 1343, 1344, or 1349(b) of title 31 or of section 641 of title 18 involving the conversion by a Federal Government official or employee of a Government-owned or leased motor vehicle to the official or employee’s own use or to the use of others, the Administrator shall report the violation to the head of the agency in which the official or employee is employed, for further investigation and either appropriate disciplinary action under section 1343, 1344, or 1349(b) of title 31 or, if appropriate, referral to the Attorney General for prosecution under section 641 of title 18.

(Pub. L. 107-217, Aug. 21, 2002, 116 Stat. 1124; Pub. L. 109-284, §6(7), Sept. 27, 2006, 120 Stat. 1212.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
611	40:491(l).	June 30, 1949, ch. 288, title II, §211(l), as added Sept. 5, 1950, ch. 849, §5(c), 64 Stat. 583; Sept. 1, 1954, ch. 1211, §2, 68 Stat. 1128.

The words “section 1343, 1344, or 1349(b) of title 31” are substituted for “section 5 of the Act of July 16, 1914, as amended (5 U.S.C. 78)” and “such section 5” in section 211(l) 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), the first section of which enacted Title 31, United States Code.

AMENDMENTS

2006—Pub. L. 109-284 inserted “of title 31” after “under section 1343, 1344, or 1349(b)” and “of title 18” after “under section 641”.

CHAPTER 7—FOREIGN EXCESS PROPERTY

Sec.	
701.	Administrative.
702.	Return of foreign excess property to United States.
703.	Donation of medical supplies for use in foreign country.
704.	Other methods of disposal.
705.	Handling of proceeds from disposal.

§ 701. Administrative

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

(b) EXECUTIVE AGENCY RESPONSIBILITY.—

(1) IN GENERAL.—The head of an executive agency that has foreign excess property is responsible for the disposal of the property.

(2) CONFORMANCE TO POLICIES.—In carrying out functions under this chapter, the head of an executive agency shall—

(A) use the policies prescribed by the President under subsection (a) for guidance; and

(B) dispose of foreign excess property in a manner that conforms to the foreign policy of the United States.

(3) DELEGATION OF AUTHORITY.—The head of an executive agency may—

(A) delegate authority conferred by this chapter to an official in the agency or to the head of another executive agency; and

(B) authorize successive redelegation of authority conferred by this chapter.

(4) EMPLOYMENT OF PERSONNEL.—As necessary to carry out this chapter, the head of an executive agency may—

(A) appoint and fix the pay of personnel in the United States, subject to chapters 33 and 51 and subchapter III of chapter 53 of title 5; and

(B) appoint personnel outside the States of the United States and the District of Columbia, without regard to chapter 33 of title 5.

(c) SPECIAL RESPONSIBILITIES OF SECRETARY OF STATE.—

(1) USE OF FOREIGN CURRENCIES AND CREDITS.—The Secretary of State may use foreign currencies and credits acquired by the United States under section 704(b)(2) of this title—

(A) to carry out the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2451 et seq.);

(B) to carry out the Foreign Service Buildings Act, 1926 (22 U.S.C. 292 et seq.); and

(C) to pay other governmental expenses payable in local currencies.

(2) RENEWAL OF CERTAIN AGREEMENTS.—Except as otherwise directed by the President, the Secretary of State shall continue to perform functions under agreements in effect on July 1, 1949, related to the disposal of foreign excess property. The Secretary of State may amend, modify, and renew the agreements. Foreign currencies or credits the Secretary of State acquires under the agreements shall be administered in accordance with procedures that the Secretary of the Treasury may establish. Foreign currencies or credits reduced to United States currency must be deposited in the Treasury as miscellaneous receipts.

(Pub. L. 107-217, Aug. 21, 2002, 116 Stat. 1125.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
701(a)	40:514(a) (words before last comma).	June 30, 1949, ch. 288, title IV, § 404, 63 Stat. 396; Pub. L. 86-624, § 27(c), July 12, 1960, 74 Stat. 418; Pub. L. 96-470, title I, § 101(a), Oct. 19, 1980, 94 Stat. 2237.
701(b)(1)	40:511 (words before proviso).	June 30, 1949, ch. 288, title IV, § 401, 63 Stat. 397.
701(b)(2)(A)	40:514(d).	
701(b)(2)(A)	40:514(a) (words after last comma).	
701(b)(2)(B)	40:511 (proviso cl. (a)).	
701(b)(3)	40:514(b).	
701(b)(4)	40:514(c).	
701(c)(1)	40:511 (proviso cl. (b) (words before “and the authority to amend”)).	
701(c)(2)	40:511 (proviso cl. (b) (words beginning “and the authority to amend”), (c), (d)).	

In subsection (b)(1), the text of 40:514(d) is omitted as executed and obsolete.

In subsection (b)(4), the words “chapters 33 and 51 and subchapter III of chapter 53 of title 5” are substituted for “the civil-service and classification laws”, and the words “chapter 33 of title 5” are substituted for “the civil-service 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 subclause (A), the words “in the United States” are added for clarity. In subclause (B), provisions related to the heads of executive agencies fixing the compensation of personnel outside the continental limits of the United States that were contained in section 404(c)(2) of the Federal Property and Administrative Services Act of 1949 are omitted as obsolete. Sections 1202 and 1204 of the Classification Act of 1949 (ch. 782, 63 Stat. 972, 973) repealed the Classification Act of 1923 (ch. 265, 42 Stat. 1488) and all other provisions inconsistent with the 1949 Act. The Classification Act of 1949 was repealed by section 8(a) of the Act of September 6, 1966 (Public Law 89-554, 80 Stat. 632), the first section of which enacted title 5, United States Code. The Classification Act of 1949 was reenacted as chapter 51 and subchapter III of chapter 53 of title 5. See especially 5:5102 and 5103.

In subsection (c)(1), the words “Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2451 et seq.)” are substituted for “section 32(b)(2) of the Surplus Property Act of 1944, as amended” because of section 111(a)(1) and (c) of the Mutual Educational and Cultural Exchange Act of 1961 (Public Law 87-257, 75 Stat. 538). The words “Foreign Service Buildings Act, 1926” are substituted for “Foreign Service Buildings Act of May 7, 1926, as amended” because of section 8 of