

lization and Reconversion Act of 1944, or the Act of October 13, 1949. Whenever the Secretary determines that there is no reasonable likelihood that the public work, or a portion of the public work, planned with such advance will be constructed, he may terminate the agreement for the advance. Such determination shall be conclusive and shall be based on standards prescribed by regulations to be issued by the Secretary.”

1968—Subsec. (a). Pub. L. 90-448 authorized advances for feasibility studies.

1967—Pub. L. 90-19 substituted “Secretary” for “Administrator” wherever appearing in subsecs. (a), (d) to (f), and (h)(1), (2) of this section.

1965—Subsec. (e). Pub. L. 89-117 substituted “\$70,000,000” for “\$20,000,000”.

1964—Subsec. (a). Pub. L. 88-560, §602(c)(1), (e), inserted “and Indian tribes” wherever appearing, and authorized, in the case of public works to be constructed in connection with the development of a medical center, aid in financing a general plan for the development of such center.

Subsec. (b)(3). Pub. L. 88-560, §602(c)(2), (f), inserted “or Indian tribe”, and struck out requirement that subsequent to approval and prior to disbursement of any Federal funds for advance planning, the applicant had to establish a separate planning account into which all Federal and applicant funds estimated to be required for plan preparation had to be placed.

Subsec. (c). Pub. L. 88-560, §602(c)(3), (4), inserted references to Indian tribes wherever appearing and struck out proviso “That if the public agency undertakes to construct only a portion of a planned public work it shall repay such proportionate amount of the advances relating to the public work as the Administrator determines to be equitable.” See subsec. (h) of this section.

Subsec. (e). Pub. L. 88-560, §602(a), provided that repayments and other receipts received after June 30, 1964, and all advances outstanding as of such date, under title V of the War Mobilization and Reconversion Act of 1944, and the Act of October 13, 1949, shall go into the revolving fund, and substituted an authorization of appropriations not to exceed \$20,000,000 in addition to amounts authorized prior to Sept. 2, 1964, as may be necessary for the purposes of this section, for an authorization not exceeding \$58,000,000 in undisbursed balances in the revolving fund and in advances outstanding for plans with respect to projects which in the determination of the Administrator, could have been undertaken within a reasonable time.

Subsec. (f). Pub. L. 88-560, §602(d), substituted “\$100,000” for “\$50,000”.

Subsec. (h). Pub. L. 88-560, §602(b), added subsec. (h).

1962—Subsec. (g). Pub. L. 87-658 added subsec. (g).

1961—Subsec. (a). Pub. L. 87-70, §502(1), substituted “12½ per centum” for “10 per centum”.

Subsec. (b). Pub. L. 87-70, §502(2), included regional or metropolitan or other area-wide projects, and substituted “constructed within or over a reasonable period” for “constructed within a reasonable period”.

Subsec. (e). Pub. L. 87-70, §502(3), (4), authorized an appropriation of \$10,000,000, which may be made available on or after July 1, 1961, and increased the maximum amount of undisbursed balances from \$48,000,000 to \$58,000,000.

1959—Subsec. (f). Pub. L. 86-372 added subsec. (f).

1955—Act Aug. 11, 1955, amended section generally, striking out provisions which authorized the Administrator to make advances only during the three years commencing on July 1, 1954, and inserting provisions requiring construction within a reasonable period of time, authorizing repayment of proportionate amounts of advances, and establishing a revolving fund.

REPAYMENT OF CERTAIN PLANNING GRANTS

Section 1112 of Pub. L. 89-117 provided that: “Notwithstanding any other provision of law, no advance made under section 501 of Public Law 458, Seventy-eighth Congress [section 1671 of Title 50, Appendix, War and National Defense]; Public Law 352, Eighty-first Congress [sections 451 to 458 of this title]; or section

702, Housing Act of 1954, Public Law 560, Eighty-third Congress [this section], for the planning of any public works project shall be required to be repaid if construction of such project has been heretofore or is hereafter initiated as a result of a grant-in-aid made from an allocation made by the President under the Public Works Acceleration Act [see References in Text note set out above].”

ADDITIONAL AMOUNTS APPROPRIATED FOR PAYMENT TO REVOLVING FUND

- Pub. L. 89-128, title I, Aug. 16, 1965, 79 Stat. 532—\$10,000,000.
- Pub. L. 88-507, title I, Aug. 30, 1964, 78 Stat. 656—\$1,000,000.
- Pub. L. 88-215, title I, Dec. 19, 1963, 77 Stat. 438—\$2,000,000.
- Pub. L. 87-741, title I, Oct. 3, 1962, 76 Stat. 729—\$12,000,000.
- Pub. L. 87-545, title I, July 25, 1962, 76 Stat. 212—\$1,000,000.
- Pub. L. 87-141, title I, Aug. 17, 1961, 75 Stat. 354—\$7,000,000.
- Pub. L. 86-626, title I, July 12, 1960, 74 Stat. 435—\$6,000,000.
- Pub. L. 86-255, title I, Sept. 14, 1959, 73 Stat. 508—\$6,000,000.
- Pub. L. 85-844, title I, Aug. 28, 1958, 72 Stat. 1070—\$7,000,000.
- Pub. L. 85-69, title I, June 29, 1957, 71 Stat. 233—\$5,000,000.
- Act June 27, 1956, ch. 452, title I, 70 Stat. 346—\$7,500,000.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 42 section 5153.

CHAPTER 10—MANAGEMENT AND DISPOSAL OF GOVERNMENT PROPERTY

SUBCHAPTER I—GENERAL PROVISIONS

- Sec. 471. Congressional declaration of policy.
- 472. Definitions.
- 473. Applicability of existing procedures.
- 474. Congress, departments, agencies, corporations, and persons exempted from provisions.
- 475. Authorization of appropriations; fund transfer authority
- 476. Sex discrimination prohibited.

SUBCHAPTER II—PROPERTY MANAGEMENT

- 481. Procurement, warehousing, and related activities.
 - (a) Policies and methods of procurement and supply; operation of warehouses.
 - (b) Extension of services to Federal agencies and mixed ownership corporations and the District of Columbia; cooperative purchasing.
 - (c) Exchange or sale of similar items.
 - (d) Utilization of services by executive agencies without reimbursement or transfer of funds.
 - (e) Exchange or transfer of excess property.
- 482. Clarification of status of Architect of Capitol under this chapter.
- 483. Property utilization.
 - (a) Policies and methods; transfer of excess property among Federal agencies and other organizations; transfer of real property located in Indian reservations to the Secretary of the Interior.
 - (b) Duties of executive agencies.
 - (c) Additional duties of executive agencies.

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| | (d) Acquisition of excess personal property by Federal agencies for grantees prohibited; exceptions. | | (c) Credit to reimbursable fund or appropriation on certain transactions. |
| | (e) Annual report by executive agencies to Administrator on excess personal property furnished to recipient other than a Federal agency; acquisition, identification, and disposition; report by Administrator to Congress. | | (d) Special account deposits. |
| | (f) Repealed. | | (e) Sale proceeds offset against price or cost of contractor's work. |
| | (g) Temporary assignment of excess real property space. | | (f) Acceptance of property in lieu of cash. |
| | (h) Abandonment, destruction, or donation of property. | | (g) Management of credit, leases, and permits on property. |
| | | | (h) Property under control of a military department. |
| | | | (i) Recovery of costs incurred in sales of personal property. |
| 483a. | Repealed. | 485a. | Payment of expenses of sales from proceeds. |
| 483b. | Utilization of excess furniture. | 486. | Policies, regulations, and delegations. |
| 483c. | Excess personal property held by grantee of Federal agency; certification of authorized use; title to grantee; re-transfer of property used for unauthorized purpose. | | (a) Promulgation by President. |
| | | | (b) Accounting principles and standards. |
| | | | (c) Regulations by Administrator. |
| | | | (d) Delegation and redelegation of authority by Administrator; exceptions. |
| 483d. | Dredge vessel disposal. | | (e) Delegation of functions by Administrator. |
| 484. | Disposal of surplus property. | | (f) Transfer of personnel, property, funds, etc., to agency receiving delegated functions. |
| | (a) Supervision and direction. | | (g) Establishment of advisory committees; compensation; expenses. |
| | (b) Care and handling. | | (h) Consultations between Administrator and Federal agencies. |
| | (c) Method of disposition. | | (i) Administration of oaths by certain officers and employees. |
| | (d) Validity of deed, bill of sale, lease, etc. | 486a. | Retention and expenditure of portion of GSA rental payments by departments or agencies. |
| | (e) Bids for disposal; advertising; procedure; disposal by negotiation; explanatory statement. | 487. | Surveys of Government property and management practices. |
| | (f) Contractor inventories. | | (a) Authorization for surveys, inventory levels, supply catalog system and standardized forms and procedures. |
| | (g) Agricultural commodities, foods, and cotton or woolen goods. | | (b) Utilization by Federal agencies of supply catalog system and standardized forms and procedures. |
| | (h) Transfer to Department of Agriculture for price support or stabilization reasons; deposit of receipts; limitation on sale of surplus farm commodities. | | (c) Audit of property accounts by General Accounting Office. |
| | (i) Vessels; laws governing sales. | 488. | Disposal of property. |
| | (j) Transfers for donation of property to State agencies; State plan of operation; "public agency" and "State" defined. | | (a) Advice of Attorney General with respect to antitrust laws. |
| | (k) Disposals by Secretary of Education, Secretary of Health and Human Services, Secretary of the Interior, and Secretary of Defense. | | (b) Request by Attorney General for information. |
| | (l) Donations to American Red Cross. | | (c) Applicability of provisions. |
| | (m) Possession of abandoned or unclaimed property on Government premises; disposal; claims by former owners. | | (d) Provisions held not to impair, amend, etc., antitrust laws. |
| | (n) Cooperative agreements with State agencies. | 489. | Civil remedies and penalties. |
| | (o) Biennial reports to Congress by Administrator; copies to Comptroller General. | | (a) Immunity of officers or employees of Government. |
| | (p) Transfer or conveyance of property for correctional facility use; consideration-free transfers; reimbursement for interim transfers; reversion option; terms and conditions. | | (b) Fraudulent tricks, schemes, or devices. |
| | (q) Military installation closures or realignments. | | (c) Jurisdiction and venue. |
| 484-1. | Transfer of miscellaneous books to District Public Library. | | (d) Additional remedies. |
| 484a, 484b. | Omitted or Repealed. | 490. | Operation of buildings and related activities by Administrator. |
| 484c. | Transfer of personnel and other resources from Department of Health, Education, and Welfare to General Services Administration by Director of Office of Management and Budget. | | (a) General duties. |
| | | | (b) Buildings owned by United States. |
| 484d. | Donation of forfeited vessels. | | (c) Acquisition of land; surveys; construction services. |
| | (a) Eligible institutions; certification. | | (d) Transfer of functions. |
| | (b) Terms and conditions. | | (e) Assignment and reassignment of space. |
| | (c) United States liability. | | (f) Fund for real property management and related activities; establishment; deposit of revenues and collections; merger of unexpended balances; assumption of liabilities, obligations, and commitments; appropriation of advances; special services. |
| 485. | Proceeds from transfer, sale, etc., of property. | | (g) Office furniture; movement and supply. |
| | (a) Disposition of receipts. | | |
| | (b) Deposit of proceeds from sales; use; report. | | |

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- (h) Lease agreements for periods not exceeding twenty years.
 - (i) Installation, repair, and replacement of sidewalks.
 - (j) Charges for space and services furnished by Administrator; determination of rates; exemption from charges.
 - (k) Charges for space and services furnished by executive agencies; approval of rates by Administrator; credit to appropriation or fund.
 - (l) Flexiplace work telecommuting centers.
- 490a. Transfer of moneys in section 490(f) fund into special account.
- 490a-1. Use of resources of Federal Buildings Fund to repay GSA borrowings from Federal Financing Bank.
- 490b. Child care services for Federal employees in Federal buildings.
- (a) Allotment of space; conditions.
 - (b) Charges for rent or services; payment of costs, accreditation fees, and travel and per diem expenses; "services" defined.
 - (c) Guidance, assistance, and oversight.
 - (d) Consortium with private entities.
- 490c. Guards, elevator operators, messengers, and custodians; restriction on contract for services; exception.
- 490d. Funds for payment of rent available for lease of buildings on land owned by United States.
- 490e. Fiscal year limitation on obligations of funds for lease.
- 490f. Lease space rent rates and payments; appropriations.
- 490g. Receipt of revenues related to energy savings or materials recycling efforts.
- 490h. Flexiplace work telecommuting centers; revenues to defray costs.
491. Motor vehicle pools and transportation systems.
- (a) Establishment.
 - (b) Determinations by Administrator.
 - (c) Regulations.
 - (d) Payment of costs; fixing of prices.
 - (e) Justification for each vehicle pool and system.
 - (f) Maintenance records; discontinuance of vehicle pool or system.
 - (g) Reimbursement for equipment.
 - (h) Additions to General Supply Fund capital.
 - (i) Scrip, tokens, tickets.
 - (j) Operating regulations.
 - (k) Identification of vehicles.
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492. Reports to Congress.
493. Repealed.

SUBCHAPTER III—FOREIGN EXCESS PROPERTY

511. Disposal of foreign excess property; agency responsibility; foreign policy controlling; use of foreign currencies and credits; duties of State Department.
512. Methods and terms of disposal.
- (a) Authority of executive agency.
 - (b) Donation of medical supplies.
 - (c) Return of foreign excess property; determination of interest of the United States; costs.
513. Proceeds from disposals; foreign currencies; United States currency; disposition.
514. General provisions.
- (a) Promulgation of policies.
 - (b) Delegation of authority.
 - (c) Employment of personnel.

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- (d) Transfer of functions.
- SUBCHAPTER IV—RECONSTRUCTION FINANCE CORPORATION PROPERTY**
- 521 to 524. Repealed.
- SUBCHAPTER V—URBAN LAND UTILIZATION**
531. Declaration of purpose and policy.
532. Disposal of urban lands.
533. Acquisition or change of use of real property.
534. Waiver of procedures for disposal of urban lands, acquisition or change of use of real property.
535. Definitions.
- SUBCHAPTER VI—SELECTION OF ARCHITECTS AND ENGINEERS**
541. Definitions.
542. Congressional declaration of policy.
543. Requests for data on architectural and engineering services.
544. Negotiation of contracts for architectural and engineering services.
- (a) Negotiation with highest qualified firm.
 - (b) Negotiation with second and third, etc., most qualified firms.
 - (c) Selection of additional firms in event of failure of negotiation with selected firms.

SUBCHAPTER I—GENERAL PROVISIONS

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in section 758 of this title.

§ 471. Congressional declaration of policy

It is the intent of the Congress in enacting this legislation to provide for the Government an economical and efficient system for (a) the procurement and supply of personal property and nonpersonal services, including related functions such as contracting, inspection, storage, issue, specifications, property identification and classification, transportation and traffic management, establishment of pools or systems for transportation of Government personnel and property by motor vehicle within specific areas, management of public utility services, repairing and converting, establishment of inventory levels, establishment of forms and procedures, and representation before Federal and State regulatory bodies; (b) the utilization of available property; (c) the disposal of surplus property; and (d) records management.

(June 30, 1949, ch. 288, §2, 63 Stat. 378; Sept. 1, 1954, ch. 1211, §1, 68 Stat. 1126.)

REFERENCES IN TEXT

This legislation, referred to in text, means the Federal Property and Administrative Services Act of 1949, as amended. For complete classification of this Act to the Code, see Short Title note below.

CODIFICATION

Section was formerly classified to section 201 of Title 41, Public Contracts.

AMENDMENTS

1954—Act Sept. 1, 1954, extended section to cover establishment of motor vehicle pools and transportation systems for Government personnel and property.

EFFECTIVE DATE

Section 605, formerly §505, of act June 30, 1949, renumbered by act Sept. 5, 1950, ch. 849, §6(a), (b), 64 Stat.

583, provided that: "This Act [see Short Title note below] shall become effective on July 1, 1949, except that the provisions of section 602(a)(2) (repealing prior law relating to the disposition of the affairs of the War Assets Administration) [repealing note set out under section 1614a of the Appendix to Title 50, War and National Defense] shall become effective on June 30, 1949."

SHORT TITLE OF 1988 AMENDMENT

Pub. L. 100-612, §1, Nov. 5, 1988, 102 Stat. 3180, provided that: "This Act [amending sections 481, 484, 485, and 488 of this title and repealing section 493 of this title] may be cited as the 'Federal Property Management Improvement Act of 1988'."

SHORT TITLE

Section 1(a) of act June 30, 1949, as amended by Pub. L. 103-355, title X, §10005(a)(2), Oct. 13, 1994, 108 Stat. 3406, provided that: "This Act may be cited as the 'Federal Property and Administrative Services Act of 1949'." The Act is classified to the Code generally as follows:

Sections 2 and 3 classified to sections 471 and 472 of this title.

Title I classified principally to chapter 16 (§751 et seq.) of this title.

Title II classified principally to subchapter II (§481 et seq.) of this chapter.

Title III classified generally to subchapter IV (§251 et seq.) of chapter 4 of Title 41, Public Contracts.

Title IV classified generally to subchapter III (§511 et seq.) of this chapter.

Title V was classified generally to chapter 11 (§392 et seq.) of former Title 44, Public Printing and Documents, prior to the general revision and enactment of Title 44 by Pub. L. 90-620, §1, Oct. 22, 1968, 82 Stat. 1238. The subject matter of title V is covered by chapter 21 (§2101 et seq.), chapter 25 (§2501 et seq.), chapter 27 (§2701 et seq.), chapter 29 (§2901 et seq.), and chapter 31 (§3101 et seq.) of Title 44.

Title VI classified principally to subchapter I (§471 et seq.) of this chapter.

Title VII classified generally to subchapter IV (§521 et seq.) of this chapter.

Title VIII classified generally to subchapter V (§531 et seq.) of this chapter.

Title IX classified generally to subchapter VI (§541 et seq.) of this chapter.

For complete classification of this Act to the Code, see Tables.

Title VIII of act June 30, 1949, which is classified to subchapter V (§531 et seq.) of this chapter, is known as the "Federal Urban Land-Use Act", see Short Title note set out under section 531 of this title.

Title IX of act June 30, 1949, which is classified to subchapter VI (§541 et seq.) of this chapter, is known as the "Brooks Architect-Engineers Act".

SEPARABILITY

Section 604, formerly §504, of act June 30, 1949, renumbered by act Sept. 5, 1950, ch. 849, §6(a), (b), 64 Stat. 583, provided that: "If any provision of this Act [see Short Title note above], or the application thereof to any person or circumstances, is held invalid, the remainder of this Act, and the application of such provision to other persons or circumstances, shall not be affected thereby."

STYLISTIC CONSISTENCY

Pub. L. 103-355, title X, §10005(b)(2), Oct. 13, 1994, 108 Stat. 3408, provided that: "The Federal Property and Administrative Services Act of 1949 (41 U.S.C. 471 et seq.) [see Short Title note above] is amended so that the section designation and section heading of each section of such Act is in the same form and typeface as the section designation and heading of this section [108 Stat. 3406]."

ACT REFERRED TO IN OTHER SECTIONS

The Federal Property and Administrative Services Act of 1949 is referred to in sections 304, 311b, 472 to 476,

482, 483b to 484-1, 484d, 485, 485a, 486, 488, 489, 492, 605, 751, 752, 754 to 756, 758 of this title; title 5 section 7342; title 7 sections 15b, 55, 79, 473a, 1736a, 1985, 2279b, 5922; title 10 sections 2552, 2676, 2691, 2854a, 2878, 7305, 9441, 9781; title 12 sections 90, 1701z, 1701z-2, 1788; title 14 sections 92, 93, 641, 685; title 15 sections 205f, 714b; title 16 sections 1a-2, 79c, 160b, 396f, 410r-6, 430a-2, 430h-7, 441f-5, 460m-9, 460x-7, 460bb-2, 460ee, 460ff-1, 460hh-1, 505a, 590q-1, 793, 2106; title 20 sections 196, 3475; title 22 sections 277d-36, 277e, 2358, 2581, 2713, 5422; title 25 sections 190, 293, 450j; title 30 section 4; title 33 section 578; title 41 sections 254, 405; title 42 sections 1592a, 1592d, 2201, 2297b-11, 2473, 4638, 5196, 5919, 12651g; title 43 sections 1702, 1736; title 44 section 311; title 45 section 1212; title 48 section 1685; title 49 section 103; title 50 sections 167a, 415, 1651; title 50 App. section 2393.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 491 of this title.

§ 472. Definitions

As used in titles I through VI of this Act—

(a) The term "executive agency" means any executive department or independent establishment in the executive branch of the Government, including any wholly owned Government corporation.

(b) The term "Federal agency" means any executive agency or any establishment in the legislative or judicial branch of the Government (except the Senate, the House of Representatives, and the Architect of the Capitol and any activities under his direction).

(c) The term "Administrator" means the Administrator of General Services provided for in chapter 16 of this title.

(d) The term "property" means any interest in property except (1) the public domain; lands reserved or dedicated for national forest or national park purposes; minerals in lands or portions of lands withdrawn or reserved from the public domain which the Secretary of the Interior determines are suitable for disposition under the public land mining and mineral leasing laws; and lands withdrawn or reserved from the public domain except lands or portions of lands so withdrawn or reserved which the Secretary of the Interior, with the concurrence of the Administrator, determines are not suitable for return to the public domain for disposition under the general public-land laws because such lands are substantially changed in character by improvements or otherwise; (2) naval vessels of the following categories: Battleships, cruisers, aircraft carriers, destroyers, and submarines; and (3) records of the Federal Government.

(e) The term "excess property" means any property under the control of any Federal agency which is not required for its needs and the discharge of its responsibilities, as determined by the head thereof.

(f) The term "foreign excess property" means any excess property located outside the States of the Union, the District of Columbia, Puerto Rico, American Samoa, Guam, the Trust Territory of the Pacific Islands, and the Virgin Islands.

(g) The term "surplus property" means any excess property not required for the needs and the discharge of the responsibilities of all Federal agencies, as determined by the Administrator.

(h) The term "care and handling" includes completing, repairing, converting, rehabilitat-

ing, operating, preserving, protecting, insuring, packing, storing, handling, conserving, and transporting excess and surplus property, and, in the case of property which is dangerous to public health or safety, destroying or rendering innocuous such property.

(i) The term "person" includes any corporation, partnership, firm, association, trust, estate, or other entity.

(j) The term "nonpersonal services" means such contractual services, other than personal and professional services, as the Administrator shall designate.

(k) The term "contractor inventory" means (1) any property acquired by and in the possession of a contractor or subcontractor under a contract pursuant to the terms of which title is vested in the Government, and in excess of the amounts needed to complete full performance under the entire contract; and (2) any property which the Government is obligated or has the option to take over under any type of contract as a result either of any changes in the specifications or plans thereunder or of the termination of such contract (or subcontract thereunder), prior to completion of the work, for the convenience or at the option of the Government.

(l) The term "motor vehicle" means any vehicle, self-propelled or drawn by mechanical power, designed and operated principally for highway transportation of property or passengers, exclusive of any vehicle designed or used for military field training, combat, or tactical purposes, or used principally within the confines of a regularly established military post, camp, or depot, and any 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.

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

REFERENCES IN TEXT

This Act, referred to in the opening par., is act June 30, 1949, ch. 288, 63 Stat. 377, as amended, known as the Federal Property and Administrative Services Act of 1949. For classification of titles I through VI of this Act to the Code, see Short Title note set out under section 471 of this title and Tables.

Chapter 16 [§ 751 et seq.] of this title, referred to in par. (c), was in the original a reference to "title I hereof".

The mining laws, referred to in subsec. (d), are classified generally to Title 30, Mineral Lands and Mining.

The mineral leasing laws, referred to in subsec. (d), have been defined for certain purposes in sections 351, 505, 530, and 541e of Title 30.

The public-land laws, referred to in subsec. (d), are classified generally to Title 43, Public Lands.

CODIFICATION

Section was formerly classified to section 202 of Title 41, Public Contracts.

AMENDMENTS

1975—Subsec. (f). Pub. L. 93-594 inserted "American Samoa, Guam, the Trust Territory of the Pacific Islands" after "Puerto Rico".

1960—Subsec. (f). Pub. L. 86-624 substituted "States of the Union, the District of Columbia" for "continental United States (including Alaska), Hawaii".

1959—Subsec. (f). Pub. L. 86-70 substituted "(including Alaska), Hawaii," for ", Hawaii, Alaska,".

1958—Subsec. (d). Pub. L. 85-337 included within definition of property minerals in lands or portions of lands withdrawn or reserved from the public domain which it is determined are suitable for disposition under the public land mining and mineral leasing laws, and excepted lands or portions of lands withdrawn or reserved which it is determined are not suitable for return to the public domain because such lands are substantially changed in character by improvements or otherwise.

1955—Act Aug. 12, 1955, inserted "titles I through VI of" after "As used in".

1954—Subsec. (l). Act Sept. 1, 1954, added subsec. (l).

1952—Subsec. (d). Act July 12, 1952, § 1(a), enlarged definition of "public domain" by inserting provisions contained in parenthesis.

Subsec. (k). Act July 12, 1952, § 1(b), inserted "or has the option" after "obligated".

1950—Subsec. (b). Act Sept. 5, 1950, § 8(a), redefined "Federal agency".

Subsec. (d). Act Sept. 5, 1950, § 7(a), struck out "and" before "clause (2)" and substituted a semicolon for the period at end thereof, and added cl. (3).

REPEAL OF INCONSISTENT LAWS

Section 11 of act Sept. 5, 1950, provided that: "All laws or parts of laws in conflict with the provisions of this Act [act Sept. 5, 1950] or with any amendment made thereby are, to the extent of such conflict, hereby repealed."

TERMINATION OF TRUST TERRITORY OF THE PACIFIC ISLANDS

For termination of Trust Territory of the Pacific Islands, see note set out preceding section 1681 of Title 48, Territories and Insular Possessions.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 762 of this title; title 10 section 2667; title 15 section 278g-3; title 20 section 3479; title 31 section 3551; title 41 section 423; title 42 sections 7259, 11411; title 43 section 1702; title 44 section 2901; title 50 section 167a.

§ 473. Applicability of existing procedures

All policies, procedures, and directives prescribed—

(a) by either the Director, Bureau of Federal Supply, or the Secretary of the Treasury and relating to any function transferred to or vested in the Administrator, by the provisions of this Act;

(b) by any officer of the Government under the authority of the Surplus Property Act of 1944, as amended, or under other authority with respect to surplus property or foreign excess property;

(c) by or under authority of the Federal Works Administrator or the head of any constituent agency of the Federal Works Agency; and

(d) by the Archivist of the United States or any other officer or body whose functions are transferred by chapter 16 of this title,

in effect upon July 1, 1949, and not inconsistent herewith, shall remain in full force and effect

unless and until superseded, or except as they may be amended, under the authority of this Act or under other appropriate authority.

(June 30, 1949, ch. 288, title VI, § 601, formerly title V, § 501, 63 Stat. 399; renumbered Sept. 5, 1950, ch. 849, § 6(a), (b), 64 Stat. 583.)

REFERENCES IN TEXT

This Act, referred to in text, is act June 30, 1949, ch. 288, 63 Stat. 377, as amended, known as the Federal Property and Administrative Services Act of 1949. For complete classification of this Act to the Code, see Short Title note set out under section 471 of this title and Tables.

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

Chapter 16 [§ 751 et seq.] of this title, referred to in par. (d), was in the original a reference to "title I of this Act".

CODIFICATION

Section was formerly classified to section 203 of Title 41, Public Contracts.

TRANSFER OF FUNCTIONS

Abolition of Bureau of Federal Supply, referred to in par. (a), and transfer of functions, see section 752 of this title.

Abolition of Federal Works Agency and of office of Works Administrator, referred to in par. (c), and transfer of functions, see section 753 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 752 of this title.

§ 474. Congress, departments, agencies, corporations, and persons exempted from provisions

(a), (b) Omitted

(c) The authority conferred by this Act shall be in addition and paramount to any authority conferred by any other law and shall not be subject to the provisions of any law inconsistent herewith, except as otherwise provided by the Office of Federal Procurement Policy Act [41 U.S.C. 401 et seq.], and except that sections 486(b) and 487(c) of this title shall not be applicable to any Government corporation or agency which is subject to chapter 91 of title 31.

(d) Nothing in this Act shall impair or affect any authority of—

(1) the President under the Philippine Property Act of 1946 (60 Stat. 418; 22 U.S.C. 1381);

(2) any executive agency with respect to any phase (including, but not limited to, procurement, storage, transportation, processing, and disposal) of any program conducted for purposes of resale, price support, grants to farmers, stabilization, transfer to foreign governments, or foreign aid, relief, or rehabilitation: *Provided*, That the agency carrying out such program shall, to the maximum extent practicable, consistent with the fulfillment of the purposes of the program and the effective and efficient conduct of its business, coordinate its operations with the requirements of this Act and the policies and regulations prescribed pursuant thereto;

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

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

(5) the Secretary of Defense with respect to the administration of the National Industrial Reserve Act of 1948 [50 U.S.C. 451 et seq.];

(6) the Secretary of Defense, the Munitions Board, and the Secretaries of the Army, Navy, and Air Force with respect to the administration of the Strategic and Critical Materials Stock Piling Act (60 Stat. 596) [50 U.S.C. 98 et seq.];

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

(8) the Secretary of the Army, the Secretary of the Navy, and the Secretary of the Air Force with respect to the administration of section 1171(b) of Appendix to title 50;

(9) the Secretary of Agriculture or the Department of Agriculture under (A) the National School Lunch Act (60 Stat. 230) [42 U.S.C. 1751 et seq.]; (B) the Farmers Home Administration Act of 1946 (60 Stat. 1062); (C) the Act of August¹ 31, 1947, Public Law 298, Eightieth Congress, with respect to the disposal of labor supply centers, and labor homes, labor camps, or facilities; (D) section 612c of title 7, with respect to the exportation and domestic consumption of agricultural products; or (E) section 1291 or section 1622(j) of title 7;

(10) the Secretary of Agriculture, Farm Credit Administration, or any farm credit board under section 640l(b) of title 12, with respect to the acquisition or disposal of property;

(11) the Department of Housing and Urban Development or the Resolution Trust Corporation or any officer thereof with respect to the disposal of residential property, or of other property (real or personal) held as part of or acquired for or in connection with residential property, or in connection with the insurance of mortgages, loans, or savings association accounts under the National Housing Act [12 U.S.C. 1701 et seq.] under² the Federal Deposit Insurance Act [12 U.S.C. 1811 et seq.] or any other law;³

(12) the Tennessee Valley Authority with respect to nonpersonal services, with respect to

¹ So in original. Should be "July".

² So in original. Probably should be "or under".

³ So in original.

the matters referred to in section 481(a)(4) of this title, and with respect to any property acquired or to be acquired for or in connection with any program of processing, manufacture, production, or force account construction: *Provided*, That the Tennessee Valley Authority shall to the maximum extent that it may deem practicable, consistent with the fulfillment of the purpose of its program and the effective and efficient conduct of its business, coordinate its operations with the requirements of this Act and the policies and regulations prescribed pursuant thereto;

(13) the Atomic Energy Commission;

(14) the Administrator of the Federal Aviation Administration or the Secretary of Commerce with respect to the disposal of airport property and airway property for use as such property. For the purpose of this paragraph the terms "airport property" and "airway property" shall have the respective meanings ascribed to them in section 47301 of title 49;

(15) the United States Postal Service;

(16) the Maritime Administration with respect to the construction, reconstruction, and reconditioning (including outfitting and equipping incident to the foregoing), the acquisition, procurement, operation, maintenance, preservation, sale, lease, or charter of any merchant vessel or of any shipyard, ship site, terminal, pier, dock, warehouse, or other installation necessary or appropriate for the carrying out of any program of such Administration authorized by law, or nonadministrative activities incidental thereto: *Provided*, That the Maritime Administration shall to the maximum extent that it may deem practicable, consistent with the fulfillment of the purposes of such programs and the effective and efficient conduct of such activities, coordinate its operations with the requirements of this Act, and the policies and regulations prescribed pursuant thereto;

(17) the Central Intelligence Agency;

(18) the Joint Committee on Printing, under title 44 or any other Act;

(19) for such period of time as the President may specify, any other authority of any executive agency which the President determines within one year after the effective date of this Act should, in the public interest, stand unimpaired by this Act;

(20) the Secretary of the Interior with respect to procurement for program operations under the Bonneville Project Act of 1937 (50 Stat. 731), as amended [16 U.S.C. 832 et seq.]; or

(21) the Director of the United States Information Agency with respect to the furnishing of facilities in foreign countries and reception centers within the United States.

(e) No provision of this Act, as amended, shall apply to the Senate or the House of Representatives (including the Architect of the Capitol and any building, activity, or function under his direction), but any of the services and facilities authorized by this Act to be rendered or furnished shall, as far as practicable, be made available to the Senate, the House of Representatives, or the Architect of the Capitol, upon their request, and, if payment would be required for the rendition or furnishing of a similar serv-

ice or facility to an executive agency, payment therefor shall be made by the recipient thereof, upon presentation of proper vouchers, in advance or by reimbursement (as may be agreed upon by the Administrator and the officer or body making such request). Such payment may be credited to the applicable appropriation of the executive agency receiving such payment.

(June 30, 1949, ch. 288, title VI, §602, formerly title V, §502, 63 Stat. 399; Aug. 10, 1949, ch. 412, §12(a), (g), 63 Stat. 591; renumbered and amended Sept. 5, 1950, ch. 849, §§6(a), (b), 7(e), (f), 8(c), 64 Stat. 583, 590; Aug. 23, 1958, Pub. L. 85-726, title XIV, §1406, 72 Stat. 808; May 24, 1962, Pub. L. 87-456, title III, §303(b), 76 Stat. 78; Nov. 8, 1965, Pub. L. 89-343, §6, 79 Stat. 1303; Oct. 15, 1966, Pub. L. 89-670, §§3(e), 6(c)(1), 80 Stat. 932, 938; May 25, 1967, Pub. L. 90-19, §7, 81 Stat. 22; Aug. 12, 1970, Pub. L. 91-375, §6(m)(2), 84 Stat. 782; Aug. 30, 1974, Pub. L. 93-400, §15(4), 88 Stat. 800; Aug. 15, 1979, Pub. L. 96-60, title II, §203(c), 93 Stat. 399; Oct. 10, 1979, Pub. L. 96-83, §10(b), 93 Stat. 652; Aug. 6, 1981, Pub. L. 97-31, §12(13), 95 Stat. 154; Aug. 24, 1982, Pub. L. 97-241, title III, §303(b), 96 Stat. 291; Dec. 1, 1983, Pub. L. 98-191, §§8(d)(2), 9(a)(3), 97 Stat. 1331; Aug. 9, 1989, Pub. L. 101-73, title VII, §744(f), 103 Stat. 438.)

REFERENCES IN TEXT

This Act, referred to in text, is act June 30, 1949, ch. 288, 63 Stat. 377, as amended, known as the Federal Property and Administrative Services Act of 1949. For complete classification of this Act to the Code, see Short Title note set out under section 471 of this title and Tables.

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

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

The National Industrial Reserve Act of 1948, referred to in subsec. (d)(5), is act July 2, 1948, ch. 811, 62 Stat. 1225, as amended, known as the Defense Industrial Reserve Act, which is classified generally to chapter 16 (§451 et seq.) of Title 50, War and National Defense. The text of sections 451 to 453 of Title 50 was transferred to section 2535 of Title 10, Armed Forces, by Pub. L. 102-484, div. D, title XLII, §4235, Oct. 23, 1992, 106 Stat. 2690. For complete classification of this Act to the Code, see Short Title note set out under section 451 of Title 50 and Tables.

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

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

Section 1171(b) of Appendix to title 50, referred to in subsec. (d)(8), was repealed by act Aug. 10, 1956, ch. 1041, §53, 70A Stat. 641.

The National School Lunch Act, referred to in subsec. (d)(9)(A), is act June 4, 1946, ch. 281, 60 Stat. 230, as amended, which is classified generally to chapter 13 (§1751 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 1751 of Title 42 and Tables.

The Farmers Home Administration Act of 1946, referred to in subsec. (d)(9)(B), is act Aug. 14, 1946, ch. 964, 60 Stat. 1062. Such act was substantially repealed by act June 25, 1948, ch. 645, §21, 62 Stat. 862, and act Aug. 8, 1961, Pub. L. 87-128, title III, §341(a), 75 Stat. 318. For complete classification of this Act to the Code, see Tables.

Act of August 31, 1947, Public Law 298, Eightieth Congress, referred to in subsec. (d)(9)(C), probably means act July 31, 1947, Public Law 298, ch. 413, 61 Stat. 694, which was classified to a note under section 1017 of Title 7, Agriculture, and was repealed by act Apr. 20, 1950, ch. 94, title II, §205(a), 64 Stat. 73.

Section 6407(b) of title 12, referred to in subsec. (d)(10), was repealed by Pub. L. 92-181, title V, §5.26(a), Dec. 10, 1971, 85 Stat. 624.

The National Housing Act, referred to in subsec. (d)(11), is act June 27, 1934, ch. 847, 48 Stat. 1246, as amended, which is classified principally to chapter 13 (§1701 et seq.) of Title 12, Banks and Banking. For complete classification of this Act to the Code, see section 1701 of Title 12 and Tables.

The Federal Deposit Insurance Act, referred to in subsec. (d)(11), is act Sept. 21, 1950, ch. 967, §2, 64 Stat. 873, as amended, which is classified generally to chapter 16 (§1811 et seq.) of Title 12. For complete classification of this Act to the Code, see Short Title note set out under section 1811 of Title 12 and Tables.

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

CODIFICATION

Section is comprised of section 602 of act June 30, 1949. Subsec. (a) of section 602 of act June 30, 1949, repealed various laws. Subsec. (b) of section 602 of such act is set out as a note under section 901 of Title 5, Government Organization and Employees. Subsec. (f) of section 602 of such act amended section 5 of Title 41, Public Contracts.

In subsec. (c), "chapter 91 of title 31" substituted for "the Government Corporation Control Act (59 Stat. 597; 31 U.S.C. 841)" on authority of Pub. L. 97-258, §4(b), Sept. 13, 1982, 96 Stat. 1067, the first section of which enacted Title 31, Money and Finance.

In subsec. (d)(3), "chapter 137 of title 10" and "said chapter" substituted for "Armed Services Procurement Act of 1947" and "said Act", respectively, on authority of act Aug. 10, 1956, ch. 1041, §49(b), 70A Stat. 640, the first section of which enacted Title 10, Armed Forces. Prior to the enactment of Title 10, the Armed Services Procurement Act of 1947 (act Feb. 19, 1948, ch. 65, 62 Stat. 21, as amended) was classified principally to chapter 3 (§151 et seq.) of Title 41, Public Contracts.

In subsec. (d)(4), "Department of Defense" substituted for "National Military Establishment" on authority of act Aug. 10, 1949, ch. 412, §12(a), (g), 63 Stat. 591.

In subsec. (d)(14), "section 47301 of title 49" substituted for "the International Aviation Facilities Act (62 Stat. 450) [49 App. U.S.C. 1151 et seq.]" on authority of Pub. L. 103-272, §6(b), July 5, 1994, 108 Stat. 1378, the first section of which enacted subtitles II, III, and V to X of Title 49, Transportation.

In subsec. (d)(18), "title 44 or any other Act" substituted for "the Act entitled 'An Act providing for the public printing and binding and the distribution of public documents' approved January 12, 1895 (28 Stat. 601), as amended or any other Act" on authority of Pub. L.

90-620, §2(b), Oct. 22, 1968, 82 Stat. 1305, the first section of which revised and enacted Title 44, Public Printing and Documents.

Section was formerly classified to section 204 of Title 41, Public Contracts.

AMENDMENTS

1989—Subsec. (d)(11). Pub. L. 101-73 inserted "or the Resolution Trust Corporation" after "Department of Housing and Urban Development", substituted "savings association accounts" for "savings and loan accounts", and inserted "under the Federal Deposit Insurance Act or any other law." after "National Housing Act".

1983—Subsec. (c). Pub. L. 98-191 inserted "except as otherwise provided by the Office of Procurement Policy Act, and" after "any law inconsistent herewith,".

1981—Subsec. (d)(16). Pub. L. 97-31 substituted references to the Maritime Administration for references to the United States Maritime Commission wherever appearing.

1979—Subsec. (c). Pub. L. 96-83 struck out "except as provided by the Office of Federal Procurement Policy Act, and" after "law inconsistent herewith,".

Subsec. (d)(21). Pub. L. 96-60 added par. (21).

1974—Subsec. (c). Pub. L. 93-400 substituted "inconsistent herewith, except as provided by the Office of Federal Procurement Policy Act, and except" for "inconsistent herewith, except".

1970—Subsec. (d)(15). Pub. L. 91-375 substituted "the United States Postal Service" for "the Postmaster General or the Postal Establishment with respect to the means and methods of distribution and transportation of the mails, and contracts, negotiations, and proceedings before Federal and State regulatory and rate-making bodies, relating to the transportation of the mails, and the leasing and acquisition of real property, as authorized by law".

1967—Subsec. (d)(11). Pub. L. 90-19 substituted "the Department of Housing and Urban Development or any officer thereof" for "the Housing and Home Finance Agency, or any officer or constituent agency therein,".

1965—Subsec. (d)(15), (20). Pub. L. 89-343 inserted "and the leasing and acquisition of real property, as authorized by law" in par. (15), and added par. (20).

1962—Subsec. (d)(6). Pub. L. 87-456 struck out provisions which permitted imported materials which the authorized procuring agency certifies to the Commissioner of Customs to be strategic and critical materials procured under the Strategic and Critical Materials Stock Piling Act to be entered, or withdrawn from warehouse, free of duty.

1958—Subsec. (d)(14). Pub. L. 85-726 substituted "Administrator of the Federal Aviation Agency" for "Administrator of Civil Aeronautics".

1950—Act Sept. 5, 1950, §§7(e), (f), 8(c), inserted "and paramount" after "any authority" in subsec. (c), inserted "the" in subsec. (d)(17), inserted reference to "Joint Committee on Printing" in subsec. (d)(18), reenacted subsec. (d)(19), and added subsec. (e).

CHANGE OF NAME

"Director of the United States Information Agency" substituted for "Director of the International Communication Agency" in subsec. (d)(21) pursuant to section 303(b) of Pub. L. 97-241, title III, Aug. 24, 1982, 96 Stat. 291, set out as a note under section 1461 of Title 22, Foreign Relations and Intercourse.

EFFECTIVE DATE OF 1979 AMENDMENTS

Amendment by Pub. L. 96-83 effective Oct. 1, 1979, see section 12 of Pub. L. 96-83, set out as a note under section 401 of Title 41, Public Contracts.

Amendment by Pub. L. 96-60 effective Oct. 1, 1979, see section 209 of Pub. L. 96-60, set out as an Effective Date note under section 1469 of Title 22, Foreign Relations and Intercourse.

EFFECTIVE DATE OF 1970 AMENDMENT

Amendment by Pub. L. 91-375 effective within 1 year after Aug. 12, 1970, on date established therefor by

Board of Governors of United States Postal Service and published by it in Federal Register, see section 15(a) of Pub. L. 91-375, set out as an Effective Date note preceding section 101 of Title 39, Postal Service.

EFFECTIVE DATE OF 1962 AMENDMENT

Amendment by Pub. L. 87-456 effective with respect to articles entered, or withdrawn from warehouse, for consumption on or after Aug. 31, 1963, see section 501(a) of Pub. L. 87-456.

EFFECTIVE DATE OF 1958 AMENDMENT

Amendment by Pub. L. 85-726 effective on 60th day following date on which Administrator of Federal Aviation Agency first appointed under Pub. L. 85-726 qualifies and takes office, see section 1505(2) of Pub. L. 85-726. The Administrator was appointed, qualified, and took office on Oct. 31, 1958.

TRANSFER OF FUNCTIONS

Atomic Energy Commission abolished and functions transferred by sections 5814 and 5841 of Title 42, The Public Health and Welfare. See, also, Transfer of Functions notes set out under those sections.

In subsec. (d)(14), "Federal Aviation Administration" substituted for "Federal Aviation Agency" pursuant to Pub. L. 89-670, which transferred all functions, powers, and duties of Federal Aviation Agency and of Administrator and other offices and officers thereof to Secretary of Transportation and established a Federal Aviation Administration in Department of Transportation. See section 106 of Title 49, Transportation.

Office of Chief of Weather Bureau abolished, and Weather Bureau consolidated with Coast and Geodetic Survey to form a new agency in Department of Commerce to be known as Environmental Science Services Administration by Reorg. Plan No. 2 of 1965, eff. July 13, 1965, 30 F.R. 8819, 79 Stat. 1318, set out in the Appendix to Title 5, Government Organization and Employees. Functions of Chief of Bureau and of Bureau transferred to Secretary of Commerce by the Plan.

Environmental Science Services Administration abolished by Reorg. Plan No. 4 of 1970, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090, set out in the Appendix to Title 5, Government Organization and Employees, which created National Oceanic and Atmospheric Administration in Department of Commerce. By Department Organization Order 25-5A, republished 39 F.R. 27486, Secretary of Commerce delegated to NOAA his functions relating to Weather Bureau. By order of Acting Associate Administrator of NOAA, organization name of Weather Bureau changed to National Weather Service. For further details, see the Codification note under section 311 of Title 15, Commerce and Trade.

Munitions Board, together with Office of Chairman, abolished and Board's functions transferred to Secretary of Defense by Reorg. Plan No. 6 of 1953, eff. June 30, 1953, 18 F.R. 3743, set out in the Appendix to Title 5, Government Organization and Employees.

ARCHITECT OF THE CAPITOL

The Legislative Branch Appropriation Acts, acts June 13, 1945, ch. 189, §1, 59 Stat. 252; July 1, 1946, ch. 530, §101, 60 Stat. 401; July 17, 1947, ch. 262, §101, 61 Stat. 370; June 14, 1948, ch. 467, §101, 62 Stat. 431; June 22, 1949, ch. 235, §101, 63 Stat. 225, provided in part that appropriations under the control of the Architect could be expended without reference to section 7 of Title 41, Public Contracts. Similar provisions appeared in prior Legislative Branch Appropriation Acts.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 752 of this title; title 10 section 7306; title 41 section 252.

§ 475. Authorization of appropriations; fund transfer authority

(a) There are authorized to be appropriated such sums as may be necessary to carry out the

provisions of this Act, including payment in advance, when authorized by the Administrator, for library memberships in societies whose publications are available to members only, or to members at a price lower than that charged to the general public.

(b) When authorized by the Director of the Office of Management and Budget, any Federal agency may use, for the disposition of property under this Act, and for its care and handling pending such disposition, any funds heretofore or hereafter appropriated, allocated, or available to it for purposes similar to those provided for in sections 481, 483, 484, and 486 of this title.

(June 30, 1949, ch. 288, title VI, §603, formerly title V, §503, 63 Stat. 403; renumbered and amended Sept. 5, 1950, ch. 849, §§6(a), (b), 7(g), 64 Stat. 583, 590; 1970 Reorg. Plan No. 2, §102, eff. July 1, 1970, 35 F.R. 7959, 84 Stat. 2085.)

REFERENCES IN TEXT

This Act, referred to in text, is act June 30, 1949, ch. 288, 63 Stat. 377, as amended, known as the Federal Property and Administrative Services Act of 1949. For complete classification of this Act to the Code, see Short Title note set out under section 471 of this title and Tables.

CODIFICATION

Section was formerly classified to section 205 of Title 41, Public Contracts.

AMENDMENTS

1950—Subsec. (a). Act Sept. 5, 1950, §7(g), inserted "including payment in advance, when authorized by the Administrator, for library memberships in societies whose publications are available to members only, or to members at a price lower than that charged to the general public".

TRANSFER OF FUNCTIONS

Functions vested by law (including reorganization plan) in Bureau of the Budget or Director of Bureau of the Budget transferred to President of the United States by section 101 of Reorg. Plan No. 2 of 1970, eff. July 1, 1970, 35 F.R. 7959, 84 Stat. 2085, set out in the Appendix to Title 5, Government Organization and Employees. Section 102 of Reorg. Plan No. 2 of 1970, redesignated Bureau of the Budget as Office of Management and Budget.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 752 of this title.

§ 476. Sex discrimination prohibited

No individual shall on the ground of sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity carried on or receiving Federal assistance under this Act. This provision shall be enforced through agency provisions and rules similar to those already established with respect to racial and other discrimination under title VI of the Civil Rights Act of 1964 [42 U.S.C. 2000d et seq.]. However, this remedy is not exclusive and will not prejudice or remove any other legal remedies available to any individual alleging discrimination.

(June 30, 1949, ch. 288, title VI, §606, as added Oct. 17, 1976, Pub. L. 94-519, §8, 90 Stat. 2456.)

REFERENCES IN TEXT

This Act, referred to in text, is act June 30, 1949, ch. 288, 63 Stat. 377, as amended, known as the Federal

Property and Administrative Services Act of 1949. For complete classification of this Act to the Code, see Short Title note set out under section 471 of this title and Tables.

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

EFFECTIVE DATE

Section effective Oct. 17, 1977, see section 9 of Pub. L. 94-519, set out as an Effective Date of 1976 Amendment note under section 484 of this title.

SUBCHAPTER II—PROPERTY MANAGEMENT

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in sections 513, 752, 758, 1502 of this title; title 10 sections 2535, 9781; title 29 sections 1511, 1551; title 42 section 12651g; title 49 section 40110.

§ 481. Procurement, warehousing, and related activities

(a) Policies and methods of procurement and supply; operation of warehouses

The Administrator shall, in respect of executive agencies, and to the extent that he determines that so doing is advantageous to the Government in terms of economy, efficiency, or service, and with due regard to the program activities of the agencies concerned—

(1) subject to regulations¹ prescribed by the Administrator for Federal Procurement Policy pursuant to the Office of Federal Procurement Policy Act [41 U.S.C. 401 et seq.], prescribe policies and methods of procurement and supply of personal property and nonpersonal services, including related functions such as contracting, inspection, storage, issue, property identification and classification, transportation and traffic management, management of public utility services, and repairing and converting; and

(2) operate, and, after consultation with the executive agencies affected, consolidate, take over, or arrange for the operation by any executive agency of warehouses, supply centers, repair shops, fuel yards, and other similar facilities; and

(3) procure and supply personal property and nonpersonal services for the use of executive agencies in the proper discharge of their responsibilities, and perform functions related to procurement and supply such as those mentioned above in subparagraph (1) of this subsection: *Provided*, That contracts for public utility services may be made for periods not exceeding ten years; and

(4) with respect to transportation and other public utility services for the use of executive agencies, represent such agencies in negotiations with carriers and other public utilities and in proceedings involving carriers or other public utilities before Federal and State regulatory bodies;

Provided, That the Secretary of Defense may from time to time, and unless the President

shall otherwise direct, exempt the Department of Defense from action taken or which may be taken by the Administrator under clauses (1) to (4) of this subsection whenever he determines such exemption to be in the best interests of national security.

(b) Extension of services to Federal agencies and mixed ownership corporations and the District of Columbia; cooperative purchasing

(1) The Administrator shall, as far as practicable, provide any of the services specified in subsection (a) of this section to any other Federal agency, mixed-ownership Government corporation (as defined in section 9101 of title 31), or the District of Columbia, upon its request.

(2)(A) The Administrator may provide for the use of Federal supply schedules of the General Services Administration by any of the following entities upon request:

(i) A State, any department or agency of a State, and any political subdivision of a State, including a local government.

(ii) The Commonwealth of Puerto Rico.

(iii) The government of an Indian tribe (as defined in section 450b(e) of title 25).

(B) Subparagraph (A) may not be construed to authorize an entity referred to in that subparagraph to order existing stock or inventory from federally owned and operated, or federally owned and contractor operated, supply depots, warehouses, or similar facilities.

(C) In any case in which an entity listed in subparagraph (A) uses a Federal supply schedule, the Administrator may require the entity to reimburse the General Services Administration for any administrative costs of using the schedule.

(3)(A) Upon the request of a qualified nonprofit agency for the blind or other severely handicapped that is to provide a commodity or service to the Federal Government under the Javits-Wagner-O'Day Act (41 U.S.C. 46 et seq.), the Administrator may provide any of the services specified in subsection (a) of this section to such agency to the extent practicable.

(B) A nonprofit agency receiving services under the authority of subparagraph (A) shall use the services directly in making or providing an approved commodity or approved service to the Federal Government.

(C) In this paragraph:

(i) The term "qualified nonprofit agency for the blind or other severely handicapped" means—

(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)); and

(II) a qualified nonprofit agency for other severely handicapped, as defined in section 5(4) of such Act (41 U.S.C. 48b(4)).

(ii) The terms "approved commodity" and "approved service" mean a commodity and a service, respectively, that has been determined by the Committee for Purchase from the Blind and Other Severely Handicapped under section 2 of the Javits-Wagner-O'Day Act (41 U.S.C. 47) to be suitable for procurement by the Federal Government.

(c) Exchange or sale of similar items

In acquiring personal property, any executive agency, under regulations to be prescribed by

¹ See 1983 Amendment note below.

the Administrator, subject to regulations² prescribed by the Administrator for Federal Procurement Policy pursuant to the Office of Federal Procurement Policy Act [41 U.S.C. 401 et seq.], may exchange or sell similar items and may apply the exchange allowance or proceeds of sale in such cases in whole or in part payment for the property acquired: *Provided*, That any transaction carried out under the authority of this subsection shall be evidenced in writing. Sales of property pursuant to this subsection shall be governed by section 5 of title 41, 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 pursuant to section 484(e)(5) of this title.

(d) Utilization of services by executive agencies without reimbursement or transfer of funds

In conformity with policies prescribed by the Administrator under subsection (a) of this section, any executive agency may utilize the services, work, materials, and equipment of any other executive agency, with the consent of such other executive agency, for the inspection of personal property incident to the procurement thereof, and notwithstanding section 1301(a) of title 31 or any other provision of law such other executive agency may furnish such services, work, materials, and equipment for that purpose without reimbursement or transfer of funds.

(e) Exchange or transfer of excess property

Whenever the head of any executive agency determines that the remaining storage or shelf life of any medical materials or medical supplies held by such agency for national emergency purposes is of too short duration to justify their continued retention for such purposes and that their transfer or disposal would be in the interest of the United States, such materials or supplies shall be considered for the purposes of section 483 of this title to be excess property. In accordance with the regulations of the Administrator, such excess materials or supplies may thereupon be transferred to or exchanged with any other Federal agency for other medical materials or supplies. Any proceeds derived from such transfers may be credited to the current applicable appropriation or fund of the transferor agency and shall be available only for the purchase of medical materials or supplies to be held for national emergency purposes. If such materials or supplies are not transferred to or exchanged with any other Federal agency, they shall be disposed of as surplus property. To the greatest extent practicable, the head of the executive agency holding such medical materials or supplies shall make the determination provided for in the first sentence of this subsection at such times as to insure that such medical materials or medical supplies can be transferred or otherwise disposed of in sufficient time to permit their use before their shelf life expires and they are rendered unfit for human use.

(June 30, 1949, ch. 288, title II, § 201, 63 Stat. 383; Aug. 10, 1949, ch. 412, § 12(a), (g), 63 Stat. 591; Sept. 5, 1950, ch. 849, § 8(b), 64 Stat. 591; Aug. 27, 1958, Pub. L. 85-781, 72 Stat. 936; Sept. 26, 1970,

Pub. L. 91-426, § 1, 84 Stat. 883; Aug. 30, 1974, Pub. L. 93-400, § 15(1), (2), 88 Stat. 800; Oct. 10, 1979, Pub. L. 96-83, § 10(a), 93 Stat. 652; Dec. 1, 1983, Pub. L. 98-191, §§ 8(d)(1), 9(a)(2), 97 Stat. 1331; Nov. 5, 1988, Pub. L. 100-612, § 2, 102 Stat. 3180; Oct. 13, 1994, Pub. L. 103-355, title I, § 1555, 108 Stat. 3300.)

REFERENCES IN TEXT

The Office of Federal Procurement Policy Act, referred to in subsecs. (a)(1) and (c), is Pub. L. 93-400, Aug. 30, 1974, 88 Stat. 796, as amended, which is classified principally to chapter 7 (§ 401 et seq.) of Title 41, Public Contracts. For complete classification of this Act to the Code, see Short Title note set out under section 401 of Title 41 and Tables.

The Javits-Wagner-O'Day Act, referred to in subsec. (b)(3)(A), is act June 25, 1938, ch. 697, 52 Stat. 1196, as amended, which is classified to sections 46 to 48c of Title 41. For complete classification of this Act to the Code, see Tables.

CODIFICATION

In subsec. (a), "Department of Defense" substituted for "National Military Establishment" on authority of act Aug. 10, 1949, ch. 412, § 12(a), (g), 63 Stat. 591.

In subsec. (d), "section 1301(a) of title 31" substituted for "section 3678 of the Revised Statutes (31 U.S.C. 628)" on authority of Pub. L. 97-258, § 4(b), Sept. 13, 1982, 96 Stat. 1067, the first section of which enacted Title 31, Money and Finance.

Section was formerly classified to section 231 of Title 41, Public Contracts.

AMENDMENTS

1994—Subsec. (b). Pub. L. 103-355 amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows: "The Administrator shall as far as practicable provide any of the services specified in subsection (a) of this section to any other Federal agency, mixed ownership corporation (as defined in the Government Corporation Control Act), or the District of Columbia, upon its request."

1988—Subsec. (c). Pub. L. 100-612 inserted provisions that sales of property under this subsection be governed by section 5 of title 41, with an exception for fixed price sales.

1983—Subsecs. (a)(1), (c). Pub. L. 98-191 inserted "and regulations" after "subject to policy directives" and then substituted "subject to regulations" for "subject to policy directives". A literal execution of both amendments would have resulted in phrase reading "subject to regulations and regulations".

1979—Subsecs. (a)(1), (c). Pub. L. 96-83 substituted "policy directives" for "regulations".

1974—Subsec. (a)(1). Pub. L. 93-400, § 15(1), made authority of Administrator to prescribe policies and methods subject to regulations prescribed by Administrator for Federal Procurement Policy pursuant to Office of Federal Procurement Policy Act.

Subsec. (c). Pub. L. 93-400, § 15(2), substituted "the Administrator, subject to regulations prescribed by the Administrator for Federal Procurement Policy pursuant to the Office of Federal Procurement Policy Act, may exchange" for "the Administrator, may exchange".

1970—Subsec. (e). Pub. L. 91-426 added subsec. (e).

1958—Subsec. (d). Pub. L. 85-781 added subsec. (d).

1950—Subsec. (b). Act Sept. 5, 1950, struck out "or the Senate, or the House of Representatives," after "District of Columbia,".

EFFECTIVE DATE OF 1994 AMENDMENT

For effective date and applicability of amendment by Pub. L. 103-355, see section 10001 of Pub. L. 103-355, set out as a note under section 251 of Title 41, Public Contracts.

² See 1983 Amendment note below.

EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96-83 effective Oct. 1, 1979, see section 12 of Pub. L. 96-83, set out as a note under section 401 of Title 41, Public Contracts.

COOPERATIVE PURCHASING

Pub. L. 104-106, div. D, title XLIII, § 4309, Feb. 10, 1996, 110 Stat. 670, provided that:

“(a) DELAY IN OPENING CERTAIN FEDERAL SUPPLY SCHEDULES TO USE BY STATE, LOCAL, AND INDIAN TRIBAL GOVERNMENTS.—The Administrator of General Services may not use the authority of section 201(b)(2) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481(b)(2)) to provide for the use of Federal supply schedules of the General Services Administration until after the later of—

“(1) the date on which the 18-month period beginning on the date of the enactment of this Act [Feb. 10, 1996] expires; or

“(2) the date on which all of the following conditions are met:

“(A) The Administrator has considered the report of the Comptroller General required by subsection (b).

“(B) The Administrator has submitted comments on such report to Congress as required by subsection (c).

“(C) A period of 30 days after the date of submission of such comments to Congress has expired.

“(b) REPORT.—Not later than one year after the date of the enactment of this Act [Feb. 10, 1996], the Comptroller General shall submit to the Administrator of General Services and to Congress a report on the implementation of section 201(b) of the Federal Property and Administrative Services Act of 1949 [40 U.S.C. 481(b)]. The report shall include the following:

“(1) An assessment of the effect on industry, including small businesses and local dealers, of providing for the use of Federal supply schedules by the entities described in section 201(b)(2)(A) of the Federal Property and Administrative Services Act of 1949.

“(2) An assessment of the effect on such entities of providing for the use of Federal supply schedules by them.

“(c) COMMENTS ON REPORT BY ADMINISTRATOR.—Not later than 30 days after receiving the report of the Comptroller General required by subsection (b), the Administrator of General Services shall submit to Congress comments on the report, including the Administrator’s comments on whether the Administrator plans to provide any Federal supply schedule for the use of any entity described in section 201(b)(2)(A) of the Federal Property and Administrative Services Act of 1949.

“(d) CALCULATION OF 30-DAY PERIOD.—For purposes of subsection (a)(2)(C), the calculation of the 30-day period shall exclude Saturdays, Sundays, and holidays, and any day on which neither House of Congress is in session because of an adjournment sine die, a recess of more than 3 days, or an adjournment of more than 3 days.”

CROSS REFERENCES

Laws not applicable to contracts, see section 260 of Title 41, Public Contracts.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 474, 475, 755, 756, 757 of this title; title 10 section 2381; title 22 section 2674; title 25 section 450j; title 28 section 612; title 50 section 491.

§ 482. Clarification of status of Architect of Capitol under this chapter

The term “the Senate and the House of Representatives”, as used in the Federal Property and Administrative Services Act of 1949 [40 U.S.C. 471 et seq.], shall be construed to include

the Architect of the Capitol and any activities under his direction, and any of the services authorized by said Act shall (as far as practicable) be made available to the Architect of the Capitol, upon his request.

(Oct. 26, 1949, ch. 737, 63 Stat. 920.)

REFERENCES IN TEXT

The Federal Property and Administrative Services Act of 1949, referred to in text, is act June 30, 1949, ch. 288, 63 Stat. 377, as amended. For complete classification of this Act to the Code, see Short Title note set out under section 471 of this title and Tables.

CODIFICATION

Section was not enacted as a part of the Federal Property and Administrative Services Act of 1949, part of which comprises this chapter.

Section was formerly classified to section 231a of Title 41, Public Contracts.

§ 483. Property utilization

(a) Policies and methods; transfer of excess property among Federal agencies and other organizations; transfer of real property located in Indian reservations to the Secretary of the Interior

(1) Subject to the provisions of paragraph (2) of this subsection, in order to minimize expenditures for property, the Administrator shall prescribe policies and methods to promote the maximum utilization of excess property by executive agencies, and he shall provide for the transfer of excess property among Federal agencies and to the organizations specified in section 756(f) of this title. The Administrator, with the approval of the Director of the Office of Management and Budget, shall prescribe the extent of reimbursement for such transfers of excess property: *Provided*, That reimbursement shall be required of the fair value, as determined by the Administrator, of any excess property transferred whenever net proceeds are requested pursuant to section 485(c) of this title or whenever either the transferor or the transferee agency (or the organizational unit affected) is subject to chapter 91 of title 31 or is an organization specified in section 756(f) of this title; and that excess property determined by the Administrator to be suitable for distribution through the supply centers of the General Services Administration shall be retransferred as prices fixed by the Administrator with due regard to prices established in accordance with section 756(b) of this title.

(2) The Administrator shall prescribe such procedures as may be necessary in order to transfer without compensation to the Secretary of the Interior excess real property located within the reservation of any group, band, or tribe of Indians which is recognized as eligible for services by the Bureau of Indian Affairs. Such excess real property shall be held in trust by the Secretary for the benefit and use of the group, band, or tribe of Indians, within whose reservation such excess real property is located: *Provided*, That such transfers of real property within the State of Oklahoma shall be made to the Secretary of the Interior to be held in trust for Oklahoma Indian tribes recognized by the Secretary of the Interior when such real property (1) is located

within boundaries of former reservations in Oklahoma as defined by the Secretary of Interior and when such real property was held in trust by the United States for an Indian tribe at the time of acquisition by the United States, or (2) is contiguous to real property presently held in trust by the United States for an Oklahoma Indian tribe and was at any time held in trust by the United States for an Indian tribe.

(b) Duties of executive agencies

Each executive agency shall (1) maintain adequate inventory controls and accountability systems for the property under its control, (2) continuously survey property under its control to determine which is excess property, and promptly report such property to the Administrator, (3) perform the care and handling of such excess property, and (4) transfer or dispose of such property as promptly as possible in accordance with authority delegated and regulations prescribed by the Administrator.

(c) Additional duties of executive agencies

Each executive agency shall, as far as practicable, (1) make reassignments of property among activities within the agency when such property is determined to be no longer required for the purposes of the appropriation from which it was purchased, (2) transfer excess property under its control to other Federal agencies and to organizations specified in section 756(f) of this title, and (3) obtain excess property from other Federal agencies.

(d) Acquisition of excess personal property by Federal agencies for grantees prohibited; exceptions

Notwithstanding any other provisions of law, Federal agencies are prohibited from obtaining excess personal property for purposes of furnishing such property to grantees of such agencies, except as follows:

(1) Under such regulations as the Administrator may prescribe, any Federal agency may obtain excess personal property for purposes of furnishing it to any institution or organization which is a public agency or is nonprofit and exempt from taxation under section 501 of title 26, and which is conducting a federally sponsored project pursuant to a grant made for a specific purpose with a specific termination made: *Provided, That*—

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

(B) the sponsoring Federal agency pays an amount equal to 25 per centum of the original acquisition cost (except for costs of care and handling) of the excess property furnished, such funds to be covered into the Treasury as miscellaneous receipts.

Title to excess property obtained under this paragraph shall vest in the grantees and shall be accounted for and disposed of in accordance with procedures governing the accountability of personal property acquired under grant agreements.

(2) Under such regulations and restrictions as the Administrator may prescribe, the provisions of this subsection shall not apply to the following:

(A) property furnished under section 2358 of title 22, where and to the extent that the

Administrator of General Services determines that the property to be furnished under such Act [22 U.S.C. 2151 et seq.] is not needed for donation pursuant to section 484(j) of this title;

(B) scientific equipment furnished under section 1870(e) of title 42;

(C) property furnished under section 580a of title 16, in connection with the Cooperative Forest Fire Control Program, where title is retained in the United States;

(D) property furnished in connection with grants to Indian tribes as defined in section 1452(c) of title 25; or

(E) property furnished by the Secretary of Agriculture to any State or county extension service engaged in cooperative agricultural extension work pursuant to the Act of May 8, 1914 (7 U.S.C. 341 et seq.); any State experiment station engaged in cooperative agricultural research work pursuant to the Act of March 2, 1887 (7 U.S.C. 361a et seq.); and any institution engaged in cooperative agricultural research or extension work pursuant to sections 1433, 1434, 1444, or 1445 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3195, 3196, 3221, and 3222) or the Act of October 10, 1962 (16 U.S.C. 582a et seq.), where title is retained in the United States. For the purpose of this provision, the term "State" means any one of the fifty States, the Commonwealth of Puerto Rico, Guam, American Samoa, the Commonwealth of the Northern Marianas, the Trust Territory of the Pacific Islands, the Virgin Islands of the United States, and the District of Columbia.

This paragraph shall not preclude any Federal agency obtaining property and furnishing it to a grantee of that agency under paragraph (1) of this subsection.

(e) Annual report by executive agencies to Administrator on excess personal property furnished to recipient other than a Federal agency; acquisition, identification, and disposition; report by Administrator to Congress

Each executive agency shall submit during the calendar quarter following the close of each fiscal year a report to the Administrator showing, with respect to personal property—

(1) obtained as excess property or as personal property determined to be no longer required for the purposes of the appropriation from which it was purchased, and

(2) furnished in any manner whatsoever within the United States to any recipient other than a Federal agency,

the acquisition cost, categories of equipment, recipient of all such property, and such other information as the Administrator may require. 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.

(f) Repealed. July 12, 1952, ch. 703, § 1(h), 66 Stat. 593**(g) Temporary assignment of excess real property space**

Whenever the Administrator determines that the temporary assignment or reassignment of any space in excess of real property to any Federal agency for office, storage, or related facilities would be more advantageous than the permanent transfer of such property, he may make such assignment or reassignment for such period of time as he shall determine and obtain, in the absence of appropriation available to him therefor, appropriate reimbursement from the using agency for the expense of maintaining such space.

(h) Abandonment, destruction, or donation of property

The Administrator may authorize the abandonment, destruction, or donation to public bodies of property which has no commercial value or of which the estimated cost of continued care and handling would exceed the estimated proceeds from its sale.

(June 30, 1949, ch. 288, title II, § 202, 63 Stat. 384; July 12, 1952, ch. 703, § 1(f)–(h), 66 Stat. 593; 1970 Reorg. Plan No. 2, § 102, eff. July 1, 1970, 35 F.R. 7959, 84 Stat. 2085; Jan. 2, 1975, Pub. L. 93–599, 88 Stat. 1954; Oct. 17, 1976, Pub. L. 94–519, § 3, 90 Stat. 2454; Dec. 22, 1981, Pub. L. 97–98, title XIV, § 1443, 95 Stat. 1321.)

REFERENCES IN TEXT

Such Act, referred to in subsec. (d)(2)(A), is the Foreign Assistance Act of 1961, Pub. L. 87–195, Sept. 4, 1961, 75 Stat. 424, as amended, which is classified principally to chapter 32 (§ 2151 et seq.) of Title 22, Foreign Relations and Intercourse. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of Title 22 and Tables.

Act of May 8, 1914 (7 U.S.C. 341 et seq.), referred to in subsec. (d)(2)(E), is act May 18, 1914, ch. 79, 38 Stat. 372, as amended, popularly known as the Smith-Lever Act, 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.

Act of March 2, 1887 (7 U.S.C. 361a et seq.), referred to in subsec. (d)(2)(E), is act Mar. 2, 1887, ch. 314, 24 Stat. 440, as amended, popularly known as the Hatch Act of 1887, which is classified generally to sections 361a to 361i of Title 7. 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. (d)(2)(E), 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.

CODIFICATION

In subsec. (a)(1), “chapter 91 of title 31” substituted for “the Government Corporation Control Act (59 Stat. 597, 31 U.S.C. 841)” on authority of Pub. L. 97–258, § 4(b), Sept. 13, 1982, 96 Stat. 1067, the first section of which enacted Title 31, Money and Finance.

Section was formerly classified to section 232 of Title 41, Public Contracts.

AMENDMENTS

1981—Subsec. (d)(2)(E). Pub. L. 97–98 added subpar. (E).

1976—Subsecs. (d), (e). Pub. L. 94–519 added subsecs. (d) and (e). Former subsecs. (d) and (e) had been repealed by act July 12, 1952, ch. 703, § 1(h), 66 Stat. 593. See 1952 Amendment note below.

1975—Subsec. (a)(1). Pub. L. 93–599 redesignated existing subsec. (a) as par. (1) and substituted “Subject to the provisions of paragraph (2) of this subsection, in order to minimize” for “In order to minimize”.

Subsec. (a)(2). Pub. L. 93–599 added par. (2).

1952—Subsec. (a). Act July 12, 1952, § 1(f), permitted better utilization of excess property by other Federal agencies which have need for such property, and provided more flexible methods of transfer.

Subsec. (c)(2). Act July 12, 1952, § 1(g), inserted “and to organizations specified in section 756(f) of this title”.

Subsecs. (d) to (f). Act July 12, 1952, § 1(h), repealed subsecs. (d) to (f).

EFFECTIVE DATE OF 1981 AMENDMENT

Amendment by Pub. L. 97–98 effective Dec. 22, 1981, see section 1801 of Pub. L. 97–98, set out as an Effective Date note under section 4301 of Title 7, Agriculture.

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by Pub. L. 94–519 effective Oct. 17, 1977, see section 9 of Pub. L. 94–519, set out as a note under section 484 of this title.

TRANSFER OF FUNCTIONS

Functions vested by law (including reorganization plan) in Bureau of the Budget or Director of Bureau of the Budget transferred to President of the United States by section 101 of Reorg. Plan No. 2 of 1970, eff. July 1, 1970, 35 F.R. 7959, 84 Stat. 2085, set out in the Appendix to Title 5, Government Organization and Employees. Section 102 of Reorg. Plan No. 2 of 1970, redesignated Bureau of the Budget as Office of Management and Budget.

TERMINATION OF TRUST TERRITORY OF THE PACIFIC ISLANDS

For termination of Trust Territory of the Pacific Islands, see note set out preceding section 1681 of Title 48, Territories and Insular Possessions.

LEASE AND ASSIGNMENT OF BUILDING SPACE; MANAGEMENT; EXCEPTIONS

All functions with respect to acquiring space in buildings by lease, all functions with respect to assigning and reassigning space in buildings for use by agencies (including both space acquired by lease and space in Government-owned buildings), and all functions with respect to the operation, maintenance, and custody of office buildings owned by the Government and of office buildings or parts thereof acquired by lease, including those post-office buildings which, as determined by the Director of the Bureau of the Budget, are not used predominantly for post-office purposes, were, with certain exceptions, transferred from the respective agencies in which theretofore vested to the Administrator of General Services by sections 1 and 2 of Reorg. Plan No. 18 of 1950, eff. July 1, 1950, 15 F.R. 3177, 64 Stat. 1270, set out under section 490 of this title. For delegation of those transferred functions to other personnel of the General Services Administration, or to the heads and personnel of other agencies, and for transfer of personnel, property, records, and funds, see sections 3 and 4 of that Plan.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 475, 481, 483c, 483d, 512 of this title; title 25 section 1812; title 36 section 493; title 38 section 8162; title 42 section 11411.

§ 483a. Repealed. Pub. L. 100–370, § 1(k)(3), July 19, 1988, 102 Stat. 849

Section, Pub. L. 99–190, § 101(b) [title VIII, § 8012], Dec. 19, 1985, 99 Stat. 1185, 1204, related to transfer of vessels

between Departments of Transportation, Army, Air Force, or Navy, and was reenacted in section 2578 of Title 10, Armed Forces, by section 1(k)(1) of Pub. L. 100-370. Similar provisions were contained in the following prior appropriation acts:

Oct. 12, 1984, Pub. L. 98-473, title I, §101(h) [title VIII, §8013], 98 Stat. 1904, 1925.

Dec. 8, 1983, Pub. L. 98-212, title VII, §716, 97 Stat. 1441.

Dec. 21, 1982, Pub. L. 97-377, title VII, §717, 96 Stat. 1583.

Dec. 29, 1981, Pub. L. 97-114, title VII, §717, 95 Stat. 1581.

Dec. 15, 1980, Pub. L. 96-527, title VII, §718, 94 Stat. 3084.

Dec. 21, 1979, Pub. L. 96-154, title VII, §718, 93 Stat. 1155.

Oct. 13, 1978, Pub. L. 95-457, title VIII, §818, 92 Stat. 1247.

Sept. 21, 1977, Pub. L. 95-111, title VIII, §817, 91 Stat. 902.

Sept. 22, 1976, Pub. L. 94-419, title VII, §717, 90 Stat. 1294.

Feb. 9, 1976, Pub. L. 94-212, title VII, §717, 90 Stat. 171.

Oct. 8, 1974, Pub. L. 93-437, title VIII, §817, 88 Stat. 1228.

Jan. 2, 1974, Pub. L. 93-238, title VII, §717, 87 Stat. 1041.

Oct. 26, 1972, Pub. L. 92-570, title VII, §717, 86 Stat. 1199.

Dec. 18, 1971, Pub. L. 92-204, title VII, §717, 85 Stat. 730.

Jan. 11, 1971, Pub. L. 91-668, title VIII, §817, 84 Stat. 2033.

Dec. 29, 1969, Pub. L. 91-171, title VI, §617, 83 Stat. 483.

Oct. 17, 1968, Pub. L. 90-580, title V, §516, 82 Stat. 1132, as amended Aug. 6, 1981, Pub. L. 97-31, §12(14), 95 Stat. 154.

Sept. 29, 1967, Pub. L. 90-96, title VI, §616, 81 Stat. 245.

Oct. 15, 1966, Pub. L. 89-687, title VI, §616, 80 Stat. 994.

Sept. 29, 1965, Pub. L. 89-213, title VI, §616, 79 Stat. 876.

Aug. 19, 1964, Pub. L. 88-446, title V, §516, 78 Stat. 477.

Oct. 17, 1963, Pub. L. 88-149, title V, §516, 77 Stat. 267.

Aug. 9, 1962, Pub. L. 87-577, title V, §516, 76 Stat. 331.

Aug. 17, 1961, Pub. L. 87-144, title VI, §616, 75 Stat. 378.

July 7, 1960, Pub. L. 86-601, title V, §516, 74 Stat. 352.

Aug. 18, 1959, Pub. L. 86-166, title VI, §616, 73 Stat. 381.

Aug. 22, 1958, Pub. L. 85-724, title VI, §617, 72 Stat. 727.

Aug. 2, 1957, Pub. L. 85-117, title VI, §618, 71 Stat. 326.

July 2, 1956, ch. 488, title VI, §618, 70 Stat. 471.

July 13, 1955, ch. 358, title VI, §622, 69 Stat. 319.

June 30, 1954, ch. 432, title VII, §723, 68 Stat. 355.

Aug. 1, 1953, ch. 305, title VI, §630, 67 Stat. 355.

July 10, 1952, ch. 630, title VI, §633, 66 Stat. 537.

§ 483b. Utilization of excess furniture

Notwithstanding the provisions of any other law, no funds shall be available in this or any other Act for the purchase of furniture by any department or agency in any branch of the Government if such requirements can reasonably be met, as determined by the Administrator of General Services, by transfer of excess furniture including rehabilitated furniture from other departments and agencies pursuant to the Federal Property and Administrative Services Act of 1949, as amended [40 U.S.C. 471 et seq.].

(Aug. 7, 1953, ch. 340, Ch. XIII, title I, §1316, 67 Stat. 439.)

REFERENCES IN TEXT

This Act, referred to in text, is the Supplemental Appropriation Act, 1954, approved Aug. 7, 1953, ch. 340, 67 Stat. 418, which in general is not classified to the Code. For specific classifications to the Code, see Tables.

The Federal Property and Administrative Services Act of 1949, as amended, referred to in text, is act June

30, 1949, ch. 288, 63 Stat. 377, as amended. Provisions relating to transfer of excess furniture are contained in section 483 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 471 of this title and Tables.

CODIFICATION

Section enacted as part of the Supplemental Appropriation Act, 1954, and not as a part of the Federal Property and Administrative Services Act of 1949, part of which comprises this chapter.

§ 483c. Excess personal property held by grantee of Federal agency; certification of authorized use; title to grantee; re-transfer of property used for unauthorized purpose

Notwithstanding any other provision of law, and except as the Administrator of General Services may otherwise provide on recommendation of the head of an affected Federal agency, excess personal property acquired by a Federal agency pursuant to the authority of section 202 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 483) and furnished to and held by a grantee of such agency prior to October 17, 1977, under grants made pursuant to programs established by law shall be regarded as surplus property. The Administrator of General Services upon receipt of a certification by the head of an agency that the property is being used by the grantee for the purposes for which it was furnished shall transfer title to the property to the grantee. The grantor agency shall survey Federal property acquired from excess sources in the possession of its grantees and shall notify the Administrator of General Services, not later than two hundred and forty days from October 17, 1976, of those items of property which are being used by each grantee for the purpose for which it was furnished, and those items which are not being used by each grantee. If the property is not being so used, the Administrator shall transfer such property to an appropriate State agency, upon its request, for distribution in accordance with subsection 203(j) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(j)). Property not so transferred shall be otherwise disposed of pursuant to the provisions of that Act [40 U.S.C. 471 et seq.].

(Pub. L. 94-519, §5, Oct. 17, 1976, 90 Stat. 2456.)

REFERENCES IN TEXT

That Act, referred to in text, is act June 30, 1949, ch. 288, 63 Stat. 377, as amended, known as the Federal Property and Administrative Services Act of 1949. For complete classification of this Act to the Code, see Short Title note set out under section 471 of this title and Tables.

CODIFICATION

Section was not enacted as part of the Federal Property and Administrative Services Act of 1949, part of which comprises this chapter.

EFFECTIVE DATE

Section effective Oct. 17, 1977, see section 9 of Pub. L. 94-519 set out as an Effective Date of 1976 Amendment note under section 484 of this title.

§ 483d. Dredge vessel disposal

Notwithstanding any other provision of law, the Administrator of the General Services Ad-

ministration, pursuant to the provisions of sections 483 and 484(j) of this title, may dispose of any Corps of Engineers vessel used for dredging that is declared to be in excess of Federal needs by the Secretary, together with related equipment owned by the United States and under the control of the Chief of Engineers, through sale or lease to a foreign government as part of a Corps of Engineers technical assistance program, or to a Federal or State maritime academy for training purposes, or to a non-Federal public body for scientific, educational, or cultural purposes, or through sale solely for scrap to foreign or domestic interests. Any such vessel shall not be disposed of under this section or any other provision of law for use within the United States for the purpose of engaging in dredging activities. Amounts collected from the sale or lease of any such vessel or equipment shall be deposited into the revolving fund authorized by section 576 of title 33, to be available, as provided in appropriations Acts, for the operation and maintenance of vessels under the control of the Corps of Engineers.

(Pub. L. 99-662, title IX, § 945, Nov. 17, 1986, 100 Stat. 4200.)

CODIFICATION

Section was enacted as part of the Water Resources Development Act of 1986, and not as part of the Federal Property and Administrative Services Act of 1949, part of which comprises this chapter.

DEFINITIONS

Secretary means the Secretary of the Army, see section 2201 of Title 33, Navigation and Navigable Waters.

§ 484. Disposal of surplus property

(a) Supervision and direction

Except as otherwise provided in this section, the Administrator 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.

(b) Care and handling

The care and handling of surplus property, pending its disposition, and the disposal of surplus property, may be performed by the General Services Administration or, when so determined by the Administrator, by the executive agency in possession thereof or by any other executive agency consenting thereto.

(c) Method of disposition

Any executive agency designated or authorized by the Administrator 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, and upon such other terms and conditions as the Administrator deems proper, and it may execute such documents for the transfer of title or other interest in property and take such other action as it deems necessary or proper to dispose of such property under the provisions of this subchapter.

(d) Validity of deed, bill of sale, lease, etc.

A deed, bill of sale, lease, or other instrument executed by or on behalf of any executive agen-

cy purporting to transfer title or any other interest in surplus property under this subchapter shall be conclusive evidence of compliance with the provisions of this subchapter insofar as concerns title or other interest of any bona fide grantee or transferee for value and without notice of lack of such compliance.

(e) Bids for disposal; advertising; procedure; disposal by negotiation; explanatory statement

(1) All disposals or contracts for disposal of surplus property (other than by abandonment, destruction, donation, or through contract brokers) made or authorized by the Administrator shall be made after publicly advertising for bids, under regulations prescribed by the Administrator, except as provided in paragraphs (3) and (5) of this subsection.

(2) Whenever public advertising for bids is required under paragraph (1) of this subsection—

(A) the advertisement for bids shall be made at such time previous to the disposal or contract, through such methods, and on such terms and conditions as shall permit that full and free competition which is consistent with the value and nature of the property involved;

(B) all bids shall be publicly disclosed at the time and place stated in the advertisement;

(C) award shall be made with reasonable promptness by notice to the responsible bidder whose bid, conforming to the invitation for bids, will be most advantageous to the Government, price and other factors considered: *Provided*, That all bids may be rejected when it is in the public interest to do so.

(3) Disposals and contracts for disposal may be negotiated, under regulations prescribed by the Administrator, without regard to paragraphs (1) and (2) of this subsection but subject to obtaining such competition as is feasible under the circumstances, if—

(A) necessary in the public interest during the period of a national emergency declared by the President or the Congress, with respect to a particular lot or lots of personal property or, for a period not exceeding three months, with respect to a specifically described category or categories of personal property as determined by the Administrator;

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

(C) public exigency will not admit of the delay incident to advertising certain personal property;

(D) the personal property involved is of a nature and quantity which, if disposed of under paragraphs (1) and (2) of this subsection, would cause such an impact on an industry or industries as adversely to affect the national economy, and the estimated fair market value of such property and other satisfactory terms of disposal can be obtained by negotiation;

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

(F) bid prices after advertising therefor are not reasonable (either as to all or some part of the property) or have not been independently arrived at in open competition;

(G) with respect to real property only, the character or condition of the property or un-

usual 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;

(H) the disposal will be to States, Territories, possessions, political subdivisions thereof, or tax-supported agencies therein, and the estimated fair market value of the property and other satisfactory terms of disposal are obtained by negotiation; or

(I) otherwise authorized by this Act or other law.

(4) 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 such regulations as may be prescribed by the Administrator: *Provided*, That such regulations shall require that wide public notice of availability of the property for disposal be given by the brokers.

(5)(A) Negotiated sales of personal property at fixed prices may be made by the Administrator either directly or through the use of disposal contractors without regard to the limitations set forth in paragraphs (1) and (2) of this subsection: *Provided*, That such sales shall be publicized to the extent consistent with the value and nature of the property involved, that the prices established shall reflect the estimated fair market value thereof, and that such sales shall be limited to those categories of personal property as to which the Administrator determines that such method of disposal will best serve the interests of the Government.

(B) Under regulations and restrictions to be prescribed by the Administrator, property to be sold pursuant to this paragraph may be offered to organizations specified in paragraph (3)(H) of this subsection that have expressed an interest in the property to permit such an organization a prior opportunity to purchase at the prices fixed for such property.

(6)(A) Except as otherwise provided by subparagraph (C) of this paragraph, an explanatory statement shall be prepared of the circumstances of each disposal by negotiation of—

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

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

(iii) any real property disposed of by lease for a term of 5 years or less, if the estimated fair annual rent is in excess of \$100,000 for any of such years;

(iv) any 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 in excess of \$100,000; or

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

(B) Each such statement shall be transmitted to the appropriate committees of the Congress

in advance of such disposal, and a copy thereof shall be preserved in the files of the executive agency making such disposal.

(C) No such statement need be transmitted to any such committee with respect to any disposal of personal property made under paragraph (5) at a fixed price, or to property disposals authorized by any other provision of law to be made without advertising.

(D) The annual report of the Administrator under section 492 of this title shall contain or be accompanied by 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 paragraph.

(7) Section 5 of title 41 shall not apply to disposals or contracts for disposal made under this subsection.

(f) Contractor inventories

Subject to regulations of the Administrator, any executive agency may authorize any contractor with such agency or subcontractor thereunder to retain or dispose of any contractor inventory.

(g) Agricultural commodities, foods, and cotton or woolen goods

The Administrator, in formulating policies with respect to the disposal of surplus agricultural commodities, surplus foods processed from agricultural commodities and surplus cotton or woolen goods, shall consult with the Secretary of Agriculture. Such policies shall be so formulated as to prevent surplus agricultural commodities, or surplus food processed from agricultural commodities, from being dumped on the market in a disorderly manner and disrupting the market prices for agricultural commodities.

(h) Transfer to Department of Agriculture for price support or stabilization reasons; deposit of receipts; limitation on sale of surplus farm commodities

Whenever the Secretary of Agriculture determines such action to be required to assist him in carrying out his responsibilities with respect to price support or stabilization, the Administrator shall transfer without charge to the Department of Agriculture any surplus agricultural commodities, foods, or cotton or woolen goods to be disposed of. Receipts resulting from disposal by the Department of Agriculture under this subsection shall be deposited pursuant to any authority available to the Secretary of Agriculture, except that net proceeds of any sale of surplus property so transferred shall be credited pursuant to section 485(b) of this title, when applicable. Surplus farm commodities so transferred shall not be sold, other than for export, in quantities in excess of, or at prices less than, those applicable with respect to sales of such commodities by the Commodity Credit Corporation.

(i) Vessels; laws governing sales

The Maritime Administration shall dispose of surplus vessels of one thousand five hundred gross tons or more which the Administration de-

termines to be merchant vessels or capable of conversion to merchant use, and such vessels shall be disposed of only in accordance with the provisions of the Merchant Marine Act, 1936, as amended [46 App. U.S.C. 1101 et seq.], and other laws authorizing the sale of such vessels.

(j) Transfers for donation of property to State agencies; State plan of operation; “public agency” and “State” defined

(1) Under such regulations as he may prescribe, the Administrator is authorized in his discretion to transfer, without cost (except for costs of care and handling), any personal property under the control of any executive agency which has been determined to be surplus property to the State agency in each State designated under State law as the agency responsible for the fair and equitable distribution, through donation, of all property transferred in accordance with the provisions of paragraphs (2) and (3) of this subsection. In determining whether the property is to be transferred for donation under this subsection, no distinction shall be made between property capitalized in a working-capital fund established under section 2208 of title 10, or any similar fund, and any other property.

(2) In the case of surplus personal property under the control of the Department of Defense, the Secretary of Defense shall determine whether such property is usable and necessary for educational activities which are of special interest to the armed services, such as maritime academies, or military, naval, Air Force, or Coast Guard preparatory schools. If the Secretary determines that such property is usable and necessary for said purposes, the Secretary shall allocate it for transfer by the Administrator to the appropriate State agency for distribution, through donation, to such educational activities. If the Secretary determines that such property is not usable and necessary for such purposes, it may be disposed of in accordance with paragraph (3) of this subsection.

(3) Except for surplus personal property transferred pursuant to paragraph (2) of this subsection, the Administrator shall, pursuant to criteria which are based on need and utilization and established after such consultation with State agencies as is feasible, allocate such property among the States in¹ a fair and equitable basis (taking into account the condition of the property as well as the original acquisition cost thereof), and transfer to the State agency property selected by it for distribution through donation within the State—

(A) to any public agency for use in carrying out or promoting for the residents of a given political area one or more public purposes, such as conservation, economic development, education, parks and recreation, public health, and public safety; or

(B) to nonprofit educational or public health institutions or organizations, such as medical institutions, hospitals, clinics, health centers, drug abuse treatment centers, providers of assistance to homeless individuals² schools, col-

leges, universities, schools for the mentally retarded, schools for the physically handicapped, child care centers, radio and television stations licensed by the Federal Communications Commission as educational radio or educational television stations, museums attended by the public, and libraries serving free all residents of a community, district, State, or region, which are exempt from taxation under section 501 of title 26, for purposes of education or public health (including research for any such purpose).

The Administrator, in allocating and transferring property under this paragraph, shall give fair consideration, consistently with the established criteria, to expressions of need and interest on the part of public agencies and other eligible institutions within that State, and shall give special consideration to requests by eligible recipients, transmitted through the State agency, for specific items of property.

(4)(A) Before property may be transferred to any State agency, such State shall develop, according to State law, a detailed plan of operation, developed in conformity with the provisions of this subsection, which shall include adequate assurance that the State agency has the necessary organizational and operational authority and capability, including staff, facilities, means and methods of financing, and procedures with respect to: accountability, internal and external audits, cooperative agreements, compliance and utilization reviews, equitable distribution and property disposal, determination of eligibility, and assistance through consultation with advisory bodies and public and private groups. The chief executive officer shall certify and submit the plan to the Administrator. 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. No such plan, and no major amendment thereof, shall be filed with the Administrator until sixty days after general notice of the proposed plan or amendment has been published and interested persons have been given at least thirty days during which to submit comments. In developing and implementing the State plan, the relative needs and resources of all public agencies and other eligible institutions within the State shall be taken into consideration. The Administrator may consult with interested Federal agencies for purposes of obtaining their views concerning the administration and operation of this subsection.

(B) The State plan shall provide for the fair and equitable distribution of property within such State based on the relative needs and resources of interested public agencies and other eligible institutions within the State and their abilities to utilize the property.

(C)(i) The State plan of operation shall require the State agency to utilize a management control system and accounting system for donable property transferred under this section of the same types as are required by State law for State-owned property, except that the State agency, with the approval of the chief executive

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

² So in original. Probably should be followed by a comma.

officer of the State, may elect, in lieu of such systems, to utilize such other management control and accounting systems as are effective to govern the utilization, inventory control, accountability, and disposal of property under this subsection.

(ii) The State plan of operation shall require the State agency to provide for the return of donable property for further distribution if such 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 such purposes within one year of being placed in use.

(iii) The State plan shall require the State agency, insofar as practicable, to select property requested by a public agency or other eligible institution within the State and, if so requested by the recipient, to arrange shipment of that property, when acquired, directly to the recipient.

(D) Where 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 such charges shall be set out in the State plan of operation. Such charges shall be fair and equitable and shall be based on services performed by the State agency, including, but not limited to, screening, packing, crating, removal, and transportation.

(E) The State plan of operation shall provide that the State agency may impose reasonable terms, conditions, reservations, and restrictions on the use of property to be donated under paragraph (3) of this subsection and shall impose such terms, conditions, reservations, and restrictions in the case of any passenger motor vehicle and any item of other property having a unit acquisition cost of \$5,000 or more. If the Administrator finds that an item or items have characteristics that require special handling or use limitations, he may impose appropriate conditions on the donation of such property.

(F) The State plan of operation shall provide that surplus property which the State agency determines cannot be utilized by eligible recipients shall be disposed of—

(i) subject to the disapproval of the Administrator within thirty days after notice to him, through transfer by the State agency to another State agency or through abandonment or destruction where the property has no commercial value or the estimated cost of its continued care and handling would exceed the estimated proceeds from its sale; or

(ii) otherwise pursuant to the provisions of this Act under such terms and conditions and in such manner as may be prescribed by the Administrator.

Notwithstanding sections 485 and 512(c) of this title, the Administrator, from the proceeds of sale of any such property, may reimburse the State agency for such expenses relating to the care and handling of such property as he shall deem appropriate.

(5) As used in this subsection, (A) the term “public agency” means any State, political subdivision thereof (including any unit of local government or economic development district), or any department, agency, instrumentality there-

of (including instrumentalities created by compact or other agreement between States or political subdivisions), or any Indian tribe, band, group, pueblo, or community located on a State reservation and (B) the term “State” means the several States, the District of Columbia, the Commonwealth of Puerto Rico, Virgin Islands, Guam, and American Samoa.

(k) Disposals by Secretary of Education, Secretary of Health and Human Services, Secretary of the Interior, and Secretary of Defense

(1) Under such regulations as he may prescribe, the Administrator is authorized, in his discretion, to assign to the Secretary of Education or the Secretary of Health and Human Services for disposal such surplus real property, including buildings, fixtures, and equipment situated thereon, as is recommended by the Secretary of Education or the Secretary of Health and Human Services as being needed for school, classroom, or other educational use, or for use in the protection of public health, including research.

(A) Subject to the disapproval of the Administrator within thirty days after notice to him by the Secretary of Education of a proposed transfer of property for school, classroom, or other educational use, the Secretary of Education through such officers or employees of the Department of Education as he may designate, may sell or lease such real property, including buildings, fixtures, and equipment situated thereon, for educational purposes to the States and their political subdivisions and instrumentalities, and tax-supported educational institutions, and to other nonprofit educational institutions which have been held exempt from taxation under section 501(c)(3) of title 26.

(B) Subject to the disapproval of the Administrator within thirty days after notice to him by the Secretary of Health and Human Services of a proposed transfer of property for public-health use, the Secretary of Health and Human Services, through such officers or employees of the Department of Health and Human Services as he may designate, may sell or lease such real property for public-health purposes, including research, to the States and their political subdivisions and instrumentalities, and to tax-supported medical institutions, and to hospitals or other similar institutions not operated for profit which have been held exempt from taxation under section 501(c)(3) of title 26.

(C) In fixing the sale or lease value of property to be disposed of under subparagraph (A) and subparagraph (B) of this paragraph, the Secretary of Education and the Secretary of Health and Human Services shall take into consideration any benefit which has accrued or may accrue to the United States from the use of such property by any such State, political subdivision, instrumentality, or institution.

(D) “States” as used in this subsection includes the District of Columbia, the Commonwealth of Puerto Rico, and the Territories and possessions of the United States.

(2) Under such regulations as he may prescribe, the Administrator is authorized, in his discretion, to assign to the Secretary of the Interior for disposal, such surplus real property, including buildings, fixtures, and equipment situated thereon, as is recommended by the Secretary of the Interior as needed for use as a public park or recreation area.

(A) Subject to the disapproval of the Administrator within thirty days after notice to him by the Secretary of the Interior of a proposed transfer of property for public park or public recreational use, the Secretary of the Interior, through such officers or employees of the Department of the Interior as he may designate, may sell or lease such real property, including buildings, fixtures, and equipment situated thereon, for public park or public recreational purposes to any State, political subdivision, instrumentalities thereof, or municipality.

(B) In fixing the sale or lease value of property to be disposed of under subparagraph (A) of this paragraph, the Secretary of the Interior shall take into consideration any benefit which has accrued or may accrue to the United States from the use of such property by any such State, political subdivision, instrumentality, or municipality.

(C) The deed of conveyance of any surplus real property disposed of under the provisions of this subsection—

(i) shall provide that all such property shall be used and maintained for the purpose for which it was conveyed in perpetuity, and that in the event that such property ceases to be used or maintained for such purpose during such period, all or any portion of such property shall in its then existing condition, at the option of the United States, revert to the United States; and

(ii) may contain such additional terms, reservations, restrictions, and conditions as may be determined by the Secretary of the Interior to be necessary to safeguard the interests of the United States.

(D) “States” as used in this subsection includes the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States.

(3) Without monetary consideration to the United States, the Administrator may convey to any State, political subdivision, instrumentalities thereof, or municipality, all of the right, title, and interest of the United States in and to any surplus real and related personal property which the Secretary of the Interior has determined is suitable and desirable for use as a historic monument, for the benefit of the public. No property shall be determined to be suitable or desirable for use as a historic monument except in conformity with the recommendation of the Advisory Board on National Parks, Historic Sites, Buildings and Monuments established by section 463 of title 16, and only so much of any such property shall be so determined to be suitable or desirable for which such use as is necessary for the preservation and proper observation of its historic features.

(A) The Administrator may authorize use of any property conveyed under this subsection or

the Surplus Property Act of 1944, as amended, for revenue-producing activities if the Secretary of the Interior (i) determines that such 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, and (iii) approves the grantee’s plan for financing repair, rehabilitation, restoration, and maintenance of the property. The Secretary shall not approve a financial plan unless it provides that incomes in excess of costs of repair, rehabilitation, restoration, and maintenance shall be used by the grantee only for public historic preservation, park, or recreational purposes. The Administrator may not authorize any uses under this subsection until the Secretary has examined and approved the accounting and financial procedures used by the grantee. The Secretary may periodically audit the records of the grantee, directly related to the property conveyed.

(B) The deed of conveyance of any surplus real property disposed of under the provisions of this subsection—

(i) shall provide that all such property shall be used and maintained for historical monument purposes in perpetuity, and that in the event that 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 United States, revert to the United States; and

(ii) may contain such additional terms, reservations, restrictions, and conditions as may be determined by the Administrator to be necessary to safeguard the interests of the United States.

(C) “States” as used in this subsection, includes the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States.

(4) Subject to the disapproval of the Administrator within thirty days after notice to him of any action to be taken under this subsection, except with respect to personal property transferred pursuant to subsection (j) of this section—

(A) The³ Secretary of Education, through such officers or employees of the Department of Education as he may designate, in the case of property transferred pursuant to the Surplus Property Act of 1944, as amended, and pursuant to this Act, to States, political subdivisions, and instrumentalities thereof, and tax-supported and other nonprofit educational institutions for school, classroom, or other educational use;

(B) the Secretary of Health and Human Services, through such officers or employees of the Department of Health and Human Services as he may designate, in the case of property transferred pursuant to the Surplus Property Act of 1944, as amended, and pursuant to this Act, to States, political subdivisions and instrumentalities thereof, tax-supported medical institutions, and to hospitals and other similar institutions not operated for profit, for use in the protection of public health (including research);

³ So in original. Probably should not be capitalized.

(C) the Secretary of the Interior, in the case of property transferred pursuant to the Surplus Property Act of 1944, as amended, and pursuant to this Act, to States, political subdivisions, and instrumentalities thereof, and municipalities for use as a public park, public recreational area, or historic monument for the benefit of the public; or

(D) the Secretary of Defense, in the case of property transferred pursuant to the Surplus Property Act of 1944, as amended, to States, political subdivisions, and tax-supported instrumentalities thereof for use in the training and maintenance of civilian components of the armed forces.⁴

is authorized and directed—

(i) to determine and enforce compliance with the terms, conditions, reservations, and restrictions contained in any instrument by which such transfer was made;

(ii) to reform, correct, or amend any such instrument by the execution of a corrective, reformatory or amendatory instrument where necessary to correct such instrument or to conform such transfer to the requirements of applicable law; and

(iii) to (I) grant releases from any of the terms, conditions, reservations and restrictions contained in, and (II) convey, quitclaim, or release to the transferee or other eligible user any right or interest reserved to the United States by, any instrument by which such transfer was made, if he determines that the property so transferred no longer serves the purpose for which it was transferred, or that such release, conveyance, or quitclaim deed will not prevent accomplishment of the purpose for which such property was so transferred: *Provided*, That any such release, conveyance, or quitclaim deed may be granted on, or made subject to, such terms and conditions as he shall deem necessary to protect or advance the interests of the United States.

(5)(A) Under such regulations as the Administrator may prescribe, the Administrator is authorized, in the discretion of the Administrator, to assign to the Chief Executive Officer of the Corporation for National and Community Service for disposal such surplus property as is recommended by the Chief Executive Officer as being needed for national service activities.

(B) Subject to the disapproval of the Administrator, within 30 days after notice to the Administrator by the Chief Executive Officer of the Corporation for National and Community Service of a proposed transfer of property for such activities, the Chief Executive Officer, through such officers or employees of the Corporation as the Chief Executive Officer may designate, may sell, lease, or donate such property to any entity that receives financial assistance under the National and Community Service Act of 1990 [42 U.S.C. 12501 et seq.] for such activities.

(C) In fixing the sale or lease value of such property, the Chief Executive Officer of the Corporation for National and Community Service shall comply with the requirements of paragraph (1)(C).

(I) Donations to American Red Cross

Under such regulations as he may prescribe, the Administrator is authorized in his discretion to donate to the American National Red Cross, for charitable purposes, such property, which was processed, produced, or donated by the American National Red Cross, as shall have been determined to be surplus property.

(m) Possession of abandoned or unclaimed property on Government premises; disposal; claims by former owners

The Administrator is authorized to take possession of abandoned and other unclaimed property on premises owned or leased by the Government, to determine when title thereto vested in the United States, and to utilize, transfer or otherwise dispose of such property. Former owners of such property upon proper claim filed within three years from the date of vesting of title in the United States shall be paid the proceeds realized from the disposition of such property or, if the property is used or transferred, the fair value therefor as of the time title was vested in the United States as determined by the Administrator, less in either case the costs incident to the care and handling of such property as determined by the Administrator.

(n) Cooperative agreements with State agencies

For the purpose of carrying into effect the provisions of subsection (j) of this section, the Administrator or the head of any Federal agency designated by the Administrator, and, with respect to subsection (k)(1) of this section, the Secretary of Education, the Secretary of Health and Human Services, or the head of any Federal agency designated by the Secretary, are authorized to enter into cooperative agreements with State surplus property distribution agencies designated in conformity with subsection (j) of this section. Such cooperative agreements may provide for utilization by such Federal agency, with or without payment or reimbursement, of the property, facilities, personnel, and services of the State agency in carrying out any such program, and for making available to such State agency, with or without payment or reimbursement, property, facilities, personnel, or services of such Federal agency in connection with such utilization. Payment or reimbursement, if any, from the State agency shall be credited to the fund or appropriation against which charges would be made if no payment or reimbursement were received. In addition, under such cooperative agreements and subject to such other conditions as may be imposed by the Administrator, or with respect to subsection (k)(1) of this section by the Secretary of Education or the Secretary of Health and Human Services, any surplus property transferred to the State agency for distribution pursuant to subsection (j)(3) of this section may be retained by the State agency for use in performing its functions. Unless otherwise directed by the Administrator, title to property so retained shall vest in the State agency.

(o) Biennial reports to Congress by Administrator; copies to Comptroller General

(1) Six months after the end of the first full fiscal year after November 5, 1988, and biennially

⁴ So in original. The period probably should be a comma.

thereafter, the Administrator shall transmit a report to the Congress that covers the initial period from November 5, 1988, and each succeeding biennial period and contains—

(A) a full and independent evaluation of the operation of programs for the donation of Federal surplus personal property,

(B) statistical information on the amount of excess personal property transferred to Federal agencies and provided to grantees and non-Federal organizations and surplus personal property approved for donation to the State Agencies for Surplus Property and donated to eligible non-Federal organizations during each succeeding biennial period, and

(C) such recommendations as the Administrator determines to be necessary or desirable.

(2) A copy of each report made under paragraph (3)⁵ shall also be simultaneously furnished to the Comptroller General of the United States. The Comptroller General shall review and evaluate the report and make any comments and recommendations to the Congress thereon, as he deems necessary or desirable.

(p) Transfer or conveyance of property for correctional facility use; consideration-free transfers; reimbursement for interim transfers; reversion option; terms and conditions

(1) Under such regulations as he may prescribe, the Administrator is authorized in his discretion to transfer or convey to the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, the Commonwealth of the Northern Mariana Islands, or any political subdivision or instrumentality thereof, surplus real and related personal property determined by the Attorney General to be required for correctional facility use by the authorized transferee or grantee under an appropriate program or project for the care or rehabilitation of criminal offenders as approved by the Attorney General. Transfers or conveyance under this authority shall be made by the Administrator without monetary consideration to the United States. If the Attorney General determines that any surplus property transferred or conveyed pursuant to an agreement entered into between March 1, 1982, and the enactment of this subsection was suitable for transfer or conveyance under this subsection, the Administrator shall reimburse the transferee for any monetary consideration paid to the United States for such transfer or conveyance.

(2) The deed of conveyance of any surplus real and related personal property disposed of under the provisions of this subsection—

(A) shall provide that all such property shall be used and maintained for the purpose for which it was conveyed in perpetuity, and that in the event 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 United States, revert to the United States; and

(B) may contain such additional terms, reservations, restrictions, and conditions as may

be determined by the Administrator to be necessary to safeguard the interests of the United States.

(3) With respect to surplus real and related personal property conveyed pursuant to this subsection, the Administrator is authorized and directed—

(A) to determine and enforce compliance with the terms, conditions, reservations, and restrictions contained in any instrument by which such transfer was made;

(B) to reform, correct, or amend any such instrument by the execution of a corrective reformative or amendatory instrument where necessary to correct such instrument or to conform such transfer to the requirements of applicable law; and

(C) to (i) grant releases from any of the terms, conditions, reservations, and restrictions contained in, and (ii) convey, quitclaim, or release to the transferee or other eligible user any right or interest reserved to the United States by any instrument by which such transfer was made, if he determines that the property so transferred no longer serves the purpose for which it was transferred, or that such release, conveyance, or quitclaim deed will not prevent accomplishment of the purpose for which such property was so transferred: *Provided*, That any such release, conveyance, or quitclaim deed may be granted on, or made subject to, such terms and conditions as he or she shall deem necessary to protect or advance the interests of the United States.

(q) Military installation closures or realignments

(1) Under such regulations as the Administrator, 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, in his or her discretion, assign to the Secretary of Transportation for disposal such surplus real property, including buildings, fixtures, and equipment situated thereon, as is recommended by the Secretary of Transportation as being needed for the development or operation of a port facility.

(2) Subject to the disapproval of the Administrator or the Secretary of Defense within 30 days after notice by the Secretary of Transportation of a proposed conveyance of property for any of the purposes described in paragraph (1), the Secretary of Transportation, through such officers or employees of the Department of Transportation as he or she may designate, may convey, at no consideration to the United States, such surplus real property, including buildings, fixtures, and equipment situated thereon, for use in the development or operation of a port facility to any State, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, the Commonwealth of the Northern Mariana Islands, or any political subdivision, municipality, or instrumentality thereof.

(3) No transfer of property may be made under this subsection until the Secretary of Transportation has—

⁵ So in original. Probably should be paragraph "(1)".

(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 subsection (e)(6) of this section.

(4) The instrument of conveyance of any surplus real property and related personal property disposed of under this subsection shall—

(A) provide that all such property shall be used and maintained in perpetuity for the purpose for which it was conveyed, 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 United States, revert to the United States; and

(B) contain such additional terms, reservations, restrictions, and conditions as the Secretary of Transportation shall by regulation require to assure use of the property for the purposes for which it was conveyed and to safeguard the interests of the United States.

(5) With respect to surplus real property and related personal property conveyed pursuant to this subsection, the Secretary of Transportation shall—

(A) determine and enforce compliance with the terms, conditions, reservations, and restrictions contained in any instrument by which such conveyance was made;

(B) reform, correct, or amend any such instrument by the execution of a corrective, reformative, or amendatory instrument if necessary to correct such instrument or to conform such conveyance to the requirements of applicable law; and

(C)(i) grant releases from any of the terms, conditions, reservations, and restrictions contained in, and (ii) convey, quitclaim, or release to the grantee any right or interest reserved to the United States by, any instrument by which such conveyance was made, if the Secretary of Transportation determines that the property so conveyed no longer serves the purpose for which it was conveyed, or that such release, conveyance, or quitclaim deed will not prevent accomplishment of the purpose for which such property was so conveyed, except that any such release, conveyance, or quitclaim deed may be granted on, or made subject to, such terms and conditions as the Secretary of Transportation considers necessary to protect or advance the interests of the United States.

(6) In this section, the term “base closure law” 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, United States Code.

(June 30, 1949, ch. 288, title II, §203, 63 Stat. 385; Aug. 10, 1949, ch. 412, §12(a), (g), 63 Stat. 591; Sept. 5, 1950, ch. 849, §4, 64 Stat. 579; July 12, 1952, ch. 703, §1(i), (j), 66 Stat. 593; Aug. 8, 1953, ch. 399, 67 Stat. 521; July 14, 1954, ch. 481, 68 Stat. 474; June 3, 1955, ch. 130, §§1, 2(a), 3, 5, 6, 69 Stat. 83, 84; Aug. 1, 1955, ch. 442, 69 Stat. 430; July 3, 1956, ch. 513, §§1-3, 70 Stat. 493, 494; Aug. 3, 1956, ch. 942, 70 Stat. 1020; July 2, 1958, Pub. L. 85-486, 72 Stat. 288; July 20, 1961, Pub. L. 87-94, 75 Stat. 213; Oct. 10, 1962, Pub. L. 87-786, 76 Stat. 805; Nov. 8, 1965, Pub. L. 89-348, §2(4), 79 Stat. 1312; Oct. 22, 1970, Pub. L. 91-485, §§2-4, 84 Stat. 1084, 1085; Aug. 4, 1972, Pub. L. 92-362, §1, 86 Stat. 503; Pub. L. 90-351, title I, §525, as added Aug. 6, 1973, Pub. L. 93-83, §2, 87 Stat. 216; Oct. 17, 1976, Pub. L. 94-519, §1, 90 Stat. 2451; Oct. 17, 1979, Pub. L. 96-88, title III, §301(a)(2)(P), (b), title V, §§507, 509(b), 93 Stat. 678, 692, 695; Aug. 6, 1981, Pub. L. 97-31, §12(15), 95 Stat. 154; Oct. 12, 1984, Pub. L. 98-473, title II, §§701, 702, 98 Stat. 2129, 2130; Aug. 22, 1986, Pub. L. 99-386, title II, §§201, 207, 100 Stat. 822, 823; Oct. 22, 1986, Pub. L. 99-514, §2, 100 Stat. 2095; July 22, 1987, Pub. L. 100-77, title V, §502(a), 101 Stat. 510; Nov. 5, 1988, Pub. L. 100-612, §§3-5, 102 Stat. 3180, 3181; Nov. 18, 1988, Pub. L. 100-690, title II, §2081(b), 102 Stat. 4216; Sept. 21, 1993, Pub. L. 103-82, title II, §202(f), 107 Stat. 888; Nov. 30, 1993, Pub. L. 103-160, div. B, title XXIX, §2927, 107 Stat. 1932; Dec. 21, 1995, Pub. L. 104-66, title II, §2091(a), 109 Stat. 730.)

REFERENCES IN TEXT

This Act, referred to in subsecs. (a), (e)(3)(I), (j)(4)(F)(ii), and (k)(4)(A) to (C), is act June 30, 1949, ch. 288, 63 Stat. 377, as amended, known as the Federal Property and Administrative Services Act of 1949. For complete classification of this Act to the Code, see Short Title note set out under section 471 of this title and Tables.

The Merchant Marine Act, 1936, as amended, referred to in subsec. (i), is act June 29, 1936, ch. 858, 49 Stat. 1985, as amended, which is classified principally to chapter 27 (§1101 et seq.) of Title 46, Appendix, Shipping. For complete classification of this Act to the Code, see section 1245 of Title 46, Appendix, and Tables.

For classification and history of the Surplus Property Act of 1944, as amended, referred to in subsec. (k)(3)(A), (4), see note set out under section 473 of this title.

The National and Community Service Act of 1990, referred to in subsec. (k)(5)(B), 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.

CODIFICATION

In subsec. (k)(1)(A), (B), “section 501(c)(3) of title 26” substituted for “section 101(6) of title 26” on authority of section 7852(b) of Title 26, Internal Revenue Code, which provides that a reference in other laws to the Internal Revenue Code of 1939 is deemed a reference to the corresponding provision of the Internal Revenue Code of 1986.

November 5, 1988, referred to in subsec. (o)(1), was in the original “the date of enactment of this paragraph and such effective date”, which was translated as

meaning the date of enactment of Pub. L. 100-612, which amended subsec. (o) generally, to reflect the probable intent of Congress.

Section was formerly classified to section 233 of Title 41, Public Contracts.

AMENDMENTS

1995—Subsec. (o). Pub. L. 104-66 redesignated par. (3) as (2) and substituted “(3)” for “(2)” after “made under paragraph”, redesignated par. (2) as (1), and struck out former par. (1) which read as follows: “With respect to real and related personal property transferred or conveyed under subsection (p) or (q) of this section and real property disposed of under subsection (k) of this section and section 13(g) of the Surplus Property Act of 1944 (50 U.S.C. App. 1622(g)), the head of each executive agency disposing of such property shall submit during the calendar quarter following the close of each fiscal year a report to the Congress and to the Administrator showing the acquisition cost and the sale or lease value of all real and related personal property so disposed of during the preceding fiscal year. Such reports shall also show transfers or conveyances of property according to State, and may include such other information and recommendations as the Administrator or other executive agency head concerned deems appropriate.”

1993—Subsec. (k)(5). Pub. L. 103-82 added par. (5).

Subsec. (o). Pub. L. 103-160, §2927(1), substituted “subsection (p) or (q)” for “subsection (p)”.

Subsec. (q). Pub. L. 103-160, §2927(2), added subsec. (q).

1988—Subsec. (e)(3)(E). Pub. L. 100-612, §4(b), substituted “\$15,000” for “\$1,000”.

Subsec. (e)(5). Pub. L. 100-612, §3, designated existing provisions as subpar. (A) and added subpar. (B).

Subsec. (e)(6). Pub. L. 100-612, §4(a), amended par. (6) generally. Prior to amendment, par. (6) read as follows: “Except as otherwise provided by this paragraph, an explanatory statement of the circumstances of each disposal by negotiation of any real or personal property having a fair market value in excess of \$1,000 shall be prepared. Each such statement shall be transmitted to the appropriate committees of the Congress in advance of such disposal, and a copy thereof shall be preserved in the files of the executive agency making such disposal. No such statement need be transmitted to any such committee with respect to any disposal of personal property made under paragraph (5) at a fixed price, or to property disposals authorized by any other provision of law to be made without advertising.”

Subsec. (j)(3)(B). Pub. L. 100-690 inserted “, drug abuse treatment centers” after “health centers”.

Subsec. (o). Pub. L. 100-612, §5, amended subsec. (o) generally. Prior to amendment, subsec. (o) read as follows: “The Administrator with respect to property disposed of under subsection (j) or (p) of this section, and the head of each executive agency disposing of property under subsection (k) of this section, or under section 13(d) or 13(g) of the Surplus Property Act of 1944 (50 U.S.C. App. 1622(d) or (g)), shall submit during the calendar quarter following the close of each fiscal year 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) showing the acquisition cost of all property so disposed of during the preceding fiscal year. Such reports shall also show disposals of property according to State, and may include such other information and recommendations as the Administrator or other executive agency head concerned deems appropriate.”

1987—Subsec. (j)(3)(B). Pub. L. 100-77 inserted “providers of assistance to homeless individuals” after “health centers.”

1986—Subsec. (j)(3)(B). Pub. L. 99-514 substituted “Internal Revenue Code of 1986” for “Internal Revenue Code of 1954”, which for purposes of codification was translated as “title 26” thus requiring no change in text.

Subsec. (j)(4)(E). Pub. L. 99-386, §207, substituted “\$5,000” for “\$3,000”.

Subsec. (o). Pub. L. 99-386, §201, substituted “with respect to property disposed of under subsection (j) or (p) of this section” for “with respect to personal property donated under subsection (j) of this section and with respect to real and related personal property transferred or conveyed under subsection (p) of this section”, “disposing of property under subsection (k) of this section, or under section 13(d) or 13(g) of the Surplus Property Act of 1944 (50 U.S.C. App. 1622(d) or (g)), shall submit” for “disposing of real property under subsection (k) of this section, shall submit”, “cost of all property” for “cost of all personal property so donated and of all real property”, and “show disposals of” for “show donations and transfers of”.

1984—Subsec. (o). Pub. L. 98-473, §702, amended first sentence generally, inserting provisions requiring Administrator to make an annual report to Congress on total acquisition value of all personal and real property transferred pursuant to subsection (p) of this section.

Subsec. (p). Pub. L. 98-473, §701, added subsec. (p).

1981—Subsec. (i). Pub. L. 97-31 substituted references to the Maritime Administration for reference to the United State Maritime Commission.

1976—Subsec. (j). Pub. L. 94-519, §1(1), enlarged activities and types of recipients to be benefited through property donations, permitted transfers to any public agency for use in carrying out or promoting for the residents of a given political area one or more public purposes, such as conservation, economic development, education, parks and recreation, public health, and public safety, provided that in allocating and transferring surplus property the Administrator give fair consideration to expressions of need and interest on the part of public agencies or other eligible institutions within States as transmitted through State agencies, and inserted requirement that there be developed a State plan of operation.

Subsec. (k)(4). Pub. L. 94-519, §1(2), inserted “, except with respect to personal property transferred pursuant to subsection (j) of this section” in provisions preceding subpar. (A) and struck out subpar. (E) which provided for action by the Federal Civil Defense Administrator in the case of property transferred to civil defense organizations of the States or political subdivisions or instrumentalities thereof established by or pursuant to State law.

Subsec. (n). Pub. L. 94-519, §1(3), transferred to the Administrator the authority to enter into cooperative agreements with State agencies to carry out subsecs. (j) of this section or to designate other Federal agency heads to enter into such agreements.

Subsec. (o). Pub. L. 94-519, §1(4), required that the Administrator submit the annual reports concerning donations of personal property formerly submitted by the Secretary of Health, Education, and Welfare, and provided that the reports show donations according to States and include other information and recommendations deemed appropriate by the Administrator.

1973—Subsec. (n). Pub. L. 93-83 provided for the authority of the Administrator, Law Enforcement Assistance Administration, in connection with cooperative agreements respecting surplus property and for donation of surplus property in any State for purposes of law enforcement programs.

1972—Subsec. (k)(3), (4). Pub. L. 92-362 added par. (3) and redesignated former par. (3) as (4).

1970—Subsec. (k)(2), (3). Pub. L. 91-485, §2, added par. (2) and redesignated former par. (2) as (3).

Subsec. (n). Pub. L. 91-485, §3, substituted “(k)(1)” for (k) in first sentence.

Subsec. (o). Pub. L. 91-485, §4, substituted reference to fiscal year for reference to calendar quarter and struck out reference to distribution to educational or public health institutions in each State, Territory and possession and the requirement that the first report be submitted during the first calendar quarter beginning after the enactment of the subsection.

1965—Subsec. (o). Pub. L. 89-348 required the Secretary of Health, Education, and Welfare to report semiannually instead of quarterly to the Senate and

the House of Representatives with respect to personal property donations to State surplus property agencies and real property disposals to public health and educational institutions.

1962—Subsec. (j)(3), (7). Pub. L. 87-786 inserted provisions in par. (3) authorizing distribution to schools for the mentally retarded, schools for the physically handicapped, radio and television stations licensed by the Federal Communications Commission as educational radio or educational television stations, and to public libraries, and added par. (7).

1961—Subsec. (n). Pub. L. 87-94 authorized use by State surplus property distribution agencies of surplus personal property determined to be useful and needed in administering the surplus property donation program.

1958—Subsec. (e). Pub. L. 85-486 amended subsec. (e) generally to require surplus property to be disposed of by public advertising, except in certain instances where disposal may be made by negotiation, to establish the advertising procedure, to make the authority of the Administrator to dispose of property by negotiation permanent, to provide for disposal of property through contract brokers employed by the Administrator, and to exempt from the requirement of the explanatory statement, negotiated disposals of property with a market value of less than \$1,000.

1956—Subsec. (e). Act Aug. 3, 1956, extended provisions of subsec. (e) from June 30, 1955, to July 31, 1958.

Subsec. (j)(1). Act July 3, 1956, §1, permitted donation of surplus property for civil defense purposes, or for research for educational, public health or civil defense purposes, and restricted donation only to the State agency designated for the purpose of distributing allocated property.

Subsec. (j)(2). Act July 3, 1956, §1, redesignated par. (3) as (2), and permitted disposal for civil defense purposes. Former par. (2) redesignated (3).

Subsec. (j)(3). Act July 3, 1956, §1, redesignated par. (2) as (3), and struck out provisions authorizing distribution to State departments of health or education, required transfer by Administrator to the State agency designated for the purpose of distributing allocated property, and substituted "section 501(c)(3) of Title 26, Internal Revenue Code of 1954" for "section 101(6) of Title 26, Internal Revenue Code". Former par. (3) redesignated (2).

Subsec. (j)(4). Act July 3, 1956, §1, added par. (4), and redesignated former par. (4) as (5).

Subsec. (j)(5), (6). Act July 3, 1956, §1, redesignated par. (4) as (5), and included the Federal Civil Defense Administrator and property donated under par. (4). Former par. (5) redesignated (6).

Subsec. (k)(2)(E). Act July 3, 1956, §2, added subpar. (E).

Subsec. (n). Act July 3, 1956, §3, permitted the Federal Civil Defense Administrator to enter into cooperative agreements with State surplus property distribution agencies.

1955—Subsec. (j)(1). Act June 3, 1955, §§1(a), 6(b), permitted donation of property acquired from working-capital or similar funds, and substituted "any State" for "the States, Territories, and possessions".

Subsec. (j)(2). Act June 3, 1955, §§1(b), 6(a), restricted transfer of property until the Secretary of Health, Education, and Welfare has received a certification that such property is usable and needed for educational or public health purposes, and substituted "Secretary of Health, Education, and Welfare" for "Federal Security Administrator".

Subsec. (j)(4), (5). Act June 3, 1955, §§2(a), 6(b), added pars. (4) and (5).

Subsec. (k). Act June 3, 1955, §6(a)(c), substituted "Secretary of Health, Education, and Welfare" for "Federal Security Administrator", and "Department of Health, Education, and Welfare" for "Federal Security Agency", wherever appearing, and included the Commonwealth of Puerto Rico in definition of "States".

Subsec. (l). Act Aug. 1, 1955, added subsec. (l), redesignated former subsec. (l) as (m).

Subsec. (m). Act Aug. 1, 1955, redesignated subsec. (l) as (m). Former subsec. (m) redesignated (n).

Act June 3, 1955, §3, added subsec. (m).

Subsec. (n). Act Aug. 1, 1955, redesignated subsec. (m) as (n). Former subsec. (n) redesignated (o).

Act June 3, 1955, §5, added subsec. (n).

Subsec. (o). Act Aug. 1, 1955, redesignated subsec. (n) as (o).

1954—Subsec. (e). Act July 14, 1954, substituted "June 30, 1955" for "June 30, 1954".

1953—Subsec. (e). Act Aug. 8, 1953, substituted "June 30, 1954" for "June 30, 1953".

1952—Subsec. (e). Act July 12, 1952, §1(i), extended time for disposal of surplus property without advertising from Dec. 31, 1950, to June 30, 1953, and required a report to Congress.

Subsec. (k)(2)(iii). Act July 12, 1952, §1(j), substituted "transferred, or that" for "transferred, and that".

1950—Subsec. (j)(1), (2). Act Sept. 5, 1950, authorized the Administrator in his discretion to donate surplus personal property, such as equipment, materials, books, or other supplies for public health purposes.

EFFECTIVE DATE OF 1993 AMENDMENT

Amendment by Pub. L. 103-82 effective Oct. 1, 1993, see section 202(i) of Pub. L. 103-82, set out as an Effective Date note under section 12651 of Title 42, The Public Health and Welfare.

EFFECTIVE DATE OF 1976 AMENDMENT

Section 9 of Pub. L. 94-519 provided that: "The provisions of this Act [enacting sections 476, 483c, 484c and 493 of this title, amending this section and sections 483 and 512 of this title, repealing section 3193 of Title 42, The Public Health and Welfare, and enacting provisions set out as notes under this section] shall become effective one year after the date of enactment of this Act [Oct. 17, 1976]."

EFFECTIVE DATE OF 1973 AMENDMENT

Amendment by Pub. L. 93-83 effective on and after July 1, 1973, see section 3 of Pub. L. 93-83, set out as a note under section 3701 of Title 42, The Public Health and Welfare.

EFFECTIVE DATE OF 1956 AMENDMENT

Section 5 of act July 3, 1956, provided that:

"(a) Except as provided by subsection (b), the amendments made by this Act [amending this section] shall become effective on the first day of the first month beginning after the date of enactment of this Act [July 3, 1956].

"(b) In the case of any State which on the date of enactment of this Act [July 3, 1956] has not designated a single State agency for the purpose of distributing surplus property pursuant to subsection 203(j) of the Federal Property and Administrative Services Act of 1949, as amended [subsec. (j) of this section], transfers of such property may be made by the Administrator of General Services under such subsection, as amended by this Act, to the State agency heretofore designated in such State to distribute property in conformity with such subsection for purposes of education and public health to the extent that such agency is authorized under State law to receive and distribute any class of property transferred pursuant to such subsection, or in the absence of any such agency or in the absence of authority of such agency to receive and distribute any such class of property, to any State agency or official authorized under State law to receive and distribute such property, until ninety calendar days have passed after the close of the first regular session of the legislature of such State beginning after the date of enactment of this Act."

EFFECTIVE DATE OF 1955 AMENDMENT

Section 2(b) of Act June 3, 1955, provided that: "The amendment made by subsection (a) [amending this section] shall apply only with respect to property donated after the date of enactment of this Act [June 3, 1955]."

SAVINGS PROVISIONS; PRIOR RESTRICTIONS, TERMS, AND CONDITIONS

Section 2 of Pub. L. 94-519 provided that: "Except to the extent that the Administrator of General Services, in the case of specific items or categories of property, has determined otherwise, no term, condition, reservation, or restriction imposed pursuant to subsection (j)(5) of section 203 of the Federal Property and Administrative Services Act of 1949 [subsec. (j)(5) of this section] (as in effect prior to the date of enactment of this Act [Oct. 17, 1976], on the use of any item of personal property donated pursuant to subsection (j)(3) or (j)(4) of section 203 [subsec. (j)(3) or (j)(4) of this section] prior to the effective date of this Act [Oct. 17, 1977] as provided in section 9(a) [set out as an Effective Date of 1976 Amendment note above] shall remain in effect beyond the thirtieth day after such effective date. This section shall not be deemed to terminate any civil or criminal liability arising out of a violation of such a term, condition, reservation, or restriction which occurred prior to such effective date if a judicial proceeding to enforce such liability is pending on such effective date, or is commenced within one year after such date."

TRANSFER OF FUNCTIONS

References to the Secretary of Education, Department of Education, Secretary of Health and Human Services, and Department of Health and Human Services were substituted, as appropriate, for "Secretary of Health, Education, and Welfare" and "Department of Health, Education, and Welfare" in subsecs. (k)(1), (4)(A), (B), and (n) pursuant to sections 301(a)(2)(P), (b), 507, and 509(b) of Pub. L. 96-88, which are classified to sections 3441(a)(2)(P), (b), 3507, and 3508(b) of Title 20, Education, and which transferred functions (with respect to donations of surplus property for educational purposes under subsec. (k) of this section) and offices (relating to education) of the Secretary and Department of Health, Education, and Welfare to the Secretary and Department of Education, and redesignated the Secretary and Department of Health, Education, and Welfare as the Secretary and Department of Health and Human Services.

TERMINATION OF TRUST TERRITORY OF THE PACIFIC ISLANDS

For termination of Trust Territory of the Pacific Islands, see note set out preceding section 1681 of Title 48, Territories and Insular Possessions.

TERMINATION OF ADVISORY COMMITTEES

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

DONATION OF SURPLUS PROPERTY TO STATE AGRICULTURAL EXTENSION AGENCIES

Pub. L. 86-570, July 5, 1960, 74 Stat. 307, provided: "That, notwithstanding any provision of the Federal Property and Administrative Services Act of 1949, as amended [see Short Title note set out under section 471 of this title], or any other law, the Postmaster General and the Administrator of General Services are hereby authorized and directed to transfer, as soon as practicable after date of enactment hereof [July 5, 1960], without cost, to any State or county agency engaged in cooperative agricultural extension work pursuant to the Act of May 8, 1914, as amended (7 U.S.C. 341-348), for the use of such agency, all right, title, and interest in

and to any office equipment, materials, books, or other supplies (whether or not capitalized in a working capital fund established under section 405 of the National Security Act of 1947, as amended [section 172d of former title 5, Executive Departments and Government Officers and Employees, and now covered by section 2208 of Title 10, Armed Forces], or any similar fund) which have heretofore been assigned for use to any such State or county agency by the Post Office Department [now the United States Postal Service] or the General Services Administration, respectively."

TERMINATION OF PRIOR RESTRICTIONS

Section 4 of act June 3, 1955, provided that:

"(a) In the case of personal property donated or sold at a discount for educational, public health or memorial purposes, including research, under any provision of law enacted prior to the enactment of the Federal Property and Administrative Services Act of 1949 [see Short Title note set out under section 471 of this title], no term, condition, reservation, or restriction imposed on the use of such property shall remain in effect after the date of the enactment of this Act [June 3, 1955]. This subsection shall not be deemed to terminate any civil or criminal liability arising out of a violation of such a term, condition, reservation, or restriction which occurred prior to the enactment of this Act, if a judicial proceeding to enforce such liability is pending at the time of, or commenced within one year after the enactment of this Act.

"(b) No term, condition, reservation, or restriction imposed upon the use of any single item of property donated under section 203(j) of the Federal Property and Administrative Services Act of 1949 [subsec. (j) of this section] prior to the enactment of this Act [June 3, 1955] which has an acquisition cost of less than \$2,500 shall remain in effect after the expiration of the one-year period which begins on the date of the enactment of this Act [June 3, 1955]. This subsection shall not be deemed to terminate any civil or criminal liability arising out of a violation of such a term, condition, reservation, or restriction if (1) such violation occurred prior to the expiration of such one-year period and (2) a judicial proceeding to enforce such liability is pending at the time of enactment of this Act or is commenced not later than one year after the expiration of such one-year period."

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 [see Short Title note set out under section 471 of this title], 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). 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.

(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.

CROSS REFERENCES

Eligibility of State and local agencies and nonprofit organizations and institutions receiving funds appropriated for programs for older individuals to receive surplus property, see section 3020d of Title 42, The Public Health and Welfare.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 475, 481, 483, 483c, 484c, 483d, 490, 512 of this title; title 8 section 1324; title 10 section 2577; title 14 section 641; title 20 section 3441; title 22 section 2358; title 28 section 604; title 36 section 493; title 38 section 8162; title 42 sections 11411, 11412; title 45 section 1212.

§ 484-1. Transfer of miscellaneous books to District Public Library

Any books of a miscellaneous character no longer required for the use of any executive department, or bureau, or commission of the Government, and not deemed an advisable addition to the Library of Congress, shall, if appropriate to the uses of the Free Public Library of the District of Columbia, subject to applicable regulations under the Federal Property and Administrative Services Act of 1949, as amended [40 U.S.C. 471 et seq.], be turned over to that library for general use as a part thereof.

(Feb. 25, 1903, ch. 755, §1, 32 Stat. 865; Oct. 31, 1951, ch. 654, §2(1), 65 Stat. 706.)

REFERENCES IN TEXT

The Federal Property and Administrative Services Act of 1949, as amended, referred to in text, is act June 30, 1949, ch. 288, 63 Stat. 377, as amended. Regulations provisions of the Act are contained in section 486 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 471 of this title and Tables.

CODIFICATION

Section was not enacted as part of the Federal Property and Administrative Services Act of 1949, part of which comprises this chapter.

Section was formerly classified to section 110 of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, § 1, Sept. 6, 1966, 80 Stat. 378.

Section is also classified to section 37-109 of the District of Columbia Code.

CROSS REFERENCES

Transfer by Librarian of Congress of books to other libraries, see section 149 of Title 2, The Congress.

§ 484a. Omitted

CODIFICATION

Section, Pub. L. 86-626, title I, § 101, July 12, 1960, 74 Stat. 434, which provided for disposal of surplus real estate and buildings by local governmental units under a comprehensive and coordinated plan of use and procurement, was from the Independent Offices Appropriation Act, 1961, and was not repeated in subsequent appropriation acts.

§ 484b. Repealed. Pub. L. 98-181, title I, § 126(a)(1), Nov. 30, 1983, 97 Stat. 1175

Section, Pub. L. 91-152, title IV, § 414, Dec. 24, 1969, 83 Stat. 400; Pub. L. 91-609, title IX, § 919, Dec. 31, 1970, 84 Stat. 1816; Pub. L. 95-557, title III, § 317, Oct. 31, 1978, 92 Stat. 2100; Pub. L. 96-399, title V, § 504, Oct. 8, 1980, 94 Stat. 1669, related to transfer of surplus real property to Secretary of Housing and Urban Development or the Secretary of Agriculture for sale or lease.

TRANSFERRED PROPERTIES; REQUESTS PRIOR TO NOVEMBER 30, 1983; CONTINUING APPLICATION OF SUBSEC. (b)

Section 126(a)(2) and (3) of Pub. L. 98-181 provided that:

“(2) Notwithstanding paragraph (1) [repealing this section], 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 [this section] 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) 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).”

§ 484c. Transfer of personnel and other resources from Department of Health, Education, and Welfare to General Services Administration by Director of Office of Management and Budget

(a) So much of the personnel, property, records, and unexpended balance of appropriations, allocations, and other funds as are, in the judgment of the Director of the Office of Management and Budget, employed, used, held, available, or to be made available in relation to those personal property functions which the

Secretary of Health, Education, and Welfare was authorized to perform under section 484 of this title immediately prior to October 17, 1976, and which under this Act become vested in the Administrator of General Services shall be transferred to the General Services Administration at such time or times as the Director shall direct.

(b) Such further measures and dispositions as the Director of the Office of Management and Budget deems necessary to effectuate transfers referred to in subsection (a) of this section shall be carried out in such manner as the Director shall direct.

(Pub. L. 94-519, § 7, Oct. 17, 1976, 90 Stat. 2456.)

REFERENCES IN TEXT

This Act, referred to in subsec. (a), is Pub. L. 94-519, Oct. 17, 1976, 90 Stat. 2451, which enacted sections 476, 483c, 484c, and 493 of this title; amended sections 483, 484, and 512 of this title; repealed section 3193 of Title 42, The Public Health and Welfare; and enacted provisions set out as notes under section 484 of this title. For complete classification of this Act to the Code, see Tables.

CODIFICATION

Section was not enacted as part of the Federal Property and Administrative Services Act of 1949, part of which comprises this chapter.

EFFECTIVE DATE

Section effective Oct. 17, 1977, see section 9 of Pub. L. 94-519, set out as an Effective Date of 1976 Amendment note under section 484 of this title.

TRANSFER OF FUNCTIONS

Functions of Secretary of Health, Education, and Welfare under section 484(k) of this title, with respect to donations of surplus property for educational purposes, transferred to Secretary of Education pursuant to Pub. L. 96-88, title III, § 301(a)(2)(P), Oct. 17, 1979, 93 Stat. 677, which is classified to section 3441(a)(2)(P) of Title 20, Education.

§ 484d. Donation of forfeited vessels**(a) Eligible institutions; certification**

Whenever a vessel is forfeited to the United States, the vessel may be donated, in accordance with procedures under the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.), to an educational institution with a commercial fishing vessel safety program or other vessel safety, education and training program, if the institution has certified to the Federal officer referred to in subsection (b) of this section that the program includes at a minimum the following courses in vessel safety:

- (1) vessel stability;
- (2) firefighting;
- (3) shipboard first aid;
- (4) marine safety and survival; and
- (5) seamanship rules of the road.

(b) 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 such donation, including requirements that—

- (1) the educational 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.¹

¹ So in original. The period probably should be a semicolon.

(2) the educational institution shall be responsible for maintaining the vessel;

(3) the vessel shall be used only for instructing students in vessel safety education and training programs;

(4) if the vessel is eligible to be documented, it must be documented by the educational institution as a vessel of the United States under chapter 121 of title 46, and the requirements of paragraph (5) of this subsection shall be noted on the permanent record of the vessel;

(5) the educational institution must obtain the prior approval of the Administrator of General Services before disposing of the vessel, and any proceeds from the disposal of the vessel shall be payable to the United States Government; and

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

(c) United States liability

The United States shall not be liable in an action arising out of the transfer or use of a vessel that has been transferred under this section.

(Pub. L. 99-640, § 13(a)-(c), Nov. 10, 1986, 100 Stat. 3551.)

REFERENCES IN TEXT

The Federal Property and Administrative Services Act of 1949, referred to in subsec. (a), is act June 30, 1949, ch. 288, 63 Stat. 377, as amended. For complete classification of this Act to the Code, see Short Title note set out under section 471 of this title and Tables.

CODIFICATION

Section was enacted as part of the Coast Guard Authorization Act of 1986, and not as a part of the Federal Property and Administrative Services Act of 1949, part of which comprises this chapter.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 46 sections 2101, 3305.

§ 485. Proceeds from transfer, sale, etc., of property

(a) Disposition of receipts

All proceeds under this subchapter from any transfer of excess property to a Federal agency for its use, or from any sale, lease, or other disposition of surplus property, shall be covered into the Treasury as miscellaneous receipts, except as provided in subsections (b), (c), (d), (e), and (h) of this section.

(b) Deposit of proceeds from sales; use; report

Except as provided in subsection (h) of this section, all the proceeds of such dispositions of surplus real and related personal property made by the Administrator of General Services shall be set aside in a separate fund in the Treasury. Not more than an amount to be determined quarterly by the Director of the Office of Management and Budget may be obligated from such fund by the Administrator to pay the direct expenses incurred for the utilization of excess property and the disposal of surplus property under this Act for fees of appraisers, auctioneers, and realty brokers, for costs of environmental and historic preservation services,

and for advertising and surveying. Such payments from this fund may be used either to pay such expenses directly or to reimburse the fund or appropriation initially bearing such expenses. Fees paid to appraisers, auctioneers, and brokers shall be in accordance with the scale of fees customarily paid for such services in similar commercial transactions, and in no event shall more than 12 per centum of the proceeds of all dispositions within each fiscal year of surplus real and related personal property be paid out of such proceeds under this authorization to meet direct expenses incurred in connection with such dispositions. Periodically, but not less often than once each year, any excess funds beyond current operating needs shall be transferred from the fund to miscellaneous receipts: *Provided*, That a report of receipts, disbursements, and transfers to miscellaneous receipts under this authorization shall be made annually in connection with the budget estimates to the Director of Office of Management and Budget and to the Congress.

(c) Credit to reimbursable fund or appropriation on certain transactions

Where the property transferred or disposed of was acquired by the use of funds either not appropriated from the general fund of the Treasury or appropriated therefrom but by law reimbursable from assessment, tax, or other revenue or receipts, then the net proceeds of the disposition or transfer shall be credited to the reimbursable fund or appropriation or paid to the Federal agency which determined such property to be excess: *Provided*, That the proceeds shall be credited to miscellaneous receipts in any case when the agency which determined the property to be excess shall deem it uneconomical or impractical to ascertain the amount of net proceeds. As used in this subsection, the term "net proceeds of the disposition or transfer" means the proceeds of the disposition or transfer minus all expenses incurred for care and handling and disposition or transfer.

(d) Special account deposits

Any Federal agency disposing of surplus property under this subchapter (1) may deposit, in a special account with the Treasurer of the United States, such amount of the proceeds of such dispositions as it deems necessary to permit appropriate refunds to purchasers when any disposition is rescinded or does not become final, or payments for breach of any warranty, and (2) may withdraw therefrom amounts so to be refunded or paid, without regard to the origin of the funds withdrawn.

(e) Sale proceeds offset against price or cost of contractor's work

Where any contract entered into by an executive agency or any subcontract under such contract authorizes the proceeds of any sale of property in the custody of the contractor or subcontractor to be credited to the price or cost of the work covered by such contract or subcontract, the proceeds of any such sale shall be credited in accordance with the contract or subcontract.

(f) Acceptance of property in lieu of cash

Any executive agency entitled to receive cash under any contract covering the lease, sale or

other disposition of surplus property may in its discretion accept, in lieu of cash, any property determined by the President to be strategic or critical material at the prevailing market price thereof at the time the cash payment or payments became or become due.

(g) Management of credit, leases, and permits on property

Where credit has been extended in connection with any disposition of surplus property under this subchapter or by War Assets Administration (or its predecessor agencies) under the Surplus Property Act of 1944, or where such disposition has been by lease or permit, the Administrator shall administer and manage such credit, lease, or permit, and any security therefor, and may enforce, adjust, and settle any right of the Government with respect thereto in such manner and upon such terms as he deems in the best interest of the Government.

(h) Property under control of a military department

(1) If the Secretary of a military department determines that real property, and improvements thereon, under the control of that department (other than property at a military installation designated for closure or realignment) is excess to the needs of that department, the Secretary of Defense shall provide that the property be made available for transfer without reimbursement to the other military departments within the Department of Defense. If the property is not transferred to another military department, the Secretary of the military department concerned shall request the Administrator to transfer or dispose of such property in accordance with the provisions of this Act, section 13(g) of the Surplus Property Act of 1944 (50 U.S.C. App. 1622(g)), or other applicable law.

(2) The Administrator shall deposit any proceeds (less expenses of transferring or disposing of the property as provided in subsection (b) of this section) in a special account in the Treasury of the United States. The amount deposited in such account with respect to the transfer or disposal of any such property shall be available, to the extent provided in appropriation Acts, as follows:

(A) 50 percent of such amount shall be available for facility maintenance and repair or environmental restoration at the military installation where the property is located.

(B) 50 percent of such amount shall be 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.

(3) As part of the annual request for authorizations of appropriations to the Committee on Armed Services of the Senate and the Committee on National Security of 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, including a detailed explanation of each such transfer and disposal and of the use of the proceeds received from it by the Department of Defense.

(4) This subsection does not apply to damaged or deteriorated military family housing facilities conveyed under section 2854a of title 10.

(5) For purposes of this subsection, the term "military installation" shall have the meaning given that term in section 2687(e)(1) of title 10.

(i) Recovery of costs incurred in sales of personal property

The Administrator may retain from the proceeds of sales of personal property conducted by the General Services Administration amounts necessary to recover, to the extent practicable, costs incurred by the General Services Administration (or its agent) in conducting such sales. The Administrator shall deposit amounts retained into the General Supply Fund established under section 756(a) of this title and may use such portion of amounts so deposited as is necessary to pay (1) direct costs incurred by the General Services Administration in conducting sales of personal property, and (2) indirect costs incurred by the General Services Administration that are reasonably related to those sales. Amounts retained that are not needed to pay the direct and indirect costs incurred shall periodically, but not less than annually, be transferred from the General Supply Fund to the general fund or another appropriate account in the Treasury.

(June 30, 1949, ch. 288, title II, §204, 63 Stat. 388; Aug. 31, 1954, ch. 1178, 68 Stat. 1051; Sept. 1, 1959, Pub. L. 86-215, 73 Stat. 446; July 30, 1979, Pub. L. 96-41, §3(d), 93 Stat. 325; Nov. 5, 1988, Pub. L. 100-612, §6, 102 Stat. 3181; Nov. 5, 1990, Pub. L. 101-510, div. B, title XXVIII, §2805, 104 Stat. 1786; Oct. 28, 1993, Pub. L. 103-123, title IV, §7, 107 Stat. 1247; Feb. 10, 1996, Pub. L. 104-106, div. A, title XV, §1502(f)(7), div. B, title XXVIII, §2818(b), 110 Stat. 510, 555.)

REFERENCES IN TEXT

This Act, referred to in subsecs. (b) and (h)(1), is act June 30, 1949, ch. 288, 63 Stat. 377, as amended, known as the Federal Property and Administrative Services Act of 1949. For complete classification of this Act to the Code, see Short Title note set out under section 471 of this title and Tables.

For classification and history of the Surplus Property Act of 1944, referred to in subsec. (g), see note set out under section 473 of this title.

CODIFICATION

Section was formerly classified to section 234 of Title 41, Public Contracts.

PRIOR PROVISIONS

Provisions similar to those comprising subsec. (a) of this section were contained in act June 30, 1949, ch. 286, title I, §101, 63 Stat. 363; June 30, 1949, ch. 288, title I, §102(a), 63 Stat. 380, which was classified to section 314a of this title.

AMENDMENTS

1996—Subsec. (h)(3). Pub. L. 104-106, §1502(f)(7), substituted "Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives" for "Committees on Armed Services of the Senate and of the House of Representatives".

Subsec. (h)(4), (5). Pub. L. 104-106, §2818(b), added par. (4) and redesignated former par. (4) as (5).

1993—Subsec. (i). Pub. L. 103-123 added subsec. (i).

1990—Subsec. (a). Pub. L. 101-510, §2805(1), substituted "subsections (b), (c), (d), (e), and (h)" for "subsections (b), (c), (d), and (e)".

Subsec. (b). Pub. L. 101-510, §2805(2), substituted "Except as provided in subsection (h) of this section, all the proceeds" for "All the proceeds".

Subsec. (h). Pub. L. 101-510, §2805(3), added subsec. (h).
1988—Subsec. (b). Pub. L. 100-612 substituted "Office of Management and Budget" for "Bureau of the Budget" in two places and inserted "for costs of environmental and historic preservation services," after "realty brokers,".

1979—Subsec. (f). Pub. L. 96-41 substituted "the President" for "the Munitions Board".

1959—Subsec. (b). Pub. L. 86-215 substituted "utilization of excess property and the disposal" for "dispositions" in second sentence.

1954—Subsecs. (b) to (g). Act Aug. 31, 1954, added subsec. (b) and redesignated former subsecs. (b) to (f) as (c) to (g), respectively.

TRANSFER OF FUNCTIONS

War Assets Administration abolished June 30, 1949, and its functions transferred for liquidation to General Services Administration by act June 30, 1949, ch. 288, §105, 63 Stat. 381.

DELEGATION OF FUNCTIONS

Functions of President under subsec. (f) of this section 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.

CROSS REFERENCES

Crediting of proceeds from sales of surplus property to miscellaneous receipts of the Treasury, see section 4607-5 of Title 16, Conservation.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 483, 484, 490, 513 of this title; title 10 section 2831; title 16 section 4607-5; title 38 section 8165.

§ 485a. Payment of expenses of sales from proceeds

Subject to applicable regulations under the Federal Property and Administrative Services Act of 1949, as amended [40 U.S.C. 471 et seq.], from the proceeds of sales of old material, condemned stores, supplies, or other public property of any kind, before being deposited into the Treasury, 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, there may be paid the expenses of such sales so as to require only the net proceeds of such sales to be deposited into the Treasury, either as miscellaneous receipts or to the credit of such appropriations, as the case may be.

(June 8, 1896, ch. 373, 29 Stat. 268; Oct. 31, 1951, ch. 654, §2(20), 65 Stat. 707; Oct. 19, 1996, Pub. L. 104-316, title I, §120(a), 110 Stat. 3836.)

REFERENCES IN TEXT

The Federal Property and Administrative Services Act of 1949, referred to in text, is act June 30, 1949, ch. 288, 63 Stat. 377, as amended. Provisions of the Act relating to management and disposal of government property are classified to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 471 of this title and Tables.

CODIFICATION

Section was a provision of the Deficiency Appropriation Act for the fiscal year 1896.

Section was formerly classified to section 489 of Title 31 prior to the general revision and enactment of Title

31, Money and Finance, by Pub. L. 97-258, §1, Sept. 13, 1982, 96 Stat. 877.

AMENDMENTS

1996—Pub. L. 104-316 struck out "as approved by the accounting officers of the Treasury," before "so as to require".

1951—Act Oct. 31, 1951, inserted reference to applicable regulations of Federal Property and Administrative Services Act of 1949, as amended.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 38 section 8165.

§ 486. Policies, regulations, and delegations

(a) Promulgation by President

The President may prescribe such policies and directives, not inconsistent with the provisions of this Act, as he shall deem necessary to effectuate the provisions of said Act, which policies and directives shall govern the Administrator and executive agencies in carrying out their respective functions hereunder.

(b) Accounting principles and standards

The Comptroller General after considering the needs and requirements of the executive agencies shall prescribe principles and standards of accounting for property, cooperate with the Administrator and with the executive agencies in the development of property accounting systems, and approve such systems when deemed to be adequate and in conformity with prescribed principles and standards. From time to time the General Accounting Office shall examine such property accounting systems as are established by the executive agencies to determine the extent of compliance with prescribed principles and standards and approved systems, and the Comptroller General shall report to the Congress any failure to comply with such principles and standards or to adequately account for property.

(c) Regulations by Administrator

The Administrator shall prescribe such regulations as he deems necessary to effectuate his functions under this Act, and the head of each executive agency shall cause to be issued such orders and directives as such head deems necessary to carry out such regulations.

(d) Delegation and redelegation of authority by Administrator; exceptions

The Administrator is authorized to delegate and to authorize successive redelegation of any authority transferred to or vested in him by this Act (except for the authority to issue regulations on matters of policy having application to executive agencies, the authority contained in section 754 of this title, and except as otherwise provided in this Act) to any official in the General Services Administration or to the head of any other Federal agency.

(e) Delegation of functions by Administrator

With respect to any function transferred to or vested in the General Services Administration or the Administrator by this Act, the Administrator may (1) direct the undertaking of its performance by the General Services Administration or by any constituent organization therein which he may designate or establish; or (2) des-

ignate and authorize any executive agency to perform such function for itself; or (3) designate and authorize any other executive agency to perform such function; or (4) provide for such performance by any combination of the foregoing methods. Any designation or assignment of functions or delegation of authority to another executive agency under this section shall be made only with the consent of the executive agency concerned or upon direction of the President.

(f) Transfer of personnel, property, funds, etc., to agency receiving delegated functions

When any executive agency (including the General Services Administration and constituent organizations thereof) is authorized and directed by the Administrator to carry out any function under this Act, the Administrator may, with the approval of the Director of the Office of Management and Budget, provide for the transfer of appropriate personnel, records, property, and allocated funds of the General Services Administration, or of such other executive agency as has theretofore carried out such function, to the executive agency so authorized and directed.

(g) Establishment of advisory committees; compensation; expenses

The Administrator may establish advisory committees to advise with him with respect to any function transferred to or vested in the Administrator by this Act. The members thereof shall serve without compensation but shall be entitled to transportation and not to exceed \$25 per diem in lieu of subsistence, as authorized by section 5703 of title 5, for persons so serving.

(h) Consultations between Administrator and Federal agencies

The Administrator shall advise and consult with interested Federal agencies with a view to obtaining their advice and assistance in carrying out the purposes of this Act.

(i) Administration of oaths by certain officers and employees

If authorized by the Administrator, officers and employees of the General Services Administration having investigatory functions are empowered, while engaged in the performance of their duties in conducting investigations, to administer oaths to any person.

(June 30, 1949, ch. 288, title II, §205, 63 Stat. 389; Sept. 5, 1950, ch. 849, §9, 64 Stat. 591; Aug. 31, 1962, Pub. L. 87-619, 76 Stat. 414; 1970 Reorg. Plan No. 2, §102, eff. July 1, 1970, 35 F.R. 7959, 84 Stat. 2085.)

REFERENCES IN TEXT

This Act, referred to in subssecs. (a) and (c) to (h), is act June 30, 1949, ch. 288, 63 Stat. 377, as amended, known as the Federal Property and Administrative Services Act of 1949. For complete classification of this Act to the Code, see Short Title note set out under section 471 of this title and Tables.

CODIFICATION

In subsec. (g), "section 5703 of title 5" substituted for "section 5 of the Act of August 2, 1946 (5 U.S.C. 73b-2)" on authority of Pub. L. 89-554, §7(b), Sept. 6, 1966, 80 Stat. 631, the first section of which enacted Title 5, Government Organization and Employees.

Section was formerly classified to section 235 of Title 41, Public Contracts.

AMENDMENTS

1962—Subsec. (i). Pub. L. 87-619 added subsec. (i).

1950—Subsec. (h). Act Sept. 5, 1950, substituted "this Act" for "this subchapter".

TRANSFER OF FUNCTIONS

Functions vested by law (including reorganization plan) in Bureau of the Budget or Director of Bureau of the Budget transferred to President of the United States by section 101 of Reorg. Plan No. 2 of 1970, eff. July 1, 1970, 35 F.R. 7959, 84 Stat. 2085, set out in the Appendix to Title 5, Government Organization and Employees. Section 102 of Reorg. Plan No. 2 of 1970, redesignated Bureau of the Budget as Office of Management and Budget.

TERMINATION OF ADVISORY COMMITTEES

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

PROHIBITION OF CIGARETTE SALES TO MINORS IN FEDERAL BUILDINGS AND LANDS

Pub. L. 104-52, title VI, §636, Nov. 19, 1995, 109 Stat. 507, provided that: "This section may be cited as the 'Prohibition of Cigarette Sales to Minors in Federal Buildings and Lands Act'.

"(a) As used in this section—

"(1) the term 'Federal agency' means—

"(A) an Executive agency as defined in section 105 of title 5, United States Code; and

"(B) each entity specified in subparagraphs (B) through (H) of section 5721(1) of title 5, United States Code;

"(2) the term 'Federal building' means—

"(A) any building or other structure owned in whole or in part by the United States or any Federal agency, including any such structure occupied by a Federal agency under a lease agreement; and

"(B) includes the real property on which such building is located;

"(3) the term 'minor' means an individual under the age of 18 years; and

"(4) the term 'tobacco product' means cigarettes, cigars, little cigars, pipe tobacco, smokeless tobacco, snuff, and chewing tobacco.

"(b)(1) No later than 45 days after the date of the enactment of this Act [Nov. 19, 1995], the Administrator of General Services and the head of each Federal agency shall promulgate regulations that prohibit—

"(A) the sale of tobacco products in vending machines located in or around any Federal building under the jurisdiction of the Administrator or such agency head; and

"(B) the distribution of free samples of tobacco products in or around any Federal building under the jurisdiction of the Administrator or such agency head.

"(2) The Administrator of General Services or the head of an agency, as appropriate, may designate areas

not subject to the provisions of paragraph (1), if such area also prohibits the presence of minors.

“(3) The provisions of this subsection shall be carried out—

“(A) by the Administrator of General Services for any Federal building which is maintained, leased, or has title of ownership vested in the General Services Administration; or

“(B) by the head of a Federal agency for any Federal building which is maintained, leased, or has title of ownership vested in such agency.

“(c) No later than 90 days after the date of enactment of this Act [Nov. 19, 1995], the Administrator of General Services and each head of an agency shall prepare and submit, to the appropriate committees of Congress, a report that shall contain—

“(1) verification that the Administrator or such head of an agency is in compliance with this section; and

“(2) a detailed list of the location of all tobacco product vending machines located in Federal buildings under the administration of the Administrator or such head of an agency.

“(d)(1) No later than 45 days after the date of the enactment of this Act [Nov. 19, 1995], the Senate Committee on Rules and Administration and the House of Representatives Committee on House Oversight, after consultation with the Architect of the Capitol, shall promulgate regulations under the Senate and House of Representatives rulemaking authority that prohibit the sale of tobacco products in vending machines in the Capitol Buildings.

“(2) Such committees may designate areas where such prohibition shall not apply, if such area also prohibits the presence of minors.

“(3) For the purpose of this section the term ‘Capitol Buildings’ shall have the same meaning as such term is defined under section 16(a)(1) of the Act entitled ‘An Act to define the area of the United States Capitol Grounds, to regulate the use thereof, and for other purposes’, approved July 31, 1946 (40 U.S.C. 193m(1)).

“(e) Nothing in this section shall be construed as restricting the authority of the Administrator of General Services or the head of an agency to limit tobacco product use in or around any Federal building, except as provided under subsection (b)(1).”

MODIFICATION OF POLICIES, PROCEDURES, AND DIRECTIVES

To all executive agencies: By virtue of the authority vested in me by section 205(a) of the Act entitled “An Act to simplify the procurement, utilization and disposal of Government property to reorganize certain agencies of the Government, and for other purposes,” approved June 30, 1949 (the Federal Property and Administrative Services Act of 1949) [subsec. (a) of this section] it is hereby directed that:

1. In cooperation with other interested agencies, the Administrator of General Services shall institute studies and surveys to determine the extent to which existing policies, procedures and directives heretofore promulgated and remaining in force under section 501 of the Act [section 473 of this title] should be modified or revoked in the interest of promoting greater economy and efficiency in accomplishing the purposes of this Act. Careful attention shall be given to determining the degree of centralization in the General Services Administration to be attained in the performance of the functions involved. When these studies and surveys have been completed and after consulting with the interested agencies, the Administrator shall prescribe such regulations as may be necessary to implement the determinations resulting from such studies and surveys.

2. After consultation with the Bureau of the Budget [now the Office of Management and Budget] and other Executive agencies, and also with the General Accounting Office in respect of such matters as may be appropriate, including matters affecting its functions under sections 205(b) and 206(c) of the Act [subsec. (b) of this

section and section 487(c) of this title], and at the earliest possible date, the Administrator of General Services shall establish such standards, prescribe such regulations, and prepare and issue such manuals and procedures as may be necessary to guide all Executive agencies in ascertaining whether their operations in the field of property and records management are efficient and economical as well as consistent with established Government policies.

3. In accordance with directives to be issued by the Administrator of General Services, each Executive agency shall promptly institute surveys to determine excess personal property and that portion of excess real property, including unimproved property, under their control which might be suitable for office, storage, and related facilities, and shall promptly report to the Administrator as soon as each survey is completed.

4. Each Executive agency shall carefully plan and schedule its requirements for supplies, equipment, materials and all other personal property in order that necessary stocks may be maintained at minimum levels and high-cost small-lot purchasing avoided.

5. Under section 201(c) of the Act [section 481(c) of this title] Executive agencies are permitted to apply exchange allowances and proceeds of sale in payment of property acquired. The Administrator shall promptly prescribe regulations specifying the extent to which Executive agencies may exercise this authority, and pending the issuance of such regulations, no Executive agency shall exercise this authority except to the extent permitted by, and in accordance with the provisions of, statutes in force prior to the taking effect of this Act.

6. Section 502(d) of the Act [section 474 of this title] provides that certain programs and functions now being carried on by various Executive agencies shall not be impaired or affected by the provisions of the Act. However, the attention of these agencies is called specifically to the purposes of this legislation and they shall, insofar as practicable, procure, utilize and dispose of property in accordance with the provisions of the Act, and the regulations issued thereunder in order that the greatest overall efficiency and economy may be effected. These same agencies shall also cooperate with the Administrator of General Services in the making of surveys of property and property management practices and in the establishment of inventory levels as provided in section 206(a)(1) and (2) of the Act [section 487(a)(1), and (2) of this title].

HARRY S TRUMAN.

TERMINATION OF WAGE AND PRICE REGULATORY PROGRAM

For provisions relating to the termination of the wage and price regulatory program, see Ex. Ord. No. 12288, Jan. 29, 1981, 46 F.R. 10135, set out as a note under former section 1904 of Title 12, Banks and Banking.

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) [section 472(a) of this title]. 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 determination 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 required 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 ex-

ecutive 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 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 [this chapter].

SEC. 10. *Optional use arrangements.* Nothing in these regulations shall be construed as precluding the establishment 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 [this chapter].

DWIGHT D. EISENHOWER.

EXECUTIVE ORDER No. 11508

Ex. Ord. No. 11508, Feb. 10, 1970, 35 F.R. 2855, as amended by Ex. Ord. No. 11560, Sept. 23, 1970, 35 F.R. 14899, which related to the identification of unneeded federal real property, was superseded by Ex. Ord. No. 11724, June 25, 1973, 38 F.R. 16837, formerly set out below.

EXECUTIVE ORDER No. 11724

Ex. Ord. No. 11724, June 25, 1973, 38 F.R. 16837, which related to the Federal Property Council, was super-

seded by Ex. Ord. No. 11954, Jan. 7, 1977, 42 F.R. 2297, formerly set out below.

EXECUTIVE ORDER No. 11954

Ex. Ord. No. 11954, Jan. 7, 1977, 42 F.R. 2297, as amended by Ex. Ord. No. 12030, Dec. 15, 1977, 42 F.R. 63633, formerly set out under this section, which provided for review of Federal real property, was revoked by Ex. Ord. No. 12348, Feb. 25, 1982, 47 F.R. 8547, formerly set out below.

EXECUTIVE ORDER No. 12030

Ex. Ord. No. 12030, Dec. 15, 1977, 42 F.R. 63633, formerly set out as a note under this section, which amended Ex. Ord. No. 11954, Jan. 7, 1977, 42 F.R. 2297, by, among other changes, providing for the termination of the Federal Property Council, was omitted from the Code in view of the revocation of Ex. Ord. No. 11954 by Ex. Ord. No. 12348, Feb. 25, 1982, 47 F.R. 8547, formerly set out below.

EXECUTIVE ORDER No. 12348

Ex. Ord. No. 12348, Feb. 25, 1982, 47 F.R. 8547, which related to Federal real property review, was revoked by Ex. Ord. No. 12512, Apr. 29, 1985, 50 F.R. 18453, set out below.

EX. ORD. NO. 112411. 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, in order to institute fundamental 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.

EX. ORD. NO. 12512. FEDERAL REAL PROPERTY
MANAGEMENT

Ex. Ord. No. 12512, Apr. 29, 1985, 50 F.R. 18453, provided:

By the authority vested in me as President by the Constitution and laws of the United States of America, including section 486(a) of title 40 of the United States Code, and in order to ensure that Federal real property resources are treated in accordance with their value as national assets and in the best interests of the Nation's taxpayers, it is hereby ordered as follows:

SECTION 1. *General Requirements.* To ensure the effective and economical use of America's real property and public land assets, establish a focal point for the enunciation of clear and consistent Federal policies regarding the acquisition, management, and disposal of properties, and assure management accountability for implementing Federal real property management reforms, all Executive departments and agencies shall take immediate action to recognize the importance of such resources through increased management attention, establishment of clear goals and objectives, improved policies and levels of accountability, and other appropriate actions. Specifically:

(a) The Domestic Policy Council shall serve as the forum for approving government-wide real property management policies;

(b) All Executive departments and agencies shall establish internal policies and systems of accountability that ensure effective use of real property in support of mission-related activities, consistent with Federal policies regarding the acquisition, management, and disposal of such assets. All such agencies shall periodically review their real property holdings and conduct surveys of such property in accordance with standards and procedures determined by the Administrator of General Services. All such agencies shall also develop annual real property management improvement plans that include clear and concise goals and objectives related to all aspects of real property management, and identify sales, work space management, productivity, and excess property targets;

(c) The Director of the Office of Management and Budget shall review, through the management and budget review processes, the efforts of departments and agencies toward achieving the government-wide property management policies established pursuant to this Order. Savings achieved as a result of improved management shall be applied to reduce Federal spending and to support program delivery;

(d) The Office of Management and Budget and the General Services Administration shall, in consultation with the land managing agencies, develop legislative initiatives that seek to improve Federal real property management through the adoption of appropriate private sector management techniques; the elimination of duplication of effort among agencies; and the establishment of managerial accountability for implementing effective and efficient real property management practices; and

(e) The President's Council on Management Improvement, subject to the policy direction of the Domestic Policy Council, shall conduct such additional studies as are necessary to improve Federal real property management by appropriate agencies and groups.

SEC. 2. *Real Property.* The Administrator of General Services shall, to the extent permitted by law, provide government-wide policy oversight and guidance for Federal real property management; manage selected

properties for agencies; conduct surveys; delegate operational responsibility to agencies where feasible and economical; and provide leadership in the development and maintenance of needed property management information systems.

SEC. 3. *Public Lands.* In order to ensure that Federally owned lands, other than the real property covered by Section 2 of this Order, are managed in the most effective and economic manner, the Departments of Agriculture and the Interior shall take such steps as are appropriate to improve their management of public lands and National Forest System lands and shall develop appropriate legislative proposals necessary to facilitate that result.

SEC. 4. Executive Order No. 12348 of February 25, 1982, is hereby revoked.

RONALD REAGAN.

EX. ORD. NO. 12933. NONDISPLACEMENT OF QUALIFIED
WORKERS UNDER CERTAIN CONTRACTS

Ex. Ord. No. 12933, Oct. 20, 1994, 59 F.R. 53559, provided:

When a service contract for the maintenance of a public building expires and a follow-on contract is awarded for the same service, the successor contractor typically hires the majority of the predecessor's employees. On occasion, however, a follow-on contractor will hire a new work force, and the predecessor's employees are displaced.

As a buyer and participant in the marketplace, the Government is concerned about hardships to individuals that may result from the operation of our procurement system.

Furthermore, the Government's procurement interests in economy and efficiency benefit from the fact that a carryover work force will minimize disruption to the delivery of services during any period of transition and provide the Government the benefits of an experienced and trained work force rather than one that may not be familiar with the Government facility.

Therefore, by the authority vested in me as President by the Constitution and the laws of the United States of America, including 40 U.S.C. 486(a), and in order to promote economy and efficiency, it is hereby ordered as follows:

SECTION 1. *Statement of Policy.* It is the policy of the Federal Government that solicitations and building service contracts for public buildings shall include a clause that requires the contractor under a contract that succeeds a contract for performance of similar services at the same public building to offer those employees (other than managerial or supervisory employees) under the predecessor contract whose employment will be terminated as a result of the award of the successor contract, a right of first refusal to employment under the contract in positions for which they are qualified. There shall be no employment openings under the contract until such right of first refusal has been provided. Nothing in this order shall be construed to permit a contractor to fail to comply with any provision of any other Executive order or laws of the United States.

SEC. 2. *Definitions.* (a) "Public building" means any Government-owned building, whether single or multi-tenant occupancy, its grounds, approaches, and appurtenances, which is generally suitable for office or storage space or both for the use of one or more Federal agencies or mixed ownership corporations, and shall include the following: (1) Federal office buildings; (2) customhouses; (3) courthouses; (4) border inspection facilities; (5) warehouses; (6) records centers; (7) appraiser stores; and (8) relocation facilities and similar Federal facilities; but shall not include any such buildings: (A) on the public domain (including that reserved for national forests and other purposes); (B) on properties of the United States in foreign countries; (C) on Native American and Native Eskimo properties held in trust by the United States; (D) on lands used in connection with Federal programs for agricultural, recreational,

and conservation purposes, including research in connection therewith; (E) on or used in connection with river, harbor, flood control, reclamation, or power projects; or for chemical manufacturing or development projects; or for nuclear production, research, or development projects; (F) on or used in connection with housing and residential projects; (G) on properties of the United States Postal Service; (H) on military installations (including any fort, camp, post, naval training station, airfield, proving ground, military supply depot, military school, or any similar facility of the Department of Defense); (I) on installations of the National Aeronautic and Space Administration, except regular office buildings; and (J) on Department of Veterans Affairs installations used for hospital or domiciliary purposes.

(b) "Building services contract" means a contract for recurring services related to the maintenance of a public building, e.g., janitorial, window washing, food service, laundry, protective services, lawn and grounds care, and inspection, maintenance, and repair of fixed equipment such as elevators, air-conditioning, and heating systems.

SEC. 3. *Exclusions.* This order shall not apply to (a) contracts under the simplified acquisition threshold;

(b) contracts awarded pursuant to the Javits-Wagner-O'Day Act, 41 U.S.C. 46-48a; and any future enacted law creating an employment preference for some group of workers under building services contracts;

(c) guard, elevator operator, messenger, or custodial services provided to the Government under contracts with sheltered workshops employing the severely handicapped as outlined in the Edgar Amendment, section 505 of the Treasury, Postal Services and General Government Appropriations Act, 1995, Public Law 103-329 [40 U.S.C. 490c];

(d) agreements for vending facilities entered into under the preference provisions of the Randolph-Sheppard Act, 20 U.S.C. 107; or

(e) services where the contractor's employees perform work at the public building and at other locations under contracts not subject to this order (e.g., pest control or trash removal where the contractor's employees visit the site periodically and where the employees under the contract respond to service calls), provided that employees shall not be deployed in a manner that is designed to avoid the purposes of this order.

SEC. 4. *Contract Clause.* The following contract clause shall be included in solicitations and contracts for maintenance of public buildings that succeed contracts for performance of similar work at the same public building:

"NONDISPLACEMENT OF QUALIFIED WORKERS

["(a) Consistent with the efficient performance of this contract, the contractor shall, except as otherwise provided herein, in good faith offer those employees (other than managerial and supervisory employees) under the predecessor contract whose employment will be terminated as a result of award of this contract or the expiration of the contract under which the employees were hired, a right of first refusal to employment under the contract in positions for which employees are qualified. The contractor shall determine the number of employees necessary for efficient performance of this contract and may elect to employ fewer employees than the predecessor contractor employed in connection with performance of the work. Except as provided in paragraph (b), there shall be no employment opening under the contract, and the contractor shall not offer employment under the contract, to any person prior to having complied fully with this obligation. The contractor shall make an express offer of employment to each employee as provided herein and shall state the time within which the employee must accept such offer, but in no case shall the period within which the employee must accept the offer of employment be less than 10 days.

["(b) Notwithstanding the contractor's obligation under paragraph (a) above, the contractor (1) may em-

ploy on the contract any employee who has worked for the contractor for at least 3 months immediately preceding the commencement of this contract and who would otherwise face lay-off or discharge, and (2) is not required to offer a right of first refusal to any employee(s) of the predecessor contractor who are not service employees within the meaning of the McNamara-O'Hara Service Contract Act, 41 U.S.C. 357(b), and (3) is not required to offer a right of first refusal to any employee(s) of the predecessor contractor whom the contractor reasonably believes, based on the particular employee's past performance, has failed to perform suitably on the job.

["(c) In accordance with Federal Acquisition Regulation 52.222-41(n), the contractor shall, not less than 60 days before completion of this contract, furnish the Contracting Officer a certified list of the names of all service employees working at the Federal facility during the last month of contract performance. The list shall also contain anniversary dates of employment on the contract either with the current or predecessor contractors of each service employee. The Contracting Officer will provide the list to the successor contractor, and the list shall be provided on request to employees or their representatives.

["(d) If it is determined, pursuant to regulations issued by the Secretary of Labor, that the contractor is not in compliance with the requirements of this clause or any regulation or order of the Secretary, appropriate sanctions may be imposed and remedies invoked against the contractor, as provided in Executive Order No. 12933, the regulations, and relevant orders of the Secretary of Labor, or as otherwise provided by law."

SEC. 5. *Enforcement.* The Secretary of Labor is responsible for investigating and obtaining compliance with this Executive order. In such proceedings the Secretary shall have the authority to issue final orders prescribing appropriate sanctions and remedies, including, but not limited to, orders requiring employment and payment of wages lost. The Secretary also may provide that where a contractor has failed to comply with any order of the Secretary or has committed willful violations of this order or the regulations issued pursuant thereto, the contractor and its responsible officers, and any firm in which the contractor has a substantial interest, shall be ineligible to be awarded any contract or subcontract of the United States for a period of up to 3 years. This Executive order creates no rights under the Contract Disputes Act [41 U.S.C. 601 et seq.], and disputes regarding the requirement of the contract clause shall be disposed of only as provided by the Secretary of Labor in regulations issued under this Executive order. To the extent practicable, such regulations shall favor the resolution of disputes by efficient and informal alternative dispute resolution methods. The Secretary of Labor shall, in consultation with the Federal Acquisition Regulatory Council, issue regulations, within 180 days of the date of this order, to implement the requirements of this Executive order. The Federal Acquisition Regulatory Council shall issue, within 180 days of the date of this order, regulations in the Federal Acquisition Regulation to provide for inclusion of the contract clause in Federal solicitations and contracts subject to this Executive order.

SEC. 6. *Judicial Review.* Nothing in this order is intended to provide a constitutional or statutory interpretation of any kind and it is not intended, and should not be construed, to create any right or benefit, substantive or procedural, enforceable at law by a party against the United States, its agencies, its officers, or its employees. This order is not intended, however, to preclude judicial review of final decisions by the Secretary of Labor in accordance with the Administrative Procedure Act, 5 U.S.C. 701 et seq.

WILLIAM J. CLINTON.

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

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

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

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

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

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

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

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

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

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

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

SEC. 4. (a) When the Secretary determines that a contractor has permanently replaced lawfully striking employees, the Secretary may debar the contractor, thereby making the contractor ineligible to receive govern-

ment contracts. The Secretary shall notify the Administrator of the General Services Administration of the debarment, and the Administrator shall include the contractor on the consolidated list of debarred contractors. Departments and agencies shall not solicit offers from, award contracts to, or consent to subcontracts with these contractors unless the head of the agency or his or her designee determines, in writing, that there is a compelling reason for such action, in accordance with the Federal Acquisition Regulation.

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

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

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

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

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

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

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

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

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

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

(b) This order is effective immediately.

WILLIAM J. CLINTON.

EX. ORD. NO. 12977. INTERAGENCY SECURITY COMMITTEE

Ex. Ord. No. 12977, Oct. 19, 1995, 60 F.R. 54411, provided:

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to enhance the quality and effec-

tiveness of security in and protection of buildings and facilities in the United States occupied by Federal employees for nonmilitary activities ("Federal facilities"), and to provide a permanent body to address continuing government-wide security for Federal facilities, it is hereby ordered as follows:

SECTION 1. *Establishment.* There is hereby established within the executive branch the Interagency Security Committee ("Committee"). The Committee shall consist of: (a) the Administrator of General Services ("Administrator");

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

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

(c) the following individuals or their designees:

- (1) the Director, United States Marshals Service;
 - (2) the Assistant Commissioner of the Federal Protective Service of the Public Buildings Service, General Services Administration ("Assistant Commissioner");
 - (3) the Assistant to the President for National Security Affairs; and
 - (4) the Director, Security Policy Board; and
- (d) such other Federal employees as the President shall appoint.

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

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

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

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

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

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

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

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

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

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

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

SEC. 6. *Agency Support and Cooperation.* (a) *Administrative Support.* To the extent permitted by law and sub-

ject to the availability of appropriations, the Administrator, acting by and through the Assistant Commissioner, shall provide the Committee such administrative services, funds, facilities, staff and other support services as may be necessary for the performance of its functions under this order.

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

(c) *Compliance.* The Administrator, acting by and through the Assistant Commissioner, shall be responsible for monitoring Federal agency compliance with the policies and recommendations of the Committee.

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

WILLIAM J. CLINTON.

CROSS REFERENCES

Accounting systems in executive agencies, duties of Comptroller General, and continuation of authority vested in him by subsection (b) of this section, see section 3512 of Title 31, Money and Finance.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 474, 475, 486a, 490, 757 of this title; title 10 sections 2381, 2572, 4681, 4682, 4684, 4686, 7541, 7541a, 7542, 7545, 9681, 9682, 9684, 9686; title 31 section 3511; title 41 sections 257, 421.

§ 486a. Retention and expenditure of portion of GSA rental payments by departments or agencies

For the fiscal year ending September 30, 1997, and thereafter, any department or agency to which the Administrator of General Services has delegated the authority to operate, maintain or repair any building or facility pursuant to section 486(d) of this title, shall retain that portion of the GSA rental payment available for operation, maintenance or repair of the building or facility, as determined by the Administrator, and expend such funds directly for the operation, maintenance or repair of the building or facility. Any funds retained under this section shall remain available until expended for such purposes.

(Pub. L. 104-208, div. A, title I, §101(f) [title VI, §611], Sept. 30, 1996, 110 Stat. 3009-314, 3009-355.)

CODIFICATION

Section was enacted as part of the Treasury, Postal Service, and General Government Appropriations Act, 1997, and also as part of the Omnibus Consolidated Appropriations Act, 1997, and not as part of the Federal Property and Administrative Services Act of 1949, part of which comprises this chapter.

SIMILAR PROVISIONS

Similar provisions were contained in the following prior appropriation acts:

Pub. L. 104-52, title VI, §611, Nov. 19, 1995, 109 Stat. 499.

Pub. L. 103-329, title VI, §611, Sept. 30, 1994, 108 Stat. 2418.

§ 487. Surveys of Government property and management practices

(a) Authorization for surveys, inventory levels, supply catalog system and standardized forms and procedures

As he may deem necessary for the effectuation of his functions under this subchapter, and after adequate advance notice to the executive agencies affected, and with due regard to the requirements of the Department of Defense as determined by the Secretary of Defense, the Administrator is authorized (1) to make surveys of Government property and property management practices and obtain reports thereon from executive agencies; (2) to cooperate with executive agencies in the establishment of reasonable inventory levels for property stocked by them and from time to time report any excessive stocking to the Congress and to the Director of the Office of Management and Budget; (3) to establish and maintain such uniform Federal supply catalog system as may be appropriate to identify and classify personal property under the control of Federal agencies: *Provided*, That the Administrator and the Secretary of Defense shall coordinate the cataloging activities of the General Services Administration and the Department of Defense so as to avoid unnecessary duplication; and (4) subject to regulations¹ promulgated by the Administrator for Federal Procurement Policy pursuant to the Office of Federal Procurement Policy Act [41 U.S.C. 401 et seq.], to prescribe standardized forms and procedures, except such as the Comptroller General is authorized by law to prescribe, and standard purchase specifications.

(b) Utilization by Federal agencies of supply catalog system and standardized forms and procedures

Each Federal agency shall utilize such uniformed Federal supply catalog system and standardized forms and procedures, and standard purchase specifications, except as the Administrator, taking into consideration efficiency, economy, and other interests of the Government, shall otherwise provide.

(c) Audit of property accounts by General Accounting Office

The General Accounting Office shall audit all types of property accounts and transactions at such times and in such manner as determined by the Comptroller General. Such audit shall be conducted as far as practicable at the place or places where the property or records of the executive agencies are kept and shall include but not necessarily be limited to 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 upon generally accepted principles of auditing.

(June 30, 1949, ch. 288, title II, §206, 63 Stat. 390; Aug. 10, 1949, ch. 412, §12(a), (g), 63 Stat. 591; July 12, 1952, ch. 703, §1(k), 66 Stat. 593; 1970 Reorg.

Plan No. 2, §102, eff. July 1, 1970, 35 F.R. 7959, 84 Stat. 2085; Aug. 30, 1974, Pub. L. 93-400, §15(3), 88 Stat. 800; Oct. 10, 1979, Pub. L. 96-83, §10(a), 93 Stat. 652; Dec. 1, 1983, Pub. L. 98-191, §§8(d)(1), 9(a)(2), 97 Stat. 1331.)

REFERENCES IN TEXT

The Office of Federal Procurement Policy Act, referred to in subsec. (a)(4), 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.

CODIFICATION

In subsec. (a), "Department of Defense" substituted for "National Military Establishment" on authority of act Aug. 10, 1949, ch. 412, §12(a), (g), 63 Stat. 591.

Section was formerly classified to section 236 of Title 41, Public Contracts.

AMENDMENTS

1983—Subsec. (a)(4). Pub. L. 98-191 inserted "and regulations" after "subject to policy directives" and then substituted "subject to regulations" for "subject to policy directives". A literal execution of both amendments would have resulted in the phrase reading "subject to regulations and regulations".

1979—Subsec. (a)(4). Pub. L. 96-83 substituted "policy directives" for "regulations".

1974—Subsec. (a)(4). Pub. L. 93-400 substituted "subject to regulations promulgated by the Administrator for Federal Procurement Policy pursuant to the Office of Federal Procurement Policy Act, to prescribe standardized" for "to prescribe standardized".

1952—Subsec. (b). Act July 12, 1952, inserted "and standardized forms and procedures" after "system".

EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96-83 effective Oct. 1, 1979, see section 12 of Pub. L. 96-83, set out as a note under section 401 of Title 41, Public Contracts.

TRANSFER OF FUNCTIONS

Functions vested by law (including reorganization plan) in Bureau of the Budget or Director of Bureau of the Budget transferred to President of the United States by section 101 of Reorg. Plan No. 2 of 1970, eff. July 1, 1970, 35 F.R. 7959, 84 Stat. 2085, set out in the Appendix to Title 5, Government Organization and Employees. Section 102 of Reorg. Plan No. 2 of 1970, redesignated Bureau of the Budget as Office of Management and Budget.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 474 of this title.

§ 488. Disposal of property

(a) Advice of Attorney General with respect to antitrust laws

Except as provided by subsection (c) of this section, no executive agency shall dispose of any plant, plants, or other property to any private interest until such agency has received the advice of the Attorney General on the question whether such disposal would tend to create or maintain a situation inconsistent with the antitrust laws. Whenever any such disposal is contemplated by any executive agency, such agency shall transmit promptly to the Attorney General notice of such proposed disposal and the probable terms or conditions thereof. If such notice is given by any executive agency other than the General Services Administration, a copy of

¹ See 1983 Amendment note below.

such notice shall be transmitted simultaneously to the Administrator. Within a reasonable time, in no event to exceed sixty days, after receipt of such notification, the Attorney General shall advise the Administrator and any other interested executive agency whether, so far as he can determine, the proposed disposition would tend to create or maintain a situation inconsistent with the antitrust laws.

(b) Request by Attorney General for information

Upon request made by the Attorney General, the Administrator or any other executive agency shall furnish or cause to be furnished to the Attorney General such information as the Administrator or such other executive agency may possess which the Attorney General determines to be appropriate or necessary to enable him to give the advice required by this section, or to determine whether any other disposition or proposed disposition of surplus property violates or would violate any of the antitrust laws.

(c) Applicability of provisions

This section shall not apply to the disposal of—

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

(d) Provisions held not to impair, amend, etc., antitrust laws

Nothing contained in this Act shall impair, amend, or modify any of the antitrust laws or limit or prevent the application of any such law to any person who acquires in any manner any property under the provisions of this Act.

As used in this section, the term “antitrust laws” includes the Act of July 2, 1890 (ch. 647, 26 Stat. 209), as amended; the Act of October 15, 1914 (ch. 323, 38 Stat. 730), as amended; the Federal Trade Commission Act (38 Stat. 717), as amended [15 U.S.C. 41 et seq.]; and sections 73 and 74 of the Act of August 27, 1894 (28 Stat. 570), as amended.

(June 30, 1949, ch. 288, title II, §207, 63 Stat. 391; Aug. 19, 1958, Pub. L. 85-680, 72 Stat. 631; Nov. 5, 1988, Pub. L. 100-612, §7, 102 Stat. 3182.)

REFERENCES IN TEXT

This Act, referred to in subsec. (d), is act June 30, 1949, ch. 288, 63 Stat. 377, as amended, known as the Federal Property and Administrative Services Act of 1949. For complete classification of this Act to the Code, see Short Title note set out under section 471 of this title and Tables.

Act of July 2, 1890, as amended, referred to in subsec. (d), is act July 2, 1890, ch. 647, 26 Stat. 209, as amended, known as the Sherman Act, 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.

Act of October 15, 1914, as amended, referred to in subsec. (d), is act Oct. 15, 1914, ch. 323, 38 Stat. 730, as amended, known as the Clayton Act, which is classified generally to sections 12, 13, 14 to 19, 20, 21, 22 to 27 of Title 15 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. (d), 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. For complete classification of this Act to the Code, see section 58 of Title 15 and Tables.

Sections 73 and 74 of the Act of August 27, 1894, referred to in subsec. (d), are classified to sections 8 and 9 of Title 15.

CODIFICATION

Section was formerly classified to section 237 of Title 41, Public Contracts.

AMENDMENTS

1988—Subsec. (c). Pub. L. 100-612 amended subsec. (c) generally. Prior to amendment, subsec. (c) read as follows: “This section shall not apply to the disposal of—

“(1) real property if the aggregate amount of the original acquisition cost of such property to the Government and all capital expenditures made by the Government with respect thereto is less than \$1,000,000; or

“(2) personal property (other than a patent, process, technique, or invention) with an acquisition cost of less than \$3,000,000.”

1958—Pub. L. 85-680 subdivided section into subsections (a) to (d), retaining former last sentence defining “antitrust laws” as a separate paragraph at end, and amended provisions to increase exemptions of proposed disposals of surplus property from referral to the Attorney General for his advice as to whether or not such disposals would be inconsistent with the antitrust laws, to modify and improve procedure for such referrals to the Attorney General by the disposal agencies and to provide for notification of the General Services Administration by other agencies making disposals.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 781 of this title; title 42 sections 2201, 5919.

§ 489. Civil remedies and penalties

(a) Immunity of officers or employees of Government

Where any property is transferred or disposed of in accordance with this Act and any regulations prescribed hereunder, no officer or employee of the Government shall (1) be liable with respect to such transfer or disposition except for his own fraud, or (2) be accountable for the collection of any purchase price for such property which is determined to be uncollectible by the Federal agency responsible therefor.

(b) Fraudulent tricks, schemes, or devices

Every person who shall use or engage in, or cause to be used or engaged in, or enter into an agreement, combination, or conspiracy to use or engage in or to cause to be used or engaged in, any fraudulent trick, scheme, or device, for the purpose of securing or obtaining, or aiding to secure or obtain, for any person any payment, property, or other benefits from the United States or any Federal agency in connection with the procurement, transfer or disposition of property hereunder—

(1) shall pay to the United States the sum of \$2,000 for each such act, and double the amount of any damage which the United States may have sustained by reason thereof, together with the cost of suit; or

(2) shall, if the United States shall so elect, pay to the United States, as liquidated damages, a sum equal to twice the consideration agreed to be given by the United States or any

Federal agency to such person or by such person to the United States or any Federal agency, as the case may be; or

(3) shall, if the United States shall so elect, restore to the United States the money or property thus secured and obtained and the United States shall retain as liquidated damages any property, money, or other consideration given to the United States or any Federal agency for such money or property, as the case may be.

(c) Jurisdiction and venue

The several district courts of the United States and the several district courts of the Territories and possessions of the United States, within whose jurisdictional limits the person, or persons, doing or committing such act, or any one of them, resides or shall be found, shall wheresoever such act may have been done or committed, have full power and jurisdiction to hear, try, and determine such suit, and such person or persons as are not inhabitants of or found within the district in which suit is brought may be brought in by order of the court to be served personally or by publication or in such other reasonable manner as the court may direct.

(d) Additional remedies

The civil remedies provided in this section shall be in addition to all other criminal penalties and civil remedies provided by law.

(June 30, 1949, ch. 288, title II, §209, 63 Stat. 392.)

REFERENCES IN TEXT

This Act, referred to in subsec. (a), is act June 30, 1949, ch. 288, 63 Stat. 378, as amended, known as the Federal Property and Administrative Services Act of 1949. Provisions of that Act relating to management and disposal of government property are classified to this chapter. For complete classification of that Act to the Code, see Short Title note set out under section 471 of this title and Tables.

CODIFICATION

As originally enacted, subsec. (c) contained a reference to "the District Court of the United States for the District of Columbia" following "the several district courts of the United States". The words "the District Court of the United States for the District of Columbia" have been deleted entirely as superfluous in view of section 132(a) of Title 28, Judiciary and Judicial Procedure, which states that "There shall be in each judicial district a district court which shall be a court of record known as the United States District Court for the district" and section 88 of the Title 28 which states that "the District of Columbia constitutes one judicial district".

Section was formerly classified to section 239 of Title 41, Public Contracts.

§ 490. Operation of buildings and related activities by Administrator

(a) General duties

Whenever and to the extent that the Administrator has been or hereafter may be authorized by any provision of law other than this subsection to maintain, operate, and protect any building, property, or grounds situated in or outside the District of Columbia, including the construction, repair, preservation, demolition, furnishing, and equipment thereof, he is authorized in the discharge of the duties so conferred upon him—

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

(2) to furnish arms and ammunition for the protection force maintained by the General Services Administration;

(3) to pay ground rent for buildings owned by the United States or occupied by Federal agencies, and to pay such rent in advance when required by law or when the Administrator shall determine such action to be in the public interest;

(4) to employ and pay personnel employed in connection with the functions of operation, maintenance, and protection of property at such per diem rates as may be approved by the Administrator, not exceeding rates currently paid by private industry for similar services in the place where such services are performed;

(5) without regard to the provisions of section 278a¹ of this title, to pay rental, and to make repairs, alterations, and improvements under the terms of any lease entered into by, or transferred to, the General Services Administration for the housing of any Federal agency which on June 30, 1950, was specifically exempted by law from the requirements of said section;

(6) to obtain payments, through advances or otherwise, for services, space, quarters, maintenance, repair, or other facilities furnished, on a reimbursable basis, to any other Federal agency, or any mixed-ownership corporation (as defined in chapter 91 of title 31), or the District of Columbia, and to credit such payments to the applicable appropriation of the General Services Administration;

(7) to make changes in, maintain, and repair the pneumatic tube system connecting buildings owned by the United States or occupied by Federal agencies in New York City installed under franchise of the city of New York, approved June 29, 1909, and June 11, 1928, and to make payments of any obligations arising thereunder in accordance with the provisions of the Acts approved August 5, 1909 (36 Stat. 120), and May 15, 1928 (45 Stat. 533);

(8) to repair, alter, and improve rented premises, without regard to the 25 per centum limitation of section 278a¹ of this title, upon a determination by the Administrator that by reason of circumstances set forth in such determination the execution of such work, without reference to such limitation, is advantageous to the Government in terms of economy, efficiency, or national security: *Provided*, That such determination shall show that the total cost (rentals, repairs, alterations, and improvements) to the Government for the expected life of the lease shall be less than the cost of alternative space which needs no such repairs, alterations, or improvements;

(9) to pay sums in lieu of taxes on real property declared surplus by Government corporations, pursuant to the Surplus Property Act of 1944, where legal title to such property remains in any such Government corporation;

(10) to furnish utilities and other services where such utilities and other services are not

¹ See References in Text note below.

provided from other sources to persons, firms, or corporations occupying or utilizing plants or portions of plants which constitute (A) a part of the National Industrial Reserve pursuant to the National Industrial Reserve Act of 1948 [50 U.S.C. 451 et seq.], or (B) surplus real property, and to credit the amounts received therefrom to the applicable appropriation of the General Services Administration;

(11) at the direction of the Secretary of Defense, to use proceeds received from insurance against damage to properties of the National Industrial Reserve for repair or restoration of the damaged properties;

(12) to acquire, by purchase, condemnation, or otherwise, real estate and interests therein;

(13) to enter into leases of Federal buildings sites and additions to sites, including improvements thereon, until they are needed for construction purposes, at their fair rental value and upon such other terms and conditions as the Administrator deems in the public interest pursuant to the provisions of section 484(e) of this title. Such leases may be negotiated without public advertising for bids if the lessee is the former owner from whom the property was acquired by the United States or his tenant in possession, and the lease is negotiated incident to or in connection with the acquisition of the property. Rentals received under leases executed pursuant to this paragraph may be deposited into the Buildings Management Fund established by subsection (f) of this section;

(14) to enter into contracts for periods not exceeding five years for the inspection, maintenance, and repair of fixed equipment in such buildings which are federally owned;

(15) to render direct assistance to and perform special services for the Inaugural Committee (as defined in section 721 of title 36) during an inaugural period in connection with Presidential inaugural operations and functions, including employment of personal services without regard to the civil service and classification laws; provide Government-owned and leased space for personnel and parking; pay overtime to guard and custodial forces; erect and remove stands and platforms; provide and operate first-aid stations; provide furniture and equipment; and provide other incidental services in the discretion of the Administrator;

(16) to enter into leases of space on major pedestrian access levels and courtyards and rooftops of any public building with persons, firms, or organizations engaged in commercial, cultural, educational, or recreational activities (as defined in section 612a of this title). The Administrator shall establish a rental rate for such leased space equivalent to the prevailing commercial rate for comparable space devoted to a similar purpose in the vicinity of the public building. Such leases may be negotiated without competitive bids, but shall contain such terms and conditions and be negotiated pursuant to such procedures as the Administrator deems necessary to promote competition and to protect the public interest;

(17) to make available, on occasion, or to lease at such rates and on such other terms

and conditions as the Administrator deems to be in the public interest, auditoriums, meeting rooms, courtyards, rooftops, and lobbies of public buildings to persons, firms, or organizations engaged in cultural, educational, or recreational activities (as defined in section 612a of this title) that will not disrupt the operation of the building;

(18) to deposit into the fund established by subsection (f) of this section all sums received under leases or rentals executed pursuant to paragraphs (16) and (17) of this subsection, and each sum shall be credited to the appropriation made for such fund applicable to the operation of such building; and

(19) to furnish utilities, maintenance, repair, and other services to persons, firms, or organizations leasing space pursuant to paragraphs (16) and (17) of this subsection. Such services may be provided during and outside of regular working hours of Federal agencies.

(b) Buildings owned by United States

At the request of any Federal agency or any mixed-ownership corporation (as defined in chapter 91 of title 31), or the District of Columbia, the Administrator is authorized to operate, maintain, and protect any building owned by the United States (or, in the case of any wholly owned or mixed-ownership Government corporation, by such corporation) and occupied by the agency or instrumentality making such request.

(c) Acquisition of land; surveys; construction services

At the request of any Federal agency or any mixed-ownership corporation (as defined in chapter 91 of title 31), or the District of Columbia, the Administrator is authorized (1) to acquire land for buildings and projects authorized by the Congress; (2) to make or cause to be made, under contract or otherwise, surveys and test borings and to prepare plans and specifications for such buildings and projects prior to the approval by the Attorney General of the title to the sites thereof; and (3) to contract for, and to supervise, the construction and development and the equipping of such buildings or projects. Any sum available to any such Federal agency or instrumentality for any such building or project may be transferred by such agency to the General Services Administration in advance for such purposes as the Administrator shall determine to be necessary, including the payment of 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.

(d) Transfer of functions

Whenever the Director of the Office of Management and Budget shall determine such action to be in the interest of economy or efficiency, he shall transfer to the Administrator all functions then vested in any other Federal agency with respect to the operation, maintenance, and custody of any office building owned by the United States or any wholly owned Government corporation, or any office building or part thereof occupied by any Federal agency under any lease, except that no transfer shall be made under this subsection—

(1) of any post-office building unless the Director shall first determine that such building is not used predominantly for post-office purposes, and functions which are transferred hereunder to the Administrator with respect to any post-office building may be delegated by him only to another officer or employee of the General Services Administration or to the Postmaster General;

(2) of any building located in any foreign country;

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

(4) of any building which the Director of the Office of Management and Budget finds to be a part of a group of buildings which are (A) located in the same vicinity, (B) utilized wholly or predominantly for the special purposes of the agency having custody thereof, and (C) not generally suitable for the use of other agencies; or

(5) of 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.

(e) Assignment and reassignment of space

Notwithstanding any other provision of law, the Administrator is authorized, in accordance with policies and directives prescribed by the President under section 486(a) of this title and after consultation with the heads of the executive agencies affected, to assign and reassign space of all executive agencies in Government-owned and leased buildings in and outside the District of Columbia upon a determination by the Administrator that such assignment or reassignment is advantageous to the Government in terms of economy, efficiency, or national security. The Administrator shall, where practicable, give priority in the assignment of space on any major pedestrian access level not leased under the terms of subsection (a)(16) or (a)(17) of this section in such buildings to Federal activities requiring regular contact with members of the public. To the extent such space is unavailable, the Administrator shall provide space with maximum ease of access to building entrances.

(f) Fund for real property management and related activities; establishment; deposit of revenues and collections; merger of unexpended balances; assumption of liabilities, obligations, and commitments; appropriation of advances; special services

(1) There is hereby established in the Treasury of the United States on such date as may be determined by the Administrator, a fund (to be known as the Federal Buildings Fund) into which there shall be deposited the following revenues and collections:

(A) User charges made pursuant to subsection (j) of this section payable in advance or otherwise.

(B) Proceeds with respect to building sites authorized to be leased pursuant to subsection (a) of this section.

(C) Receipts from carriers and others for loss of, or damage to, property belonging to the fund.

(2) Moneys deposited into the fund shall be available for expenditure for real property management and related activities in such amounts as are specified in annual appropriations Acts without regard to fiscal year limitations.

(3) There are hereby merged with the fund established under this subsection, unexpended balances of (A) the Buildings Management Fund (including any surplus therein), established pursuant to this subsection prior to its amendment by the Public Buildings Amendments of 1972; (B) the Construction Services Fund, created by section 296 of this title; and (C) any funds appropriated to General Services Administration under the headings "Repair and Improvement of Public Buildings", "Construction, Public Buildings Projects", "Sites and Expenses, Public Buildings Projects", "Construction, Federal Office Building Numbered 7, Washington, District of Columbia", and "Additional Court Facilities", in any appropriation Act, for the years prior to the fiscal year in which the fund becomes operational. The fund shall assume all the liabilities, obligations, and commitments of the said (1) Buildings Management Fund, (2) Construction Services Fund, and (3) the appropriations specified in (C) hereof.

(4) There is authorized to be appropriated to the fund for the fiscal year in which the fund becomes operational, and for the succeeding fiscal year, such advances to the fund as may be necessary to carry out its purposes. Such advances shall be repaid within 30 years, with interest at a rate not less than a rate determined by the Secretary of the Treasury taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining period to maturity comparable to the average maturities of such advances adjusted to the nearest one-eighth of 1 per centum.

(5) In any fiscal year there may be deposited to miscellaneous receipts in the Treasury of the United States such amount as may be specified in appropriation Acts.

(6) Nothing in this section shall preclude the Administrator from providing special services not included in the standard level user charge on a reimbursable basis and such reimbursements may be credited to the fund established under this subsection.

(7)(A) The Administrator is authorized to receive amounts from rebates or other cash incentives related to energy savings and shall deposit such amounts in the Federal Buildings Fund for use as provided in subparagraph (D).

(B) The Administrator may accept, from a utility, goods or services which enhance the energy efficiency of Federal facilities.

(C) In the administration of any real property for which the Administrator leases and 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 such real

property if the payback period for such improvement is at least 2 years less than the remainder of the term of the lease.

(D) The Administrator may, in addition to amounts appropriated for such purposes and without regard to paragraph (2), obligate for energy management improvement programs—

(i) amounts received and deposited in the Federal Buildings Fund under subparagraph (A);

(ii) goods and services received under subparagraph (B); and

(iii) amounts the Administrator determines are not needed for other authorized projects and are otherwise available to implement energy efficiency programs.

(8)(A) The Administrator is authorized to receive amounts from the sale of recycled materials and shall deposit such amounts in the Federal Buildings Fund for use as provided in subparagraph (B).

(B) The Administrator may, in addition to amounts appropriated for such purposes and without regard to paragraph (2), obligate amounts received and deposited in the Federal Buildings Fund under subparagraph (A) for programs which—

(i) promote further source reduction and recycling programs; and

(ii) encourage employees to participate in recycling programs by providing funding for child care.

(g) Office furniture; movement and supply

Whenever an agency, or an organizational unit thereof, occupying a substantial and identifiable segment of space (building, floor, wing, and so forth) in a location controlled for purposes of assignment of space by the Administrator, is moved to such a substantial and identifiable segment of space in the same or another location so controlled by the Administrator, furniture and furnishings used by the moving agency or unit shall be moved only if the Administrator, after consultation with the head of the agency concerned, and with due regard for the program activities of such agency, shall determine that suitable replacements cannot more economically and efficiently be made available in the new space. In the absence of such determination, suitable furniture and furnishings for the new space shall be provided, as the Administrator shall determine to be more economical and efficient, (1) from stocks under the control of the moving agency or (2) from stocks available to the Administrator, but the same or similar items shall not be provided from both sources. When furniture and furnishings are provided for the new space from stocks available to the Administrator, the items so provided shall remain in the control of the Administrator, and the furniture and furnishings previously used by the moving agency or unit and not moved to the new space shall pass to the control of the Administrator without reimbursement. When furniture and furnishings not so moved are carried as assets of a revolving or working capital fund at the time they pass to the control of the Administrator, the net book value thereof shall be written off and the capital of the fund diminished by the amount of such write-off. When fur-

niture or furnishings which have been purchased from trust funds pass to the control of the Administrator pursuant to this subsection, reimbursement shall be made by the Administrator for the fair market value of such furniture and furnishings.

(h) Lease agreements for periods not exceeding twenty years

(1) The Administrator is authorized to enter into lease agreements with any person, copartnership, corporation, or other public or private entity, which do not bind the Government for periods in excess of twenty years for each such lease agreement, on such terms as he deems to be in the interest of the United States and necessary for the accommodation of Federal agencies in buildings and improvements which are in existence or to be erected by the lessor for such purposes and to assign and reassign space therein to Federal agencies.

(2) If the unexpired portion of any lease of space to the Government is determined by the Administrator to be surplus property and the property is thereafter disposed of by sublease by the Administrator, the Administrator is authorized, notwithstanding section 485(a) of this title, to deposit rental received in the buildings management fund (subsection (f) of this section) and 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.

(i) Installation, repair, and replacement of sidewalks

(1) Any executive agency is authorized to install, repair, and replace sidewalks around buildings, installations, properties, or grounds under the control of such agency and owned by the United States within the several States, the District of Columbia, the Commonwealth of Puerto Rico, and the possessions of the United States, by reimbursement to a State or political subdivision thereof, the District of Columbia, the Commonwealth of Puerto Rico, and a possession of the United States, or otherwise.

(2) Installation, repair, and replacement under this subsection shall be performed in accordance with regulations to be prescribed by the Administrator of General Services with the approval of the Director of the Office of Management and Budget.

(3) Funds appropriated to the agency for installation, repair, and maintenance, generally, shall be available for expenditure to accomplish the purposes of this subsection.

(4) Nothing contained herein shall increase or enlarge the tort liability of the United States for injuries to persons or damages to property beyond such liability presently existing by virtue of any other law.

(j) Charges for space and services furnished by Administrator; determination of rates; exemption from charges

The Administrator is authorized and directed to charge anyone furnished services, space, quarters, maintenance, repair, or other facilities (hereinafter referred to as space and services), at rates to be determined by the Administrator from time to time and provided for in regula-

tions issued by him. Such rates and charges shall approximate commercial charges for comparable space and services, except that with respect to those buildings for which the Administrator of General Services is responsible for alterations only (as the term “alter” is defined in section 612(5) of this title), the rates charged the occupant for such services shall be fixed by the Administrator so as to recover only the approximate applicable cost incurred by him in providing such alterations. The Administrator may exempt anyone from the charges required by this subsection if he determines that such charges would be infeasible or impractical. To the extent any such exemption is granted, appropriations to the General Services Administration are authorized to reimburse the fund for any loss of revenue.

(k) Charges for space and services furnished by executive agencies; approval of rates by Administrator; credit to appropriation or fund

Any executive agency, other than the General Services Administration, which provides to anyone space and services set forth in subsection (j) of this section, is authorized to charge the occupant for such space and services at rates approved by the Administrator. Moneys derived by such executive agency from such rates or fees shall be credited to the appropriation or fund initially charged for providing the service, except that amounts which are in excess of actual operating and maintenance costs of providing the service shall be credited to miscellaneous receipts unless otherwise authorized by law.

(l) Flexiplace work telecommuting centers

(1) The Administrator may establish, acquire space for, and equip flexiplace work telecommuting centers (in this subsection referred to as “telecommuting centers”) for use by employees of Federal agencies, State and local governments, and the private sector in accordance with this subsection.

(2) The Administrator may make any telecommuting center available for use by individuals who are not Federal employees to the extent the center is not being fully utilized by Federal employees. The Administrator shall give Federal employees priority in using the telecommuting centers.

(3)(A) The Administrator shall charge user fees for the use of any telecommuting center. The amount of the user fee shall approximate commercial charges for comparable space and services except that in no instance shall such fee be less than that necessary to pay the cost of establishing and operating the center, including the reasonable cost of renovation and replacement of furniture, fixtures, and equipment.

(B) Amounts received by the Administrator after September 30, 1993, as user fees for use of any telecommuting center may be deposited into the Fund established under subsection (f) of this section and may be used by the Administrator to pay costs incurred in the establishment and operation of the center.

(4) The Administrator may provide guidance, assistance, and oversight to any person regarding establishment and operation of alternative workplace arrangements, such as telecommuting, hoteling, virtual offices, and other distributive work arrangements.

(5) In considering whether to acquire any space, quarters, buildings, or other facilities for use by employees of any executive agency, the head of that agency shall consider whether the need for the facilities can be met using alternative workplace arrangements referred to in paragraph (4).

(June 30, 1949, ch. 288, title II, §210, as added Sept. 5, 1950, ch. 849, §5(c), 64 Stat. 580; amended July 12, 1952, ch. 703, §1(l), 66 Stat. 594; Sept. 1, 1954, ch. 1211, §3, 68 Stat. 1129; July 2, 1958, Pub. L. 85-493, §1, 72 Stat. 294; Sept. 2, 1958, Pub. L. 85-886, §§1, 3, 72 Stat. 1709; Sept. 9, 1959, Pub. L. 86-249, §12(e), formerly §12(d), 73 Stat. 482, renumbered §12(e), Oct. 18, 1976, Pub. L. 94-541, title I, §103(3), 90 Stat. 2506; Oct. 20, 1965, Pub. L. 89-276, 79 Stat. 1010; Nov. 8, 1965, Pub. L. 89-344, 79 Stat. 1304; Oct. 22, 1968, Pub. L. 90-626, 82 Stat. 1319; 1970 Reorg. Plan No. 2, §102, eff. July 1, 1970, 35 F.R. 7959, 84 Stat. 2085; June 16, 1972, Pub. L. 92-313, §§3, 4, 86 Stat. 218, 219; Oct. 18, 1976, Pub. L. 94-541, title I, §§103(3), 104, 90 Stat. 2506; Aug. 23, 1988, Pub. L. 100-418, title V, §5115(c), 102 Stat. 1433; Oct. 24, 1992, Pub. L. 102-486, title I, §153, 106 Stat. 2851; Sept. 23, 1996, Pub. L. 104-201, div. A, title VIII, §823, 110 Stat. 2609; Sept. 30, 1996, Pub. L. 104-208, div. A, title I, §101(f) [title IV, §407(a)], 110 Stat. 3009-314, 3009-337; Oct. 19, 1996, Pub. L. 104-316, title I, §120(b), 110 Stat. 3836.)

REFERENCES IN TEXT

Section 278a of this title, referred to in subsec. (a)(5), (8), was repealed by Pub. L. 100-678, §7, Nov. 17, 1988, 102 Stat. 4052.

The Act approved August 5, 1909, referred to in subsec. (a)(7), is act Aug. 5, 1909, ch. 7, 36 Stat. 118, which is not classified to the Code.

The Act approved May 15, 1928, referred to in subsec. (a)(7), is act May 15, 1928, ch. 567, 45 Stat. 533, which is not classified to the Code.

For classification and history of the Surplus Property Act of 1944, referred to in subsec. (a)(9), see References in Text note set out under section 473 of this title.

The National Industrial Reserve Act of 1948, referred to in subsec. (a)(10), is act July 2, 1948, ch. 811, 62 Stat. 1225, as amended, known as the Defense Industrial Reserve Act, which is classified generally to chapter 16 (§451 et seq.) of Title 50, War and National Defense. The text of sections 451 to 453 of Title 50 was transferred to section 2535 of Title 10, Armed Forces, by Pub. L. 102-484, div. D, title XLII, §4235, Oct. 23, 1992, 106 Stat. 2690. For complete classification of this Act to the Code, see Short Title note set out under section 451 of Title 50 and Tables.

The civil service laws, referred to in subsec. (a)(15), are set forth in Title 5, Government Organization and Employees. See, particularly, section 3301 et seq. of Title 5.

The classification laws, referred to in subsec. (a)(15), are classified generally to chapter 51 (§5101 et seq.) and to subchapter III (§5331 et seq.) of chapter 53 of Title 5.

Prior to its amendment by the Public Buildings Amendments of 1972, referred to in subsec. (f)(3), means prior to the amendment of this subsection by Pub. L. 92-313, which was approved June 16, 1972. For complete classification of such Act in this Code, see Short Title note set out under section 601 of this title and Tables.

CODIFICATION

In subsecs. (a)(6), (b), and (c), “chapter 91 of title 31” substituted for “the Government Corporation Control Act [31 U.S.C. 841 et seq.]” on authority of Pub. L. 97-258, §4(b), Sept. 13, 1982, 96 Stat. 1067, the first section of which enacted Title 31, Money and Finance.

Section was formerly classified to section 239a of Title 41, Public Contracts.

AMENDMENTS

1996—Subsec. (a)(8). Pub. L. 104-316 struck out “A copy of every such determination so made shall be furnished to the General Accounting Office” before semicolon at end.

Subsec. (a)(14). Pub. L. 104-201 substituted “five years” for “three years”.

Subsec. (l). Pub. L. 104-208 added subsec. (l).

1992—Subsec. (f)(1). Pub. L. 102-486, §153(1), inserted “(to be known as the Federal Buildings Fund)” after “a fund”.

Subsec. (f)(7), (8). Pub. L. 102-486, §153(2), added pars. (7) and (8).

1988—Subsec. (d)(5). Pub. L. 100-418 substituted “National Institute of Standards and Technology” for “National Bureau of Standards”.

1976—Subsec. (a)(16) to (19). Pub. L. 94-541, §104(a), added pars. (16) to (19).

Subsec. (e). Pub. L. 94-541, §104(b), inserted provision requiring Administrator, where practicable, to give priority in assignment of space on any major pedestrian access level not leased under terms of subsec. (a)(16) or (17) of this section in Government-owned and leased buildings to Federal activities requiring regular contact with members of the public, and where such space is unavailable, to provide space with maximum ease of access to building entrances.

1972—Subsec. (f). Pub. L. 92-313, §3, substituted provisions relating to establishment of a real property management financing fund in Treasury of the United States and to capitalization and management of such fund, for provisions relating to establishment of a Building Management Fund by Secretary of the Treasury and uses of such Fund, accounting procedures applicable to such Fund, amounts appropriated to such Fund, and credits available to such Fund.

Subsecs. (j), (k). Pub. L. 92-313, §4, added subsecs. (j) and (k).

1968—Subsec. (a)(15). Pub. L. 90-626 added par. (15).

1965—Subsec. (a)(14). Pub. L. 89-276 added par. (14).

Subsec. (i). Pub. L. 89-344 added subsec. (i).

1959—Subsec. (h)(1). Pub. L. 86-249 substituted “twenty years” for “ten years”.

1958—Subsec. (a)(13). Pub. L. 85-886, §1, added par. (13).

Subsec. (f). Pub. L. 85-886, §3, inserted, in first sentence, “, including demolition and improvement with respect to Federal building sites authorized to be leased pursuant to subsection (a) of this section,” and substituted, in third proviso, “shall not be credited” for “shall not be available for expenses of carrying out the provisions of the act of June 24, 1948 (62 Stat. 644), or section 345 of this title, and shall not be credited with receipts from operations under said provisions of law, or”.

Subsec. (h). Pub. L. 85-493 added subsec. (h).

1954—Subsec. (g). Act Sept. 1, 1954, added subsec. (g).

1952—Subsec. (f). Act July 12, 1952, added subsec. (f).

EFFECTIVE DATE OF 1972 AMENDMENT

Amendment by Pub. L. 92-313 effective June 16, 1972, and effective date of applying rates to be charged pursuant to regulations issued under subsecs. (j) and (k) of this section as determined by Administrator but not later than the beginning of the third full fiscal year subsequent to June 16, 1972, see section 11 of Pub. L. 92-313, set out as a note under section 603 of this title.

TRANSFER OF FUNCTIONS

Functions vested by law (including reorganization plan) in Bureau of the Budget or Director of Bureau of the Budget transferred to President of the United States by section 101 of Reorg. Plan No. 2 of 1970, eff. July 1, 1970, 35 F.R. 7959, 84 Stat. 2085, set out in the Appendix to Title 5, Government Organization and Employees. Section 102 of Reorg. Plan No. 2 of 1970, reded-

icated Bureau of the Budget as Office of Management and Budget.

DELEGATION OF FUNCTIONS

Authority of Administrator of General Services under subsec. (i) of this section to prescribe regulations relating to the installation, repair, and replacement of sidewalks delegated to Administrator of General Services, see section 1(20) of Ex. Ord. No. 11609, July 22, 1971, 36 F.R. 13747, set out as a note under section 301 of Title 3, The President.

PROHIBITION ON USE OF APPROPRIATED FUNDS FOR PURCHASE OF ELECTRICITY IN MANNER INCONSISTENT WITH STATE LAW

Pub. L. 100-202, §101(b) [title VIII, §8093], Dec. 22, 1987, 101 Stat. 1329-43, 1329-79, provided that: “None of the funds appropriated or made available by this or any other Act with respect to any fiscal year may be used by any Department, agency, or instrumentality of the United States to purchase electricity in a manner inconsistent with State law governing the provision of electric utility service, including State utility commission rulings and electric utility franchises or service territories established pursuant to State statute, State regulation, or State-approved territorial agreements: *Provided*, That nothing in this section shall preclude the head of a Federal agency from entering into a contract pursuant to 42 U.S.C. 8287; nor shall it preclude the Secretary of a military department from entering into a contract pursuant to 10 U.S.C. 2394 or from purchasing electricity from any provider when the utility or utilities having applicable State-approved franchise or other service authorizations are found by the Secretary to be unwilling or unable to meet unusual standards for service reliability that are necessary for purposes of national defense.”

LEASE AND ASSIGNMENT OF SPACE; MANAGEMENT

All functions with respect to acquiring space in buildings by lease, all functions with respect to assigning and reassigning space in buildings for use by agencies (including both space acquired by lease and space in Government-owned buildings), and all functions with respect to the operation, maintenance, and custody of office buildings owned by the Government and of office buildings or parts thereof acquired by lease, including those post-office buildings which, as determined by the Director of the Bureau of the Budget, are not used predominantly for post-office purposes, were, with certain exceptions, transferred from the respective agencies in which theretofore vested to the Administrator of General Services by sections 1 and 2 of Reorg. Plan No. 18 of 1950, eff. July 1, 1950, 15 F.R. 3177, 64 Stat. 1270, set out below. For delegation of those transferred functions to other personnel of the General Services Administration, or to the heads and personnel of other agencies, and for transfer of personnel, property, records, and funds, see sections 3 and 4 of that Plan.

ISSUANCE OF REGULATIONS PURSUANT TO PUBLIC BUILDINGS AMENDMENTS OF 1972; APPROVAL OF RATES FOR SPACE AND SERVICES FURNISHED

Administrator to issue and coordinate regulations with Office of Management and Budget and Director of such Office to approve rates for space and services furnished, see section 7 of Pub. L. 92-313, set out as a note under section 603 of this title.

REORGANIZATION PLAN NO. 18 OF 1950

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

Prepared by the President and transmitted to the Senate and the House of Representatives in Congress assembled, March 13, 1950, pursuant to the provisions of the Reorganization Act of 1949, approved June 20, 1949 [see 5 U.S.C. 901 et seq.].

BUILDING AND SPACE MANAGEMENT FUNCTIONS

SECTION 1. TRANSFER OF SPACE ASSIGNMENT AND LEASING FUNCTIONS

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

- (a) space in buildings located in any foreign country;
- (b) space in buildings which are located on the grounds of any fort, camp, post, arsenal, Navy yard, naval training station, air-field, proving ground, military supply depot, or school, or of any similar facility, of the Department of Defense, unless and to such extent as a permit for its use shall have been issued by the Secretary of Defense or his duly authorized representative;
- (c) space occupied by the Post Office Department in post-office buildings and space acquired by lease for post-office purposes; and
- (d) space in other Government-owned buildings which the Administrator of General Services finds are wholly or predominantly utilized for the special purposes of the agency having the custody thereof and are not generally suitable for the use of other agencies (including but not limited to hospitals, housing, laboratories, mints, manufacturing plants, and penal institutions), and space acquired by lease for any such purpose:

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

SEC. 2. TRANSFER OF OFFICE BUILDING MANAGEMENT FUNCTIONS

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

- (a) any building located in any foreign country;
- (b) any building located on the grounds of any fort, camp, post, arsenal, navy yard, naval training station, air field, proving ground, military supply depot, or school, or of any similar facility, of the Department of Defense, unless and to such extent as a permit for its use by another agency or agencies shall have been issued by the Secretary of Defense or his duly authorized representative;
- (c) any building which the Administrator of General Services finds to be a part of a group of buildings which are (1) located in the same vicinity, (2) are utilized wholly or predominantly for the special purposes of the agency having custody thereof, and (3) are not generally suitable for the use of other agencies; and
- (d) the Treasury Building, the Bureau of Engraving and Printing Building, the buildings occupied by the National Bureau of Standards, and the buildings under the jurisdiction of the regents of the Smithsonian Institution.

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

SEC. 3. PERFORMANCE OF TRANSFERRED FUNCTIONS

(a) The Administrator of General Services may from time to time make such provisions as he shall deem appropriate authorizing the performance by any other officer, or by any agency or employee, of the General

Services Administration of any function transferred to such Administrator by the provisions of this reorganization plan.

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

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

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

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

SEC. 5. EFFECTIVE DATE

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

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

MESSAGE OF THE PRESIDENT

To the Congress of the United States:

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

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

Within the District of Columbia, one agency, the Public Buildings Service of the General Services Administration, has long had the operation and custody of most Government buildings and the leasing and assignment of space for executive agencies. Thus, nearly all

requests for building space are handled by a single organization which is responsible for seeing that agencies are properly and efficiently housed. This arrangement has proved its worth and has repeatedly been approved by the Congress.

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

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

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

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

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

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

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

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

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

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

HARRY S TRUMAN.

THE WHITE HOUSE, March 13, 1950.

EXECUTIVE ORDER NO. 11035

Ex. Ord. No. 11035, July 9, 1962, 27 F.R. 6519, which related to the management of federal office space, was superseded by Ex. Ord. No. 11512, Feb. 27, 1970, 35 F.R. 3979, formerly set out below.

EXECUTIVE ORDER NO. 11512

Ex. Ord. No. 11512, Feb. 27, 1970, 35 F.R. 3979, which related to the planning, acquisition, and management of federal space, was revoked by Ex. Ord. No. 12072, Aug. 16, 1978, 43 F.R. 36869, set out below.

EX. ORD. NO. 12072. FEDERAL SPACE MANAGEMENT

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

By the authority vested in me as President of the United States of America by Section 205(a) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 486(a)), and in order to prescribe appropriate policies and directives, not inconsistent with that Act [see Short Title note set out under section 471 of this title] and other applicable provisions of law, for the planning, acquisition, utilization, and management of Federal space facilities, it is hereby ordered as follows:

1-1. SPACE ACQUISITION

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

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

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

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

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

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

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

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

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

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

(a) Availability of existing Federally controlled facilities.

(b) Utilization of buildings of historic, architectural, or cultural significance within the meaning of section 105 of the Public Buildings Cooperative Use Act of 1976 (90 Stat. 2507, 40 U.S.C. 612a).

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

(d) Construction of new facilities.

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

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

1-2. ADMINISTRATOR OF GENERAL SERVICES

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1-3. GENERAL PROVISIONS

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

1-302. Executive agencies which acquire or utilize Federally owned or leased space under authority other than the Federal Property and Administrative Services Act of 1949, as amended [see Short Title note set out under section 471 of this title], shall conform to the provisions of this Order to the extent they have the authority to do so.

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

JIMMY CARTER.

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 buildup 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 re-

sources, 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.

CROSS REFERENCES

Control and allotment of space in public buildings, see section 19 et seq. of this title. See, also, section 304c of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 490a, 490c, 490e, 490f, 490g, 618, 1104, 1105, 1107 of this title; title 7 section 87e-1; title 20 sections 80q-5, 80q-6; title 22 section 3712a.

§ 490a. Transfer of moneys in section 490(f) fund into special account

Moneys now or hereafter deposited into the fund established by section 490(f) of this title, and available pursuant to annual appropriation Acts, may be transferred and consolidated on the books of the Treasury Department into a special account pursuant to section 296 of this title, in accordance with and for the purposes specified in such section.

(Pub. L. 94-91, title IV, § 401, Aug. 9, 1975, 89 Stat. 452.)

CODIFICATION

Section was enacted as a part of the Treasury, Postal Service, and General Government Appropriation Act, 1976, and not as part of the Federal Property and Administrative Services Act of 1949, part of which comprises this chapter.

§ 490a-1. Use of resources of Federal Buildings Fund to repay GSA borrowings from Federal Financing Bank

Notwithstanding any other provision of law, the Administrator of General Services is on and

after November 3, 1989, authorized to transfer from the resources of the Federal Buildings Fund, in accordance with such rules and procedures as may be established by the Office of Management and Budget and the Department of the Treasury, such amounts as are necessary to repay the principal amount of General Services Administration borrowings from the Federal Financing Bank when such borrowings are legal obligations of the Fund.

(Pub. L. 101-136, title IV, § 7, Nov. 3, 1989, 103 Stat. 803.)

CODIFICATION

Section was enacted as part of the appropriation act cited as the credit to this section, and not as part of the Federal Property and Administrative Services Act of 1949, part of which comprises this chapter.

Similar provisions were contained in the following prior appropriation act:

Pub. L. 100-440, title IV, § 11, Sept. 22, 1988, 102 Stat. 1742.

§ 490b. Child care services for Federal employees in Federal buildings

(a) Allotment of space; conditions

If any individual or entity which provides or proposes to provide child care services for Federal employees during fiscal year 1988 or any fiscal year thereafter, applies to the officer or agency of the United States charged with the allotment of space in the Federal buildings in the community or district in which such individual or entity provides or proposes to provide such service, such officer or agency may allot space in such a building to such individual or entity if—

(1) such space is available;

(2) such officer or agency determines that such space will be used to provide child care services to children of whom at least 50 percent have one parent or guardian who is employed by the Federal Government; and

(3) such officer or agency determines that such individual or entity will give priority for available child care services in such space to Federal employees.

(b) Charges for rent or services; payment of costs, accreditation fees, and travel and per diem expenses; "services" defined

(1) If an officer or agency allots space during fiscal year 1988 or any fiscal year thereafter, to an individual or entity under subsection (a) of this section, such space may be provided to such individual or entity without charge for rent or services.

(2) If there is an agreement for the payment of costs associated with the provision of space allotted under subsection (a) of this section or services provided in connection with such space, nothing in title 31, or any other provision of law, shall be construed to prohibit or restrict payment by reimbursement to the miscellaneous receipts or other appropriate account of the Treasury.

(3) 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 General Services Administration may pay accreditation fees, including renewal

fees, for that center to be accredited by a nationally recognized early-childhood professional organization, and travel and per diem expenses for attendance by representatives of the center at the annual General Services Administration child care conference.

(4) For the purpose 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.

(c) 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 promote the provision of economical and effective child care for Federal workers.

(d) Consortium with private entities

If a Federal 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 General Services Administration may enter into a consortium with one or more private entities under which such private entities would assist in defraying the costs associated with the salaries and benefits provided for any personnel providing services at such facility.

(Pub. L. 100–202, § 101(m) [title VI, § 616], Dec. 22, 1987, 101 Stat. 1329–390, 1329–423; Pub. L. 102–393, title V, § 528, Oct. 6, 1992, 106 Stat. 1760.)

CODIFICATION

Section was not enacted as part of the Federal Property and Administrative Services Act of 1949, part of which comprises this chapter.

AMENDMENTS

1992—Subsec. (a)(2). Pub. L. 102–393, § 528(1), amended par. (2) generally. Prior to amendment, par. (2) read as follows: “such officer or agency determines that such space will be used to provide child care services to a group of individuals of whom at least 50 percent are Federal employees; and”.

Subsec. (b)(3). Pub. L. 102–393, § 528(3), added par. (3). Former par. (3) redesignated (4).

Pub. L. 102–393, § 528(2), amended par. (3) generally. Prior to amendment, par. (3) read as follows: “For the purpose of this section, the term ‘services’ includes the providing of lighting, heating, cooling, electricity, office furniture, office machines and equipment, telephone service (including installation of lines and equipment and other expenses associated with telephone service), and security systems (including installation and other expenses associated with security systems).”

Subsec. (b)(4). Pub. L. 102–393, § 528(3), redesignated par. (3) as (4).

Subsecs. (c), (d). Pub. L. 102–393, § 528(4), added subsecs. (c) and (d).

PRIOR PROVISIONS

Provisions similar to those in this section were contained in the following appropriation acts:

Pub. L. 99–500, § 101(m) [title VI, § 616], Oct. 18, 1986, 100 Stat. 1783–308, 1783–331, and Pub. L. 99–591, § 101(m) [title VI, § 616], Oct. 30, 1986, 100 Stat. 3341–308, 3341–331.
Pub. L. 99–190, § 139, Dec. 19, 1985, 99 Stat. 1323.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 14 section 515.

§ 490c. Guards, elevator operators, messengers, and custodians; restriction on contract for services; exception

None of the funds made available to the General Services Administration pursuant to section 490(f) of this title shall be obligated or expended after the date of enactment of this Act [November 19, 1995] for the procurement by contract of any guard, elevator operator, messenger or custodial services if any permanent veterans preference employee of the General Services Administration at said date, would be terminated as a result of the procurement of such services, except that such funds may be obligated or expended for the procurement by contract of the covered services with sheltered workshops employing the severely handicapped under sections 46 to 48c of title 41. Only if such workshops decline to contract for the provision of the covered services may the General Services Administration procure the services by competitive contract, for a period not to exceed 5 years. At such time as such competitive contract expires or is terminated for any reason, the General Services Administration shall again offer to contract for the services from a sheltered workshop prior to offering such services for competitive procurement.

(Pub. L. 104–52, title V, § 503, Nov. 19, 1995, 109 Stat. 491.)

REFERENCES IN TEXT

Sections 46 to 48c of title 41, referred to in text, was in the original “Public Law 92–28” which generally amended act June 25, 1938 (41 U.S.C. 46 et seq.), known as the Javits-Wagner-O’Day Act.

CODIFICATION

Section was enacted as part of the appropriation act cited as the credit to this section, and not as part of the Federal Property and Administrative Services Act of 1949, part of which comprises this chapter.

PRIOR PROVISIONS

Provisions similar to those in this section were contained in the following prior appropriation acts:

Pub. L. 103–329, title V, § 505, Sept. 30, 1994, 108 Stat. 2409.

Pub. L. 103–123, title V, § 505, Oct. 28, 1993, 107 Stat. 1252.

Pub. L. 102–393, title V, § 505, Oct. 6, 1992, 106 Stat. 1757.

Pub. L. 102–141, title V, § 505, Oct. 28, 1991, 105 Stat. 862.

Pub. L. 101–509, title V, § 507, Nov. 5, 1990, 104 Stat. 1423.

Pub. L. 101–136, title V, § 506, Nov. 3, 1989, 103 Stat. 812.

Pub. L. 100–440, title V, § 507, Sept. 22, 1988, 102 Stat. 1747.

Pub. L. 100–202, § 101(m) [title V, § 507], Dec. 22, 1987, 101 Stat. 1329–390, 1329–415.

Pub. L. 99–500, § 101(m) [title V, § 507], Oct. 18, 1986, 100 Stat. 1783–308, 1783–324, and Pub. L. 99–591, § 101(m) [title V, § 507], Oct. 30, 1986, 100 Stat. 3341–308, 3341–324.

Pub. L. 99–190, § 101(h) [H.R. 3036, title V, § 507], Dec. 19, 1985, 99 Stat. 1291.

Pub. L. 98-473, § 101(j) [H.R. 5798, title V, § 507], Oct. 12, 1984, 98 Stat. 1963.

Pub. L. 98-151, § 112, Nov. 14, 1983, 97 Stat. 976.

Pub. L. 97-377, § 120, Dec. 21, 1982, 96 Stat. 1913.

CROSS REFERENCES

Preference eligibles, examinations for positions of guards, elevator operators, messengers, and custodians, see section 3310 of Title 5, Government Organization and Employees.

§ 490d. Funds for payment of rent available for lease of buildings on land owned by United States

Funds on and after November 3, 1989, made available to the General Services Administration for the payment of rent shall be available for the purpose of leasing, for periods not to exceed thirty years, space in buildings erected on land owned by the United States.

(Pub. L. 101-136, title IV, § 5, Nov. 3, 1989, 103 Stat. 802.)

CODIFICATION

Section enacted as part of the appropriation act cited as the credit to this section, and not as part of the Federal Property and Administrative Services Act of 1949, part of which comprises this chapter.

PRIOR PROVISIONS

Provisions similar to those in this section were contained in the following prior appropriation acts:

Pub. L. 100-440, title IV, § 5, Sept. 22, 1988, 102 Stat. 1741.

Pub. L. 100-202, § 101(m) [title IV, § 5], Dec. 22, 1987, 101 Stat. 1329-390, 1329-410.

Pub. L. 99-500, § 101(m) [title IV, § 6], Oct. 18, 1986, 100 Stat. 1783-308, 1783-321, and Pub. L. 99-591, § 101(m) [title IV, § 6], Oct. 30, 1986, 100 Stat. 3341-308, 3341-321.

Pub. L. 99-190, § 101(h) [H.R. 3036, title IV, § 6], Dec. 19, 1985, 99 Stat. 1291.

Pub. L. 98-473, § 101(j) [H.R. 5798, title IV, § 6], Oct. 12, 1984, 98 Stat. 1963.

§ 490e. Fiscal year limitation on obligations of funds for lease

Notwithstanding any provisions of this Act or any other Act in any fiscal year, obligations of funds for lease, entered into in accordance with section 490(h)(1) of this title shall be limited to the current fiscal year for which payments are due without regard to section 1341(a)(1)(b)¹ of title 31.

(Pub. L. 101-136, title IV, § 22, Nov. 3, 1989, 103 Stat. 807.)

CODIFICATION

Section was enacted as part of the Treasury, Postal Service and General Government Appropriations Act, 1990, and not as part of the Federal Property and Administrative Services Act of 1949, part of which comprises this chapter.

§ 490f. Lease space rent rates and payments; appropriations

(a) Notwithstanding any other provision of law, agencies are on and after October 6, 1992, authorized to make rent payments to the General Services Administration for lease space relating to expansion needs of the agency and the

General Services Administration is authorized to use such funds, in addition to the amount received as New Obligational Authority in the Rental of Space activity of the Federal Buildings Fund. Such payments are to be at the commercial equivalent rates specified by section 490(j)¹ of this title and are to be deposited into the Fund established pursuant to section 490(f) of this title.

(b) There are hereby appropriated, out of the Federal Buildings Fund, such sums as may be necessary to carry out the purpose of subsection (a) of this section.

(Pub. L. 102-393, title IV, § 5, Oct. 6, 1992, 106 Stat. 1750.)

REFERENCES IN TEXT

Section 490(j) of this title, referred to in subsec. (a), was in the original "section 201(j) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(j))" and was translated as reading "section 210(j)" of that Act to reflect the probable intent of Congress. Section 201 of that Act, which is classified to section 481 of this title, does not contain a subsec. (j).

CODIFICATION

Section was enacted as part of the appropriation act cited as the credit to this section, and not as part of the Federal Property and Administrative Services Act of 1949, part of which comprises this chapter.

PRIOR PROVISIONS

Provisions similar to those in this section were contained in the following prior appropriation acts:

Pub. L. 102-141, title IV, § 7, Oct. 28, 1991, 105 Stat. 856.

Pub. L. 101-509, title IV, § 8, Nov. 5, 1990, 104 Stat. 1414.

§ 490g. Receipt of revenues related to energy savings or materials recycling efforts

Notwithstanding any other provision of law, the Fund established pursuant to section 490(f) of this title is on and after October 6, 1992, authorized to receive any revenues, collections, or other income received during a fiscal year in the form of rebates, cash incentives or otherwise, related to energy savings or materials recycling efforts, all of which shall remain in the Fund until expended, and remain available for Federal energy management improvement programs, recycling programs, or employee programs as may be authorized by law or as may be deemed appropriate by the Administrator of General Services. The General Services Administration is authorized to use such funds, in addition to amounts received as New Obligational Authority, in such activity or activities of the Fund as may be necessary.

(Pub. L. 102-393, title IV, § 13, Oct. 6, 1992, 106 Stat. 1751.)

CODIFICATION

Section was enacted as part of the appropriation act cited as the credit to this section, and not as part of the Federal Property and Administrative Services Act of 1949, part of which comprises this chapter.

PRIOR PROVISIONS

Provisions similar to those in this section were contained in the following prior appropriation acts:

¹ So in original. Probably should be section "1341(a)(1)(B)".

¹ See References in Text note below.

Pub. L. 102-141, title IV, §11, Oct. 28, 1991, 105 Stat. 856.

Pub. L. 101-509, title IV, §15, Nov. 5, 1990, 104 Stat. 1415.

§ 490h. Flexiplace work telecommuting centers; revenues to defray costs

The Administrator of General Services is authorized to accept and retain income received by the General Services Administration on or after October 1, 1993, from Federal agencies and non-Federal sources, to defray costs directly associated with the functions of flexiplace work telecommuting centers.

(Pub. L. 104-52, title IV, §5, Nov. 19, 1995, 109 Stat. 486.)

CODIFICATION

Section was enacted as part of the Treasury, Postal Service, and General Government Appropriations Act, 1996, and not as part of the Federal Property and Administrative Services Act of 1949, part of which comprises this chapter.

§ 491. Motor vehicle pools and transportation systems

(a) Establishment

In order to carry out the policy, expressed in section 471 of this title, to provide for an economical and efficient system for transportation of Government personnel and property, it is further intended by the Congress in enacting this section to (1) provide for the proper identification of Government motor vehicles; (2) establish effective means of limiting their use to official governmental purposes; (3) reduce the number of Government-owned vehicles to the minimum necessary for transaction of the public business; (4) provide wherever practicable for centrally operated interagency pools or systems for local transportation of Government personnel and property; and (5) establish procedures to insure safe operation of motor vehicles on Government business.

(b) Determinations by Administrator

Subject to regulations issued by the President pursuant to subsection (c) of this section, the Administrator shall in respect of executive agencies, and to the extent that he determines that so doing is advantageous to the Government in terms of economy, efficiency, or service, after consultation with and with due regard to the program activities of the agencies concerned, (1) 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; and (2) provide for the establishment, maintenance, and operation (including servicing and storage) of motor vehicle pools or systems for transportation of property or passengers, and for furnishing such motor vehicle and related services to executive agencies. Such motor vehicle services may be furnished, as determined by the Administrator, through the use, under rental or other arrangements, of motor vehicles of private fleet operators, taxicab companies, local or interstate common carriers, or Government-owned motor vehi-

cles, or combinations thereof. The Administrator shall, so far as practicable, provide any of the services specified in this subsection to any Federal agency, mixed ownership corporation (as defined in chapter 91 of title 31), or the District of Columbia, upon its request.

(c) Regulations

The President shall, within ninety days after the effective date of this section, issue regulations under this section to establish procedures for the taking effect of determinations made by the Administrator pursuant to subsection (b) of this section. Such regulations shall provide for adequate notice to executive agencies of any determinations affecting them or their functions; for independent review and decision as directed by the President of any determination not mutually agreed upon between the Administrator and the agency concerned, including exemption of any agency, in whole or in part, from any determination; and for enforcement of determinations becoming effective under such regulations. No determination made pursuant to subsection (b) of this section shall be binding upon any agency except as provided in such regulations.

(d) Payment of costs; fixing of prices

(1) The General Supply Fund provided for in section 756 of this title shall be available for use by or under the direction and control of the Administrator for paying all elements of cost (including the purchase or rental price of motor vehicles and other related equipment and supplies) incident to the establishment, maintenance, and operation (including servicing and storage) of motor vehicle pools or systems for the transportation of property or passengers, and to the furnishing of such motor vehicles and equipment and related services pursuant to subsection (b) of this section.

(2) Payments by requisitioning agencies so served shall be at prices fixed by the Administrator at levels which will recover, so far as practicable, all such elements of cost, and may, in the Administrator's discretion, include increments for the estimated replacement cost of such motor vehicles, equipment, and supplies. Such increments may, notwithstanding section 756(e) of this title, be retained as part of the capital of the General Supply Fund, but shall be available only for replacement of such motor vehicles, equipment, and supplies. The purchase price, plus such increments for the estimated replacement cost, of such motor vehicles and equipment shall be recovered only through charges for the cost of amortization. Such costs shall be determined in accordance with the accrual accounting method; and financial reports shall be prepared on the basis of such accounting.

(e) Justification for each vehicle pool and system

Any determination made by the Administrator pursuant to subsection (b) of this section shall set forth in writing an analytical justification for the establishment, maintenance, and operation of each such motor vehicle pool and system. Such justification shall include a detailed comparison of estimated costs of present and proposed modes of operation, and a showing that savings can be realized by the establish-

ment, maintenance, and operation of such pool or system.

(f) Maintenance records; discontinuance of vehicle pool or system

Whenever any such motor vehicle pool or system has been established pursuant to subsection (b) of this section, the Administrator shall maintain accurate records of the cost of its establishment, maintenance, and operation. If, during any reasonable period, not exceeding two successive fiscal years, no actual savings are realized on the basis of the accounting for costs provided in subsection (d) of this section the Administrator shall discontinue such motor vehicle pool or system, and shall return to the agency or agencies involved motor vehicles and related equipment and supplies similar in kind and of a value reasonably comparable to the value of the motor vehicles and related equipment and supplies theretofore received by the Administrator from such agency or agencies.

(g) Reimbursement for equipment

Whenever the Administrator takes over pursuant to subsection (b) of this section any motor vehicle or other related equipment or supplies from any Government corporation, or from any other agency if such vehicle, equipment or supplies have been acquired by such agency through expenditures made from, and not theretofore reimbursed to, any revolving or trust fund authorized by law, the Administrator shall reimburse such corporation or fund by an amount equal to the fair market value of the vehicle, equipment or supplies so taken over. If thereafter, pursuant to subsection (f) of this section, the Administrator returns to such corporation or agency any motor vehicle, equipment or supplies, the Administrator shall be reimbursed by the payment to him, by such corporation or from such fund, of an amount equal to the fair market value of the vehicle, equipment or supplies so returned.

(h) Additions to General Supply Fund capital

When reimbursement is not required under subsection (g) of this section, the value, as determined by the Administrator, of any motor vehicle or other related equipment or supplies taken over under authority of subsection (b) of this section may be added to the capital of the General Supply Fund, and in the event that property similar in kind is subsequently returned pursuant to subsection (f) of this section, the value thereof may be deducted from the General Supply Fund.

(i) Scrip, tokens, tickets

The Administrator, in the operation of motor vehicle pools or systems, may make provision for the furnishing, sale, and use of scrip, tokens, tickets, and similar devices for the making of payment by using agencies for services rendered by the Administrator in the transportation of property or passengers.

(j) Operating regulations

The Director of the Office of Personnel Management shall issue regulations to govern executive agencies in authorizing civilian personnel to operate Government-owned motor vehicles for official purposes within the States of the

Union, the District of Columbia, Puerto Rico, and the possessions of the United States. Such regulations shall prescribe standards of physical fitness for authorized operators and may require operators and prospective operators to obtain such State and local licenses or permits as would be required for the operation by them of similar vehicles for other than official purposes. The head of each executive agency shall issue such orders and directives as may be necessary to comply with such regulations and shall make appropriate provision therein for periodically testing the physical fitness of operators and prospective operators and for the suspension and revocation of authorizations to operate.

(k) Identification of vehicles

Under regulations prescribed by the Administrator, every motor vehicle acquired and used for official purposes within the United States, its Territories, or possessions, by any Federal agency or the District of Columbia shall be conspicuously identified by showing thereon either (1) the full name of the department, establishment, corporation, or agency by which it is used and the service in which it is used, or (2) a title descriptive of the service in which it is used if such title readily identifies the department, establishment, corporation, or agency concerned, and the legend "For official use only": *Provided*, That the regulations issued pursuant to this section may provide for exemptions from the requirement of this section when conspicuous identification would interfere with the purpose for which a vehicle is acquired and used.

(l) Violations

Whenever, during the regular course of his duties, there shall come to the knowledge of the Administrator any violation of the provisions of sections 1343, 1344, and 1349(b) of title 31 or of section 641 of title 18 involving the conversion by a Government official or employee of a Government-owned or leased motor vehicle to his own use or the use of others, the Administrator shall report such violation to the head of the agency in which the official or employee concerned is employed, for further investigation and either appropriate disciplinary action under sections 1343, 1344, and 1349(b) of title 31 or, where appropriate, referral to the Attorney General for prosecution under section 641 of title 18.

(June 30, 1949, ch. 288, title II, §211, as added Sept. 5, 1950, ch. 849, §5(c), 64 Stat. 580; amended Sept. 1, 1954, ch. 1211, §2, 68 Stat. 1126; July 12, 1960, Pub. L. 86-624, §27(b), 74 Stat. 418; Sept. 7, 1962, Pub. L. 87-649, §14b, 76 Stat. 500; Oct. 24, 1978, Pub. L. 95-506, 92 Stat. 1756; 1978 Reorg. Plan No. 2, §102, eff. Jan. 1, 1979, 43 F.R. 3607, 92 Stat. 3783.)

REFERENCES IN TEXT

The effective date of this section, referred to in subsec. (c), means the effective date of this section as amended by act Sept. 1, 1954, ch. 1211, §2, 68 Stat. 1126, which was approved Sept. 1, 1954.

CODIFICATION

In subsecs. (b) and (l), "chapter 91 of title 31" substituted for "the Government Corporation Control Act [31 U.S.C. 841 et seq.]", and "sections 1343, 1344, and 1349(b) of title 31" substituted for "section 5 of the Act

of July 16, 1914, as amended [31 U.S.C. 638a] and “such section 5”, respectively, on authority of Pub. L. 97-258, §4(b), Sept. 13, 1982, 96 Stat. 1067, the first section of which enacted Title 31, Money and Finance.

Section was formerly classified to section 239b of Title 41, Public Contracts.

AMENDMENTS

1978—Subsec. (d). Pub. L. 95-506 inserted provision permitting Administrator to include in price increments for estimated replacement costs of motor vehicles, equipment, and supplies.

1962—Subsec. (m). Pub. L. 87-649 repealed subsec. (m) which related to travel of members of the uniformed services between duty stations. See section 408 of Title 37, Pay and Allowances of the Uniformed Services.

1960—Subsec. (j). Pub. L. 86-624 substituted “States of the Union, the District of Columbia, Puerto Rico, and the possessions of the United States” for “continental United States, its Territories, and possessions”.

1954—Act Sept. 1, 1954, amended section generally to establish and operate motor pools and transportation systems.

TRANSFER OF FUNCTIONS

“Director of the Office of Personnel Management” substituted for “United States Civil Service Commission” in subsec. (j) pursuant to Reorg. Plan No. 2 of 1978, §102, 43 F.R. 36037, 92 Stat. 3783, set out under section 1101 of Title 5, Government Organization and Employees, which transferred all functions vested by statute in United States Civil Service Commission to Director of Office of Personnel Management (except as otherwise specified), effective Jan. 1, 1979, as provided by section 1-102 of Ex. Ord. No. 12107, Dec. 28, 1978, 44 F.R. 1055, set out under section 1101 of Title 5.

OBLIGATIONS FOR MULTIYEAR AGREEMENTS FOR LEASE OR OTHER ACQUISITION OF MOTOR VEHICLES ENTERED INTO BY ADMINISTRATOR OF GENERAL SERVICES

Pub. L. 101-136, title IV, §9, Nov. 3, 1989, 103 Stat. 803, provided that:

“(a) IN GENERAL.—Subject to subsection (b), obligations of funds for multiyear agreements for the lease or other acquisition of motor vehicles entered into by the Administrator of General Services for the purposes of section 211 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 491) shall be limited to the current fiscal year for which payments are due, without regard to any termination or cancellation costs, and without regard to section 1341(a)(1)(B) of title 31, United States Code.

“(b) AFFECTED AGREEMENTS.—This section shall apply to multiyear agreements which—

“(1) are entered into by the Administrator during the 4-year period beginning on the date of the enactment of this Act [Nov. 3, 1989]; and

“(2) provide for the lease of motor vehicles for a period of not more than four years.”

EXECUTIVE ORDER NO. 10579

Section 9 of Ex. Ord. No. 10579, Dec. 1, 1954, 19 F.R. 7925, set out as a note under section 486 of this title, provides that any motor vehicle, the conspicuous identification of which as a Government vehicle would interfere with the purpose for which it was acquired, is exempt from inclusion in interagency pools.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 906 of this title; title 42 section 7588.

§ 492. Reports to Congress

The Administrator shall submit a report to the Congress, in January of each year and at such other times as he may deem it desirable, regarding the administration of his functions

under this Act, together with such recommendations for amendments to this Act as he may deem appropriate as the result of the administration of such functions, at which time he shall also cite the laws becoming obsolete by reason of passage or operation of the provisions of this Act.

(June 30, 1949, ch. 288, title II, §212, formerly §210, 63 Stat. 393; renumbered Sept. 5, 1950, ch. 849, §5(a), 64 Stat. 580.)

REFERENCES IN TEXT

This Act, referred to in text, is act June 30, 1949, ch. 288, 63 Stat. 377, as amended, known as the Federal Property and Administrative Services Act of 1949. For complete classification of this Act to the Code, see Short Title note set out under section 471 of this title and Tables.

CODIFICATION

Section was formerly classified to section 240 of Title 41, Public Contracts.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 484 of this title.

§ 493. Repealed. Pub. L. 100-612, § 8, Nov. 5, 1988, 102 Stat. 3182

Section, Pub. L. 94-519, §10, Oct. 17, 1976, 90 Stat. 2457, provided for reports to Congress by Administrator and Comptroller General evaluating effectiveness of Pub. L. 94-519 and making recommendations.

SUBCHAPTER III—FOREIGN EXCESS PROPERTY

§ 511. Disposal of foreign excess property; agency responsibility; foreign policy controlling; use of foreign currencies and credits; duties of State Department

Each executive agency having foreign excess property shall be responsible for the disposal thereof: *Provided*, That (a) the head of each such executive agency shall, with respect to the disposition of such property, conform to the foreign policy of the United States; (b) the Secretary of State shall have the authority to use foreign currencies and credits acquired by the United States under section 512(b) of this title in order to effectuate the purposes of section 32(b)(2) of the Surplus Property Act of 1944, as amended, and the Foreign Service Buildings Act of May 7, 1926, as amended [22 U.S.C. 291 et seq.] (including section 295b of title 22), and for the purpose of paying any other governmental expenses payable in local currencies, and the authority to amend, modify, and renew agreements in effect on July 1, 1949; (c) any foreign currencies or credits acquired by the Department of State pursuant to such agreements shall be administered in accordance with procedures that may from time to time be established by the Secretary of the Treasury and, if and when reduced to United States currency, shall be covered into the Treasury as miscellaneous receipts; and (d) the Department of State shall, except to such extent as the President shall otherwise determine, continue to perform other functions with respect to agreements for the disposal of foreign excess property in effect on July 1, 1949.

(June 30, 1949, ch. 288, title IV, § 401, 63 Stat. 397.)

REFERENCES IN TEXT

Section 32(b)(2) of the Surplus Property Act of 1944, as amended, referred to in text, is section 32(b)(2) of act Oct. 3, 1944, ch. 479, 58 Stat. 782, as amended, which related to the use of foreign currencies, foreign scholarships, and the establishment of the Board of Foreign Scholarships, and which was classified to section 1641(b)(2) of Title 50, Appendix, War and National Defense, was repealed by Pub. L. 87-256, § 111(a)(1), Sept. 21, 1961, 75 Stat. 538, and is covered by section 2451 et seq. of Title 22, Foreign Relations and Intercourse.

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

§ 512. Methods and terms of disposal

(a) Authority of executive agency

Foreign excess property not disposed of under subsections (b) and (c) of this section may be disposed of (1) by sale, exchange, lease, or transfer, for cash, credit or other property, with or without warranty, and upon such other terms and conditions as the head of the executive agency concerned deems proper, or (2) for foreign currencies or credits, or substantial benefits or the discharge of claims resulting from the compromise or settlement of such claims by any executive agency in accordance with the law, whenever the head of the executive agency concerned determines that it is in the interest of the United States to do so. Such property may be disposed of without advertising when the head of the executive agency concerned finds so doing to be most practicable and to be advantageous to the Government. The head of each executive agency responsible for the disposal of foreign excess property may execute such documents for the transfer of title or other interest in property and take such other action as he deems necessary or proper to dispose of such property; and may authorize the abandonment, destruction, or donation of foreign excess property under his control which has no commercial value or the estimated cost of care and handling of which would exceed the estimated proceeds from its sale.

(b) Donation of medical supplies

Any executive agency having in any foreign country any medical materials or supplies not disposed of under subsection (c) of this section, which, if situated within the United States, would be available for donation pursuant to section 484 of this title, may donate such materials or supplies without cost (except for costs of care and handling), for use in any foreign country, to nonprofit medical or health organizations, including those qualified to receive assistance under sections 2174(b) and 2357 of title 22.

(c) Return of foreign excess property; determination of interest of the United States; costs

Under such regulations as the Administrator shall prescribe pursuant to this subsection, any foreign excess property may be returned to the United States for handling as excess or surplus property under the provisions of sections 483, 484(j), and 484(l) of this title, whenever the head

of the executive agency concerned, or the Administrator after consultation with such agency head, determines that return of the property to the United States for such handling is in the interest of the United States: *Provided*, That regulations prescribed pursuant to this subsection shall require that the transportation costs incident to such return shall be borne by the Federal agency, State agency, or donee receiving the property.

(June 30, 1949, ch. 288, title IV, § 402, 63 Stat. 398; Sept. 26, 1970, Pub. L. 91-426, § 2, 84 Stat. 883; Oct. 17, 1976, Pub. L. 94-519, § 4, 90 Stat. 2455; Nov. 7, 1986, Pub. L. 99-627, § 3(a), 100 Stat. 3509.)

AMENDMENTS

1986—Subsec. (a)(1). Pub. L. 99-627 struck out “; but in no event shall any property be sold without a condition forbidding its importation into the United States, unless the Secretary of Agriculture (in the case of any agricultural commodity, food, or cotton or woolen goods) or the Secretary of Commerce (in the case of any other property) determines that the importation of such property would relieve domestic shortages or otherwise be beneficial to the economy of this country” after “deems proper”.

1976—Subsec. (c). Pub. L. 94-519 substituted “, whenever the head of the executive agency concerned, or the Administrator after consultation with such agency head, determines that return of the property to the United States for such handling is in the interest of the United States” for “whenever the head of the executive agency concerned determines that it is in the interest of the United States to do so”.

1970—Pub. L. 91-426 designated existing provisions as subsec. (a), substituted (1) and (2) for clause designations (a) and (b) and inserted “not disposed of under subsections (b) and (c) of this section” after “Foreign excess property”, and added subsections (b) and (c).

EFFECTIVE DATE OF 1986 AMENDMENT

Section 3(c) of Pub. L. 99-627 provided that: “The amendment made by subsection (a) [amending this section] shall not affect any civil or criminal proceeding instituted by the United States prior to the date of enactment of this Act [Nov. 7, 1986].”

RETURN OF PENDING APPLICATIONS

Section 3(b) of Pub. L. 99-627 provided that: “Applications pending before the Secretary of Commerce or the Secretary of Agriculture on, or received after, the date of enactment of this Act [Nov. 7, 1986] for authorization to import property under section 402(a)(1) of the Federal Property and Administrative Services Act of 1949 [40 U.S.C. 512(a)(1)] shall be returned without action, and applicants shall be informed in writing that authorization is no longer required after such date.”

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 484, 511 of this title.

§ 513. Proceeds from disposals; foreign currencies; United States currency; disposition

Proceeds from the sale, lease, or other disposition of foreign excess property, (a) shall, if in the form of foreign currencies or credits, be administered in accordance with procedures that may from time to time be established by the Secretary of the Treasury, and (b) shall, if in United States currency, or when any proceeds in foreign currencies or credits shall be reduced to United States currency, be covered into the Treasury as miscellaneous receipts: *Provided*, That the provisions of section 485(b) of this title

(which by their terms apply to property disposed of under subchapter II of this chapter) shall be applicable to proceeds of foreign excess property disposed of for United States currency under this subchapter: *And provided further*, That any executive agency disposing of foreign excess property under this subchapter (1) may deposit, in a special account with the Treasurer of the United States, such amount of the proceeds of such dispositions as it deems necessary to permit appropriate refunds to purchasers when any disposition is rescinded or does not become final, or payments for breach of any warranty, and (2) may withdraw therefrom amounts so to be refunded or paid, without regard to the origin of the funds withdrawn.

(June 30, 1949, ch. 288, title IV, § 403, 63 Stat. 398.)

TRANSFER OF FUNCTIONS

Functions of all officers of Department of the Treasury, and all functions of all agencies and employees of that Department, transferred, with certain exceptions, to Secretary of the Treasury, with power vested in him to authorize their performance or performance of any of his functions, by any of those officers, agencies, and employees, by Reorg. Plan No. 26 of 1950, §§ 1, 2, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, 1281, set out in the Appendix to Title 5, Government Organization and Employees. The Treasurer of the United States, referred to in this section, is an officer of Department of the Treasury.

§ 514. General provisions

(a) Promulgation of policies

The President may prescribe such policies, not inconsistent with the provisions of this subchapter, as he shall deem necessary to effectuate the provisions of this subchapter, which provisions shall guide each executive agency in carrying out its functions hereunder.

(b) Delegation of authority

Any authority conferred upon any executive agency or the head thereof by the provisions of this subchapter may be delegated, and successive redelegation thereof may be authorized, by such head to any official in such agency or to the head of any other executive agency.

(c) Employment of personnel

The head of each executive agency responsible for the disposal of foreign excess property hereunder may, as may be necessary to carry out his functions under this subchapter, (1) subject to the civil-service and classification laws, appoint and fix the compensation of personnel, and (2) without regard to the civil-service laws, appoint personnel outside the States of the Union and the District of Columbia.

(d) Transfer of functions

There shall be transferred from the Department of State to each other executive agency affected by this subchapter such records, property, personnel, obligations, commitments, and unexpended balances of appropriations, allocations, and other funds, available or to be made available, as the Director of the Office of Management and Budget shall determine to relate to functions of such agency under this subchapter which have heretofore been administered by the Department of State.

(June 30, 1949, ch. 288, title IV, § 404, 63 Stat. 398; July 12, 1960, Pub. L. 86-624, § 27(c), 74 Stat. 418; 1970 Reorg. Plan No. 2, § 102, eff. July 1, 1970, 35 F.R. 7959, 84 Stat. 2085; Oct. 19, 1980, Pub. L. 96-470, title I, § 101(a), 94 Stat. 2237.)

REFERENCES IN TEXT

The civil-service laws, referred to in subsec. (c), are set forth in Title 5, Government Organization and Employees. See, particularly, section 3301 et seq. of Title 5.

The classification laws, referred to in subsec. (c), are classified generally to chapter 51 (§ 5101 et seq.) and to subchapter III (§ 5331 et seq.) of chapter 53 of Title 5.

CODIFICATION

Provisions of subsec. (c)(2) of this section, which authorized heads of executive agencies to fix the compensation of personnel outside the continental limits of the United States without regard to the classification laws, were omitted as obsolete and superseded. Sections 1202 and 1204 of the Classification Act of 1949, 63 Stat. 972, 973, repealed the Classification Act of 1923 and all other laws or parts of laws inconsistent with the 1949 Act. The Classification Act of 1949 was repealed by Pub. L. 89-554, Sept. 6, 1966, § 8(a), 80 Stat. 632, and reenacted as chapter 51 and subchapter III of chapter 53 of Title 5, Government Organization and Employees. Section 5102 of Title 5 contains the applicability provisions of the 1949 Act, and section 5103 of Title 5 authorizes the Office of Personnel Management to determine the applicability to specific positions and employees.

AMENDMENTS

1980—Subsecs. (d), (e). Pub. L. 96-470 struck out subsec. (d) which provided that head of each executive agency responsible for disposal of foreign excess property under this subchapter submit a report to Congress in January of each year, or at such other desirable times, relative to its activities under this subchapter, accompanied by appropriate recommendations, and redesignated subsec. (e) as (d).

1960—Subsec. (c). Pub. L. 86-624 substituted "States of the Union and the District of Columbia" for "continental limits of the United States".

TRANSFER OF FUNCTIONS

Functions by law (including reorganization plan) in Bureau of the Budget or Director of Bureau of the Budget transferred to President of the United States by section 101 of Reorg. Plan No. 2 of 1970, eff. July 1, 1970, 35 F.R. 7959, 84 Stat. 2085, set out in the Appendix to Title 5, Government Organization and Employees. Section 102 of Reorg. Plan No. 2 of 1970, redesignated Bureau of the Budget as Office of Management and Budget.

SUBCHAPTER IV—RECONSTRUCTION FINANCE CORPORATION PROPERTY

§§ 521 to 524. Repealed. Pub. L. 91-466, § 2, Oct. 17, 1970, 84 Stat. 990

Section 521, act June 30, 1949, ch. 288, title VII, § 701, as added Aug. 12, 1955, ch. 874, § 3, 69 Stat. 722, stated congressional declaration of policy regarding Reconstruction Finance Corporation property.

Section 522, act June 30, 1949, ch. 288, title VII, § 702, as added Aug. 12, 1955, ch. 874, § 3, 69 Stat. 722; amended June 25, 1959, Pub. L. 86-70, § 30(b), 73 Stat. 148; July 12, 1960, Pub. L. 86-624, § 27(d), 74 Stat. 418, defined State, real property, local taxing authority, real property tax, Government department, transfer, and Reconstruction Finance Corporation as used in the subchapter.

Section 523, act June 30, 1949, ch. 288, title VII, § 703, as added Aug. 12, 1955, ch. 874, § 3, 69 Stat. 722; amended Aug. 1, 1958, Pub. L. 85-579, § 1(a), 72 Stat. 456; June 8, 1960, Pub. L. 86-498, § 1(a), 74 Stat. 165; Oct. 10, 1962, Pub.

L. 87-787, §1(a), 76 Stat. 805; June 29, 1964, Pub. L. 88-330, §1(a), 78 Stat. 226; July 7, 1967, Pub. L. 90-50, §1(a), 81 Stat. 119; Oct. 17, 1970, Pub. L. 91-466, §1(a), 84 Stat. 990, provided for payments by Government department which has custody of real property transferred to it on or after Jan. 1, 1946 from the Reconstruction Finance Corporation, in lieu of taxes, to State and local taxing authorities.

Section 524, act June 30, 1949, ch. 288, title VII, §704, as added Aug. 12, 1955, ch. 874, §3, 69 Stat. 723; amended Aug. 1, 1958, Pub. L. 85-579, §1(b), 72 Stat. 456; June 8, 1960, Pub. L. 86-498, §1(b), 74 Stat. 165; Oct. 10, 1962, Pub. L. 87-787, §1(b), 76 Stat. 805; June 29, 1964, Pub. L. 88-330, §1(b), 78 Stat. 226; July 7, 1967, Pub. L. 90-50, §1(b), 81 Stat. 119; Oct. 17, 1970, Pub. L. 91-466, §1(b), 84 Stat. 990, provided that failure of Government department to make payment authorized by former section 523 of this title would not give rise to any penalty or subject the property to any lien or foreclosure, exempted certain categories of real property from payments, and limited liability for any payment in lieu of taxes for any period before Jan. 1, 1955 or after Dec. 31, 1970.

EFFECTIVE DATE OF REPEAL

Section 2 of Pub. L. 91-466 provided that title VII of the Federal Property and Administrative Services Act of 1949 [sections 521 to 524 of this title] is repealed as of Jan. 1, 1971.

SUBCHAPTER V—URBAN LAND UTILIZATION

§ 531. Declaration of purpose and policy

It is the purpose of this subchapter to promote more harmonious intergovernmental relations and to encourage sound planning, zoning, and land use practices by prescribing uniform policies and procedures whereby the Administrator shall acquire, use, and dispose of land in urban areas in order that urban land transactions entered into for the General Services Administration or on behalf of other Federal agencies shall, to the greatest extent practicable, be consistent with zoning and land-use practices and shall be made to the greatest extent practicable in accordance with planning and development objectives of the local governments and local planning agencies concerned.

(June 30, 1949, ch. 288, title VIII, §802, as added Oct. 16, 1968, Pub. L. 90-577, title V, §501, 82 Stat. 1104.)

SHORT TITLE

Section 801 of act June 30, 1949, as added Oct. 16, 1968, Pub. L. 90-577, title V, §501, 82 Stat. 1104, provided that: "This title [enacting this subchapter] may be cited as the 'Federal Urban Land-Use Act'."

§ 532. Disposal of urban lands

(a) Whenever the Administrator contemplates the disposal for or on behalf of any Federal agency of any real property situated within an urban area, he shall, prior to offering such land for sale, give reasonable notice to the head of the governing body of the unit of general local government having jurisdiction over zoning and land-use regulation in the geographical area within which the land or lands are located in order to afford the government the opportunity of zoning for the use of such land in accordance with local comprehensive planning.

(b) The Administrator, to the greatest practicable extent, shall furnish to all prospective

purchasers of such real property, full and complete information concerning—

(1) current zoning regulations and prospective zoning requirements and objectives for such property when it is unzoned; and

(2) current availability to such property of streets, sidewalks, sewers, water, street lights, and other service facilities and prospective availability of such services if such property is included in comprehensive planning.

(June 30, 1949, ch. 288, title VIII, §803, as added Oct. 16, 1968, Pub. L. 90-577, title V, §501, 82 Stat. 1105.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 534 of this title.

§ 533. Acquisition or change of use of real property

(a) To the extent practicable, prior to a commitment to acquire any real property situated in an urban area, the Administrator shall notify the unit of general local government exercising zoning and land-use jurisdiction over the land proposed to be purchased of his intent to acquire such land and the proposed use of the property. In the event that the Administrator determines that such advance notice would have an adverse impact on the proposed purchase, he shall, upon conclusion of the acquisition, immediately notify such local government of the acquisition and the proposed use of the property.

(b) In the acquisition or change of use of any real property situated in an urban area as a site for public building, the Administrator shall, to the extent he determines practicable—

(1) consider all objections made to any such acquisition or change of use by such unit of government upon the ground that the proposed acquisition or change of use conflicts or would conflict with the zoning regulations or planning objectives of such unit; and

(2) comply with and conform to such regulations of the unit of general local government having jurisdiction with respect to the area within which such property is situated and the planning and development objectives of such local government.

(June 30, 1949, ch. 288, title VIII, §804, as added Oct. 16, 1968, Pub. L. 90-577, title V, §501, 82 Stat. 1105.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 534 of this title.

§ 534. Waiver of procedures for disposal of urban lands, acquisition or change of use of real property

The procedures prescribed in sections 532 and 533 of this title may be waived during any period of national emergency proclaimed by the President.

(June 30, 1949, ch. 288, title VIII, §805, as added Oct. 16, 1968, Pub. L. 90-577, title V, §501, 82 Stat. 1105.)

§ 535. Definitions

As used in this subchapter—

(a) "Unit of general local government" means any city, county, town, parish, village, or other general-purpose political subdivision of a State.

(b) “Urban area” means—

(1) any geographical area within the jurisdiction of any incorporated city, town, borough, village, or other unit of general local government, except county or parish, having a population of ten thousand or more inhabitants;

(2) that portion of the geographical area within the jurisdiction of any county, town, township, or similar governmental entity which contains no incorporated unit of general local government but has a population density equal to or exceeding one thousand five hundred inhabitants per square mile; and

(3) that portion of any geographical area having a population density equal to or exceeding one thousand five hundred inhabitants per square mile and situated adjacent to the boundary of any incorporated unit of general local government which has a population of ten thousand or more inhabitants.

(c) “Comprehensive planning” includes the following, to the extent directly related to the needs of a unit of general local government:

(1) Preparation, as a guide for governmental policies and action, of general plans with respect to (A) the pattern and intensity of land use, (B) the provision of public facilities (including transportation facilities) and other governmental services, and (C) the effective development and utilization of human and natural resources;

(2) Long-range physical and fiscal plans for such action;

(3) Programing of capital improvements and other major expenditures, based on a determination of relative urgency, together with definitive financing plans for such expenditures in the earlier years of the program;

(4) Coordination of all related plans and activities of the State and local governments and agencies concerned; and

(5) Preparation of regulatory and administrative measures in support of the foregoing.

(June 30, 1949, ch. 288, title VIII, §806, as added Oct. 16, 1968, Pub. L. 90-577, title V, §501, 82 Stat. 1105.)

SUBCHAPTER VI—SELECTION OF ARCHITECTS AND ENGINEERS

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in title 10 sections 2302, 2305a, 2855; title 23 section 112; title 33 sections 569b, 2292; title 41 sections 253m, 259; title 42 section 9619; title 43 section 377b; title 49 sections 5325, 47107.

§ 541. Definitions

As used in this subchapter—

(1) The term “firm” means any individual, firm, partnership, corporation, association, or other legal entity permitted by law to practice the professions of architecture or engineering.

(2) The term “agency head” means the Secretary, Administrator, or head of a department, agency, or bureau of the Federal Government.

(3) The term “architectural and engineering services” means—

(A) professional services of an architectural or engineering nature, as defined by State law,

if applicable, which are required to be performed or approved by a person licensed, registered, or certified to provide such services as described in this paragraph;

(B) professional services of an architectural or engineering nature performed by contract that are associated with research, planning, development, design, construction, alteration, or repair of real property; and

(C) such other professional services of an architectural or engineering nature, or incidental services, which members of the architectural and engineering professions (and individuals in their employ) may logically or justifiably perform, including studies, investigations, surveying and mapping, tests, evaluations, consultations, comprehensive planning, program management, conceptual designs, plans and specifications, value engineering, construction phase services, soils engineering, drawing reviews, preparation of operating and maintenance manuals, and other related services.

(June 30, 1949, ch. 288, title IX, §901, as added Oct. 27, 1972, Pub. L. 92-582, 86 Stat. 1278; amended Nov. 15, 1988, Pub. L. 100-656, title VII, §742, 102 Stat. 3897; Nov. 17, 1988, Pub. L. 100-679, §8, 102 Stat. 4068.)

AMENDMENTS

1988—Par. (3). Pub. L. 100-656 and Pub. L. 100-679 made substantially identical amendments, substituting par. (3) consisting of subpars. (A) to (C) for former par. (3) which read as follows: “The term ‘architectural and engineering services’ includes those professional services of an architectural or engineering nature as well as incidental services that members of these professions and those in their employ may logically or justifiably perform.”

SHORT TITLE

Section 905 of title IX of act June 30, 1949, as added by Pub. L. 103-355, title X, §10005(f)(2), Oct. 13, 1994, 108 Stat. 3409, provided that: “This title [enacting this subchapter] may be cited as the ‘Brooks Architect-Engineers Act’.”

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 31 section 1105; title 41 section 259.

§ 542. Congressional declaration of policy

The Congress hereby declares it to be the policy of the Federal Government to publicly announce all requirements for architectural and engineering services, and to negotiate contracts for architectural and engineering services on the basis of demonstrated competence and qualification for the type of professional services required and at fair and reasonable prices.

(June 30, 1949, ch. 288, title IX, §902, as added Oct. 27, 1972, Pub. L. 92-582, 86 Stat. 1279.)

§ 543. Requests for data on architectural and engineering services

In the procurement of architectural and engineering services, the agency head shall encourage firms engaged in the lawful practice of their profession to submit annually a statement of qualifications and performance data. The agency head, for each proposed project, shall evaluate

current statements of qualifications and performance data on file with the agency, together with those that may be submitted by other firms regarding the proposed project, and shall conduct discussions with no less than three firms regarding anticipated concepts and the relative utility of alternative methods of approach for furnishing the required services and then shall select therefrom, in order of preference, based upon criteria established and published by him, no less than three of the firms deemed to be the most highly qualified to provide the services required.

(June 30, 1949, ch. 288, title IX, §903, as added Oct. 27, 1972, Pub. L. 92-582, 86 Stat. 1279.)

§ 544. Negotiation of contracts for architectural and engineering services

(a) Negotiation with highest qualified firm

The agency head shall negotiate a contract with the highest qualified firm for architectural and engineering services at compensation which the agency head determines is fair and reasonable to the Government. In making such determination, the agency head shall take into account the estimated value of the services to be rendered, the scope, complexity, and professional nature thereof.

(b) Negotiation with second and third, etc., most qualified firms

Should the agency head be unable to negotiate a satisfactory contract with the firm considered to be the most qualified, at a price he determines to be fair and reasonable to the Government, negotiations with that firm should be formally terminated. The agency head should then undertake negotiations with the second most qualified firm. Failing accord with the second most qualified firm, the agency head should terminate negotiations. The agency head should then undertake negotiations with the third most qualified firm.

(c) Selection of additional firms in event of failure of negotiation with selected firms

Should the agency head be unable to negotiate a satisfactory contract with any of the selected firms, he shall select additional firms in order of their competence and qualification and continue negotiations in accordance with this section until an agreement is reached.

(June 30, 1949, ch. 288, title IX, §904, as added Oct. 27, 1972, Pub. L. 92-582, 86 Stat. 1279.)

CHAPTER 11—REAL PROPERTY TRANSACTIONS BY MILITARY DEPARTMENTS

§§ 551 to 554. Repealed. Aug. 10, 1956, ch. 1041, § 53, 70A Stat. 641

Section 551, act Sept. 28, 1951, ch. 434, title VI, §601, 65 Stat. 366, related to agreements between the Secretaries of military departments or the Federal Civil Defense Administration and Armed Services Committees of Congress on real estate transactions.

Section 552, act Sept. 28, 1951, ch. 434, title VI, §602, 65 Stat. 366, related to furnishing of quarterly reports to Armed Services Committees of all real-estate actions.

Section 553, act Sept. 28, 1951, ch. 434, title VI, §603, 65 Stat. 366, limited the application of this chapter

(§§551 to 554) to real property within the continental United States, Alaska, Hawaii and Puerto Rico.

Section 554, act Sept. 28, 1951, ch. 434, title VI, §604, 65 Stat. 366, mandated a recital of compliance with the provisions of this chapter (§§551 to 554) in any instrument of conveyance.

CHAPTER 12—CONSTRUCTION, ALTERATION, AND ACQUISITION OF PUBLIC BUILDINGS

- Sec. 601. Prohibition on construction of buildings except by Administrator of General Services.
- 601a. Duties of Administrator; Federal agency accommodations; historical and architectural preservation of public buildings; consultation with Governors, agencies, and chief executive officers.
- 602. Acquisition of buildings and their sites.
- 602a. Purchase contracts.
 - (a) Authority of Administrator; terms; vesting of title; application of installment payments to purchase price; procedures; report of negotiations to Congressional committees; solicitation of proposals.
 - (b) Contract provisions; limitations on amount of payments.
 - (c) Utilization of funds for payments.
 - (d) State and local taxes.
 - (e) Agreements to effectuate purposes; development and improvement of land; construction of projects previously approved; increase of estimated maximum cost.
 - (f) Submission and approval of prospectus as prerequisite; exceptions; procedure.
 - (g) Expiration of contracting authority.
 - (h) Prohibition on providing space until expiration of 30 days from notification of Congressional committees by Administrator.
- 603. Alteration of buildings; acquisition of land; exemption from committee approval.
- 604. Sites.
 - (a) Acquisition of lands or interests therein.
 - (b) Public buildings used in whole or in part for post office purposes; cooperation between Administrator and Postal Service.
 - (c) Solicitation of proposals for sale, donation, or exchange of real property; selection of site most advantageous to United States.
- 605. Construction of new buildings.
 - (a) Replacement of existing buildings; demolition, exchange or sale.
 - (b) Sale or exchange of sites.
 - (c) Committee approval as condition precedent to use of land as site for building.
- 606. Approval of proposed projects by Congress.
 - (a) Limitation of funds; transmission to Congress of prospectus of proposed project.
 - (b) Increase of estimated maximum cost.
 - (c) Rescission of approval for failure to make appropriations for project.
 - (d) Emergency leases by the Administrator.
 - (e) Limitation on leasing certain space.
 - (f) Dollar amount adjustment.
- 607. Buildings and sites within District of Columbia.
 - (a) Construction in harmony with plan of Peter Charles L'Enfant.
 - (b) Contiguous squares; closing of streets and alleys.