

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

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

¹ See References in Text note below.

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; Pub. L. 85-493, §1, July 2, 1958, 72 Stat. 294; Pub. L. 85-886, §§1, 3, Sept. 2, 1958, 72 Stat. 1709; Pub. L. 86-249, §12(e), formerly §12(d), Sept. 9, 1959, 73 Stat. 482, renumbered §12(e), Pub. L. 94-541, title I, §103(3), Oct. 18, 1976, 90 Stat. 2506; Pub. L. 89-276, Oct. 20, 1965, 79 Stat. 1010; Pub. L. 89-344, Nov. 8, 1965, 79 Stat. 1304; Pub. L. 90-626, Oct. 22, 1968, 82 Stat. 1319; 1970 Reorg. Plan No. 2, §102, eff. July 1, 1970, 35 F.R. 7959, 84 Stat. 2085; Pub. L. 92-313, §§3, 4, June 16, 1972, 86 Stat. 218, 219; Pub. L. 94-541, title I, §§103(3), 104, Oct. 18, 1976, 90 Stat. 2506; Pub. L. 100-418, title V, §5115(c), Aug. 23, 1988, 102 Stat. 1433; Pub. L. 102-486, title I, §153, Oct. 24, 1992, 106 Stat. 2851; Pub. L. 104-201, div. A, title VIII, §823, Sept. 23, 1996, 110 Stat. 2609; Pub. L. 104-208, div. A, title I, §101(f) [title IV, §407(a)], Sept. 30, 1996, 110 Stat. 3009-314, 3009-337; Pub. L. 104-316, title I, §120(b), Oct. 19, 1996, 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-

ignated 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 buildout as a means of stimulating economic growth and creating new jobs. The recent auctioning and impending licensing of radio frequencies for mobile personal communications services presents the Federal Government with the opportunity to foster new technologies and to encourage the development of communications infrastructure by making Federal property available for the siting of mobile services antennas.

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

The procedures should be developed in accordance with the following:

1. (a) Upon request, and to the extent permitted by law and where practicable, executive departments and agencies shall make available Federal Government buildings and lands for the siting of mobile service antennas. This should be done in accordance with Federal, State, and local laws and regulations, and consistent with national security concerns (including minimizing mutual electromagnetic interactions), public health and safety concerns, environmental and aesthetic concerns, preservation of historic buildings and monuments, protection of natural and cultural 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