

section 3109 of title 5 to the extent the Administrator finds necessary to carry out chapters 1, 3, and 5 of this title and division C (except sections 3302, 3501(b), 3509, 3906, 4710, and 4711) of subtitle I of title 41.

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

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

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1072; Pub. L. 111–350, § 5(l)(5), Jan. 4, 2011, 124 Stat. 3851.)

HISTORICAL AND REVISION NOTES

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

In subsections (a) and (b), the words “and title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.)” are added to provide an accurate literal translation of the words “this Act”, meaning the Federal Property and Administrative Services Act of 1949. See the revision note under section 111 of this title. Reference to title V of this Act is omitted as obsolete because of the Act of October 22, 1968 (Public Law 90–620, 82 Stat. 1238), the first section of which enacted Title 44, United States Code. The responsibilities of the Administrator of General Services under title V were given to the Archivist of the United States, National Historical Publications and Records Commission, and Advisory Committee on the Records of Congress.

In subsection (a), the words “subject to chapters 33 and 51 and subchapter III of chapter 53 of title 5” are substituted for “subject to the civil-service and classification laws” because of section 7(b) of the Act of September 6, 1966 (Public Law 89–554, 80 Stat. 631), the first section of which enacted Title 5, United States Code.

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

In subsection (c), the words “section 973 of title 10” are substituted for “section 1222 of the Revised Statutes (10 U. S. C. 576)” in section 208(c) of the Federal Property and Administrative Services Act of 1949 because of section 49(b) of the Act of August 10, 1956 (ch. 1041, 70A Stat. 640), the first section of which enacted Title 10, United States Code, and section 4(a)(5) and (6) of the Act of January 2, 1968 (Public Law 90–235, 81 Stat. 759). The words “personnel (including armed services personnel) from an executive agency other than the General Services Administration” are substituted for “officials, officers, and other personnel in other execu-

tive agencies, including personnel of the armed services” for clarity and to eliminate unnecessary words.

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

AMENDMENTS

2011—Subsecs. (a), (b). Pub. L. 111–350 substituted “division C (except sections 3302, 3501(b), 3509, 3906, 4710, and 4711) of subtitle I of title 41” for “title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.)”.

§ 312. Repealed. Pub. L. 111–8, div. D, title V, § 518(c)(1), Mar. 11, 2009, 123 Stat. 665]

Section, Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1073, related to transfer and use of amounts for major equipment acquisitions.

§ 313. Tests of materials

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

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

- (1) determine whether an article or commodity conforms to prescribed specifications and standards; or
- (2) aid in the development of specifications and standards.

(c) FEES.—

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

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

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

amount the Administrator determines is reasonable for furnishing the testing service.

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

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
313(a)	40:756(g) (1st sentence words before 1st comma).	June 30, 1949, ch. 288, title I, §109(g) (1st-3d sentences), as added Sept. 5, 1950, ch. 849, §3(b), 64 Stat. 579; Pub. L. 86-591, July 5, 1960, 74 Stat. 330.
313(b)	40:756(g) (1st sentence words after 1st comma).	
313(c)	40:756(g) (2d, 3d sentences).	

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

SUBCHAPTER III—FUNDS

§ 321. Acquisition Services Fund

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

(b) COMPOSITION.—

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

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

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

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

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

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

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

(c) USES.—

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

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

(i) personal property (including the purchase from or through the Public Printer, for warehouse issue, of standard forms, blankbook work, standard specifications, and other printed material in common use

by federal agencies and not available through the Superintendent of Documents);

(ii) nonpersonal services; and

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

(B) paying the purchase price, cost of transportation of personal property and services, and cost of personal services employed directly in the repair, rehabilitation, and conversion of personal property; and

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

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

(A) mixed-ownership Government corporations;

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

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

(d) PAYMENT FOR PROPERTY AND SERVICES.—

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

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

(A) so far as practicable—

(i) the purchase price;

(ii) the transportation cost;

(iii) inventory losses;

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

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

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

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

(3) TIMING OF PAYMENTS.—

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

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