

no longer than 5 years. When a competitive contract expires, or is terminated for any reason, the Administration shall again offer to procure the covered services by contract with a sheltered workshop before procuring the covered services by competitive contract.

(Pub. L. 107-217, Aug. 21, 2002, 116 Stat. 1120; Pub. L. 109-284, §6(6), Sept. 27, 2006, 120 Stat. 1212; Pub. L. 111-350, §5(l)(11), Jan. 4, 2011, 124 Stat. 3852.)

HISTORICAL AND REVISION NOTES

| <i>Revised Section</i> | <i>Source (U.S. Code)</i> | <i>Source (Statutes at Large)</i> |
|------------------------|---------------------------|--|
| 593 | 40:490c. | Pub. L. 104-52, title V, §503, Nov. 19, 1995, 109 Stat. 491. |

AMENDMENTS

2011—Subsec. (a)(2). Pub. L. 111-350 substituted “chapter 85 of title 41” for “the Javits-Wagner-O’Day Act (41 U.S.C. 46 et seq.)”.

2006—Subsec. (b). Pub. L. 109-284 substituted “available to the General Services Administration” for “available to the Administration”.

SUBCHAPTER VI—MOTOR VEHICLE POOLS AND TRANSPORTATION SYSTEMS

§ 601. Purposes

In order to provide an economical and efficient system for transportation of Federal Government personnel and property consistent with section 101 of this title, the purposes of this subchapter are—

- (1) to establish procedures to ensure safe operation of motor vehicles on Government business;
- (2) to provide for proper identification of Government motor vehicles;
- (3) to establish an effective means to limit the use of Government motor vehicles to official purposes;
- (4) to reduce the number of Government-owned vehicles to the minimum necessary to transact public business; and
- (5) to provide wherever practicable for centrally operated interagency pools or systems for local transportation of Government personnel and property.

(Pub. L. 107-217, Aug. 21, 2002, 116 Stat. 1121.)

HISTORICAL AND REVISION NOTES

| <i>Revised Section</i> | <i>Source (U.S. Code)</i> | <i>Source (Statutes at Large)</i> |
|------------------------|---------------------------|--|
| 601 | 40:491(a). | June 30, 1949, ch. 288, title II, §211(a), as added Sept. 5, 1950, ch. 849, §5(c), 64 Stat. 583; Sept. 1, 1954, ch. 1211, §2, 68 Stat. 1126. |

EX. ORD. NO. 10579. INTERAGENCY MOTOR-VEHICLE POOLS AND SYSTEMS

Ex. Ord. No. 10579, Dec. 1, 1954, 19 F.R. 7925, provided:
SECTION 1. Purpose and general policy. (a) The purpose of these regulations is to establish policies and procedures under which interagency motor-vehicle pools or systems may be established, operated, curtailed, or discontinued.

(b) The Administrator of General Services (hereinafter referred to as the Administrator) shall establish and provide for the operation of interagency motor-vehicle pools and systems for the purpose of providing

more efficient or economical transportation of Government personnel and property within specific areas by motor vehicles or local transit systems. Pools or systems based in whole or in part upon use of privately-owned vehicles and facilities shall be preferred to Government ownership of vehicles and facilities to the extent that it is feasible to provide required motor-vehicle services of satisfactory quality and cost from commercial or other private sources.

SEC. 2. Conduct of studies to determine advisability of establishing motor-vehicle pools or systems. (a) The Administrator shall select areas in which studies are to be conducted to determine the advisability of establishing motor-vehicle pools or systems. Before initiating any such study, he shall give at least thirty days notice to the head of each executive agency (as defined in section 3(a) of the Act [now 40 U.S.C. 102(4)]). The notice shall include a statement of the approximate geographic area to be studied and the date on which the study will begin.

(b) The head of each executive agency receiving notice that such a study is to be made shall provide information which is required or pertinent. He shall also designate one or more officials in the field with whom members of a staff assigned by the General Services Administration may consult. Such designated officials shall provide such assigned staff with needed information and assistance, including reasonable opportunities to observe motor-vehicle operations and facilities and to examine pertinent cost and other records.

SEC. 3. Determination to establish an interagency motor-vehicle pool or system. (a) If the Administrator determines, with due regard to the program activities of the agencies concerned, and on the basis of a study made in accordance with section 2 hereof, that an interagency motor-vehicle pool or system should be established, he shall be responsible for preparing a formal determination to that effect. Such determination shall include:

- (1) A description of the proposed operation, including a statement of the types of service and of the geographic area, and the agencies or parts of agencies to be served.
- (2) The name of the executive agency designated to be responsible for operating the pool or system, and the reasons for such designation.
- (3) A statement indicating the motor vehicles and related equipment and supplies to be transferred and the amount of reimbursement, if any, to be made therefor.

(b) Each determination shall be accompanied by an analytical justification which shall include a comparison of estimated costs of the present and proposed methods of operation and a showing of the estimated savings to be realized through the establishment of the proposed pool or system. The justification shall also describe the alternatives considered in making the determination, and shall include a statement concerning the availability of privately-owned facilities and equipment, and the feasibility and estimated cost (immediate and long-term) of using such facilities and equipment.

(c) The Administrator shall send a copy of each determination to each executive agency affected and to the Director of the Bureau of the Budget [now the Director of the Office of Management and Budget] (hereinafter referred to as the Director).

SEC. 4. Transfers of records, facilities, personnel, and appropriations. Whenever the Administrator prepares a 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 executive agency concerned, the agency's request for discontinuance or modification and the Administrator's reasons for not agreeing with the request shall be forwarded to the Director who shall be responsible for making a final and binding decision.

(f) When a pool or system is discontinued or curtailed, such transfers of vehicles and related equipment and supplies, personnel, records, facilities, and funds as may be appropriate will be made, subject to the approval of the Director.

SEC. 9. *Motor vehicles exempted from inclusion in interagency motor-vehicle pools.* The following-described classes of motor vehicles shall be exempt from inclusion in interagency motor-vehicle pools or systems:

(1) Motor vehicles designed or used for military field training, combat, or tactical purposes, or used principally within the confines of a regularly established military post, camp, or depot.

(2) Any motor vehicle regularly used by an agency in the performance of investigative, law enforcement, or intelligence duties if the head of such agency determines that exclusive control of such vehicle is essential to the effective performance of such duties: *Provided*, that vehicles regularly used for common administrative purposes not directly connected with the performance of law enforcement, investigative, or intelligence duties shall not because of such use be exempted from such inclusion.

(3) Any motor vehicle the conspicuous identification of which as a Government vehicle would interfere with the purpose for which it is acquired and used.

(4) Unless inclusion is mutually agreed upon by the Administrator and the head of the agency concerned:

(i) Motor vehicles for the use of the heads of the executive agencies, ambassadors, ministers, charge [sic] d'affaires, and other principal diplomatic and consular officials.

(ii) Motor vehicles regularly and principally used for the transportation of diplomats and representatives of foreign countries or by officers of the Department of State for the conduct of official business with representatives of foreign countries.

(iii) Motor vehicles regularly used for the distribution and transportation of mails.

(5) Motor vehicles which, because of their design or the special purposes for which they are used, or for other reasons, cannot advantageously be incorporated in an interagency motor-vehicle pool or system if the exemption thereof has been mutually agreed upon by the Administrator and the head of the executive agency concerned.

(6) Motor vehicles exempted by an agency which has authority to make such an exemption under the provisions of the Act [probably means the Federal Property and Administrative Services Act of 1949, now chapters 1 to 11 of this title and division C (except sections 3302, 3307(e), 3501(b), 3509, 3906, 4710, and 4711) of subtitle I of Title 41, Public Contracts].

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 [probably means the Federal Property and Administrative Services Act of 1949].

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§ 602. Authority to establish motor vehicle pools and transportation systems

(a) IN GENERAL.—Subject to section 603 of this title, and regulations issued under section 603, the Administrator of General Services shall—

- (1) take over from executive agencies and consolidate, or otherwise acquire, motor vehicles and related equipment and supplies;
(2) provide for the establishment, maintenance, and operation (including servicing and storage) of motor vehicle pools or systems; and
(3) furnish motor vehicles and related services to executive agencies for the transportation of property and passengers.

(b) METHODS OF PROVIDING VEHICLES AND SERVICES.—As determined by the Administrator, motor vehicles and related services may be furnished by providing an agency with—

- (1) Federal Government-owned motor vehicles;
(2) the use of motor vehicles, under rental or other arrangements, through private fleet operators, taxicab companies, or local or interstate common carriers; or
(3) both.

(c) RECIPIENTS OF VEHICLES AND SERVICES.—The Administrator shall, so far as practicable, furnish motor vehicles and related services under this section to any federal agency, mixed-ownership Government corporation (as defined in chapter 91 of title 31), or the District of Columbia, on its request.

(Pub. L. 107-217, Aug. 21, 2002, 116 Stat. 1121.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 1: 602, 40:491(b) (related to establishment), June 30, 1949, ch. 288, title II, §211(b) (related to establishment), as added Sept. 5, 1950, ch. 849, §5(c), 64 Stat. 583; Sept. 1, 1954, ch. 1211, §2, 68 Stat. 1126.

Subsection (a)(1) is substituted for "in respect of executive agencies, . . . consolidate, take over, acquire, or arrange for the operation by any executive agency of, motor vehicles and other related equipment and supplies for the purpose of establishing motor vehicle pools and systems to serve the needs of executive agencies" for clarity and to eliminate unnecessary words.

In subsection (c), the words "mixed-ownership Government corporation" are substituted for "mixed ownership corporation" for consistency with chapter 91 of title 31. The words "chapter 91 of title 31" are substituted for "the Government Corporation Control Act" in section 211(b) of the Federal Property and Administrative Services Act of 1949 because of section 4(b) of the Act of September 13, 1982 (Public Law 97-258, 96 Stat. 1067), the first section of which enacted Title 31, United States Code.

§ 603. Process for establishing motor vehicle pools and transportation systems

(a) DETERMINATION REQUIREMENT.—

- (1) IN GENERAL.—The Administrator of General Services may carry out section 602 only if the Administrator determines, after consultation with the agencies concerned and with due regard to their program activities, that doing so is advantageous to the Federal Government in terms of economy, efficiency, or service.

(2) ELEMENTS OF THE DETERMINATION.—A determination under this section must be in writing. For each motor vehicle pool or system, the determination must set forth an analytical justification that includes—

- (A) a detailed comparison of estimated costs for present and proposed modes of operation; and
(B) a showing that savings can be realized by the establishment, maintenance, and operation of a motor vehicle pool or system.

(b) REGULATIONS RELATED TO ESTABLISHMENT.—

(1) IN GENERAL.—The President shall prescribe regulations establishing procedures to carry out section 602 of this title.

(2) ELEMENTS OF THE REGULATIONS.—The regulations shall provide for—

- (A) adequate notice to an executive agency of any determination that affects the agency or its functions;
(B) independent review and decision as directed by the President of any determination disputed by an agency, with the possibility that the decision may include a partial or complete exemption of the agency from the determination; and
(C) enforcement of determinations that become effective under the regulations.

(3) EFFECT OF THE REGULATIONS.—A determination under subsection (a) is binding on an agency only as provided in regulations issued under this subsection.

(Pub. L. 107-217, Aug. 21, 2002, 116 Stat. 1122.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 1: 603(a)(1), 40:491(b) (related to determination), June 30, 1949, ch. 288, title II, §211(b) (related to determination), (c), (e), as added Sept. 5, 1950, ch. 849, §5(c), 64 Stat. 583; Sept. 1, 1954, ch. 1211, §2, 68 Stat. 1126. Row 2: 603(a)(2), 40:491(e). Row 3: 603(b), 40:491(c).

In subsection (b)(1), the words "within ninety days after the effective date of this section" are omitted as obsolete.

§ 604. Treatment of assets taken over to establish motor vehicle pools and transportation systems

(a) REIMBURSEMENT.—

(1) REQUIREMENT.—When the Administrator of General Services takes over motor vehicles or related equipment or supplies under section 602 of this title, reimbursement is required if the property is taken over from—

- (A) a Government corporation; or
(B) an agency, if the agency acquired the property through unreimbursed expenditures made from a revolving or trust fund authorized by law.

(2) AMOUNT.—The Administrator shall reimburse a Government corporation, or a fund through which an agency acquired property, by an amount equal to the fair market value of the property. If the Administrator subsequently returns property of a similar kind