

§ 586. Charges for space and services

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

(b) CHARGES BY ADMINISTRATOR OF GENERAL SERVICES.—

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

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

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

(c) CHARGES BY EXECUTIVE AGENCIES.—

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

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

(d) RENT PAYMENTS FOR LEASE SPACE.—An agency may make rent payments to the Administration for lease space relating to expansion needs of the agency. Payment rates shall approximate commercial charges for comparable space as provided in subsection (b). Payments shall be deposited into the Federal Buildings Fund. The Administration may use amounts received under this subsection, in addition to amounts received as New Obligational Authority, in the Rental of Space activity of the Fund. (Pub. L. 107-217, Aug. 21, 2002, 116 Stat. 1113.)

HISTORICAL AND REVISION NOTES

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

In subsection (b)(3), the words “Federal Buildings Fund” are substituted for “the fund” for clarity and to execute the probable intent of Congress. Sections 3 and 4 of the Public Buildings Amendments of 1972 (Public Law 92-313, 86 Stat. 218) added subsection (j) of 40:490 (in

which the words “the fund” appear) and amended subsection (f) to create a fund into which “charges made pursuant to subsection (j)” are deposited (40:490(f)(1)(A)). That fund was subsequently named “Federal Buildings Fund” by section 153(1) of the Energy Policy Act of 1992 (Public Law 102-486, 106 Stat. 2851). If an exemption from charges is granted under 40:490(j), “the fund” that suffers the loss of revenue is the Federal Buildings Fund.

In subsection (d), the words “on and after October 6, 1992” are omitted as obsolete. The words “subsection (b)” are substituted for “section 201(j) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(j))” in section 5(a) of the Independent Agencies Appropriations Act, 1993, to reflect the probable intent of Congress. Section 201 of the Federal Property and Administrative Services Act of 1949 does not contain a subsection (j) and the intended reference was probably “section 210(j)”, which is restated in this section. The text of 40:490f(b) is omitted as executed.

§ 587. Telecommuting and other alternative workplace arrangements

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

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

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

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

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

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

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

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

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

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

(2) CONSIDERATION BY EXECUTIVE AGENCIES.—In considering whether to acquire space, quar-

ters, buildings, or other facilities for use by employees, the head of an executive agency shall consider whether needs can be met using alternative workplace arrangements.

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

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

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

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

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

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

HISTORICAL AND REVISION NOTES

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

§ 588. Movement and supply of office furniture

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

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

(c) MOVING EXISTING FURNITURE.—The furniture and furnishings used by an agency (or organizational unit of the agency) shall be moved only if the Administrator determines, after consultation with the head of the agency and with due regard for the program activities of the agency, that it would not be more economical and efficient to make suitable replacements available in the new controlled space.

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

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

(f) CONTROL OF FURNITURE NOT MOVED.—

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

(2) REIMBURSEMENT.—

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

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

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

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

HISTORICAL AND REVISION NOTES

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

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