

disposition or transfer of property are the proceeds less all expenses incurred for the disposition or transfer, including care and handling.

(4) ALTERNATIVE CREDIT TO MISCELLANEOUS RECEIPTS.—If the agency that determined the property to be excess decides that it is uneconomical or impractical to ascertain the amount of net proceeds, the proceeds shall be credited to miscellaneous receipts.

(b) SPECIAL ACCOUNT FOR REFUNDS OR PAYMENTS FOR BREACH.—

(1) DEPOSITS.—A federal agency that disposes of surplus property under this chapter may deposit, in a special account in the Treasury, amounts of the proceeds of the dispositions that the agency decides are necessary to permit—

(A) appropriate refunds to purchasers for dispositions that are rescinded or that do not become final; and

(B) payments for breach of warranty.

(2) WITHDRAWALS.—A federal agency that deposits proceeds in a special account under paragraph (1) may withdraw amounts to be refunded or paid from the account without regard to the origin of the amounts withdrawn.

(c) CREDIT TO COST OF CONTRACTOR'S WORK.—If a contract made by an executive agency, or a subcontract under that contract, authorizes the proceeds of a sale of property in the custody of a contractor or subcontractor to be credited to the price or cost of work covered by the contract or subcontract, then the proceeds of the sale shall be credited in accordance with the contract or subcontract.

(d) ACCEPTANCE OF PROPERTY INSTEAD OF CASH.—An executive agency entitled to receive cash under a contract for the lease, sale, or other disposition of surplus property may accept property instead of cash if the President determines that the property is strategic or critical material. The property is valued at the prevailing market price when the cash payment becomes due.

(e) MANAGEMENT OF CREDIT, LEASES, AND PERMITS.—For a disposition of surplus property under this chapter, if credit has been extended, or if the disposition has been by lease or permit, the Administrator of General Services, in a manner and on terms the Administrator determines are in the best interest of the Federal Government—

(1) shall administer and manage the credit, lease, or permit, and any security for the credit, lease, or permit; and

(2) may enforce, adjust, and settle any right of the Government with respect to the credit, lease, or permit.

(Pub. L. 107-217, Aug. 21, 2002, 116 Stat. 1107.)

HISTORICAL AND REVISION NOTES—CONTINUED

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
574(b)	40:485(d).	
574(c)	40:485(e).	
574(d)	40:485(f).	
574(e)	40:485(g).	

In subsection (b)(1), the words “in the Treasury” are substituted for “with the Treasurer of the United States” because of section 1 of Reorganization Plan No. 26 of 1950 (eff. July 31, 1950, 64 Stat. 1280), restated as 31:321.

In subsection (e), the words “or by War Assets Administration (or its predecessor agencies) under the Surplus Property Act of 1944” are omitted because the War Assets Administration was abolished and its functions were transferred to the General Services Administration by section 105 of the Federal Property and Administrative Services Act of 1949 (ch. 288, 63 Stat. 381).

DELEGATION OF FUNCTIONS

Functions of President under subsec. (f) of section 485 of former Title 40, Public Buildings, Property, and Works (which was repealed and reenacted as subsec. (d) of this section by Pub. L. 107-217, §§1, 6(b), Aug. 21, 2002, 116 Stat. 1062, 1304), delegated to Secretary of Defense, see section 3 of Ex. Ord. No. 12626, Feb. 25, 1988, 53 F.R. 6114, set out as a note under section 98 of Title 50, War and National Defense.

SUBCHAPTER V—OPERATION OF BUILDINGS AND RELATED ACTIVITIES

§ 581. General authority of Administrator of General Services

[(a) Repealed. Pub. L. 107-296, title XVII, §1706(a)(1), Nov. 25, 2002, 116 Stat. 2316.]

(b) PERSONNEL AND EQUIPMENT.—The Administrator of General Services may—

(1) employ and pay personnel at per diem rates approved by the Administrator, not exceeding rates currently paid by private industry for similar services in the place where the services are performed; and

(2) purchase, repair, and clean uniforms for civilian employees of the General Services Administration who are required by law or regulation to wear uniform clothing.

(c) ACQUISITION AND MANAGEMENT OF PROPERTY.—

(1) REAL ESTATE.—The Administrator may acquire, by purchase, condemnation, or otherwise, real estate and interests in real estate.

(2) GROUND RENT.—The Administrator may pay ground rent for buildings owned by the Federal Government or occupied by federal agencies, and pay the rent in advance if required by law or if the Administrator determines that advance payment is in the public interest.

(3) RENT AND REPAIRS UNDER A LEASE.—The Administrator may pay rent and make repairs, alterations, and improvements under the terms of a lease entered into by, or transferred to, the Administration for the housing of a federal agency.

(4) REPAIRS THAT ARE ECONOMICALLY ADVANTAGEOUS.—The Administrator may repair, alter, or improve rented premises if the Administrator determines that doing so is advantageous to the Government in terms of economy, efficiency, or national security. The Administrator's determination must—

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
574(a)	40:485(c).	June 30, 1949, ch. 288, title II, §204(c)-(g), formerly §204(b)-(f), 63 Stat. 389; redesignated §204(c)-(g), Aug. 31, 1954, ch. 1178, §1(a), 68 Stat. 1051; Pub. L. 96-41, §3(d), July 30, 1979, 93 Stat. 325.

(A) set forth the circumstances that make the repair, alteration, or improvement advantageous; and

(B) show that the total cost (rental, repair, alteration, and improvement) for the expected life of the lease is less than the cost of alternative space not needing repair, alteration, or improvement.

(5) INSURANCE PROCEEDS FOR DEFENSE INDUSTRIAL RESERVE.—At the direction of the Secretary of Defense, the Administrator may use insurance proceeds received for damage to property that is part of the Defense Industrial Reserve to repair or restore the property.

(6) MAINTENANCE CONTRACTS.—The Administrator may enter into a contract, for a period not exceeding five years, for the inspection, maintenance, and repair of fixed equipment in a federally owned building.

(d) LEASE OF FEDERAL BUILDING SITES.—

(1) IN GENERAL.—The Administrator may lease a federal building site or addition, including any improvements, until the site is needed for construction purposes. The lease must be for fair rental value and on other terms and conditions the Administrator considers to be in the public interest pursuant to section 545 of this title.

(2) NEGOTIATION WITHOUT ADVERTISING.—A lease under this subsection may be negotiated without public advertising for bids if—

(A) the lessee is—

(i) the former owner from whom the Government acquired the property; or

(ii) the former owner's tenant in possession; and

(B) the lease is negotiated incident to or in connection with the acquisition of the property.

(3) DEPOSIT OF RENT.—Rent received under this subsection may be deposited into the Federal Buildings Fund.

(e) ASSISTANCE TO THE INAUGURAL COMMITTEE.—The Administrator may provide direct assistance and special services for the Inaugural Committee (as defined in section 501 of title 36) during an inaugural period in connection with Presidential inaugural operations and functions. Assistance and services under this subsection may include—

(1) employment of personal services without regard to chapters 33 and 51 and subchapter III of chapter 53 of title 5;

(2) providing Government-owned and leased space for personnel and parking;

(3) paying overtime to guard and custodial forces;

(4) erecting and removing stands and platforms;

(5) providing and operating first-aid stations;

(6) providing furniture and equipment; and

(7) providing other incidental services in the discretion of the Administrator.

(f) UTILITIES FOR DEFENSE INDUSTRIAL RESERVE AND SURPLUS PROPERTY.—The Administrator may—

(1) provide utilities and services, if the utilities and services are not provided by other

sources, to a person, firm, or corporation occupying or using a plant or portion of a plant that constitutes—

(A) any part of the Defense Industrial Reserve pursuant to section 2535 of title 10; or

(B) surplus real property; and

(2) credit an amount received for providing utilities and services under this subsection to an applicable appropriation of the Administration.

(g) OBTAINING PAYMENTS.—The Administrator may—

(1) obtain payments, through advances or otherwise, for services, space, quarters, maintenance, repair, or other facilities furnished, on a reimbursable basis, to a federal agency, a mixed-ownership Government corporation (as defined in chapter 91 of title 31), or the District of Columbia; and

(2) credit the payments to the applicable appropriation of the Administration.

(h) COOPERATIVE USE OF PUBLIC BUILDINGS.—

(1) LEASING SPACE FOR COMMERCIAL AND OTHER PURPOSES.—The Administrator may lease space on a major pedestrian access level, courtyard, or rooftop of a public building to a person, firm, or organization engaged in commercial, cultural, educational, or recreational activity (as defined in section 3306(a) of this title). The Administrator shall establish a rental rate for leased space equivalent to the prevailing commercial rate for comparable space devoted to a similar purpose in the vicinity of the public building. The lease may be negotiated without competitive bids, but shall contain terms and conditions and be negotiated pursuant to procedures that the Administrator considers necessary to promote competition and to protect the public interest.

(2) OCCASIONAL USE OF SPACE FOR NON-COMMERCIAL PURPOSES.—The Administrator may make available, on occasion, or lease at a rate and on terms and conditions that the Administrator considers to be in the public interest, an auditorium, meeting room, courtyard, rooftop, or lobby of a public building to a person, firm, or organization engaged in cultural, educational, or recreational activity (as defined in section 3306(a) of this title) that will not disrupt the operation of the building.

(3) DEPOSIT AND CREDIT OF AMOUNTS RECEIVED.—The Administrator may deposit into the Federal Buildings Fund an amount received under a lease or rental executed pursuant to paragraph (1) or (2). The amount shall be credited to the appropriation from the Fund applicable to the operation of the building.

(4) FURNISHING UTILITIES AND MAINTENANCE.—The Administrator may furnish utilities, maintenance, repair, and other services to a person, firm, or organization leasing space pursuant to paragraph (1) or (2). The services may be provided during and outside of regular working hours of federal agencies.

(Pub. L. 107-217, Aug. 21, 2002, 116 Stat. 1108; Pub. L. 107-296, title XVII, §1706(a), Nov. 25, 2002, 116 Stat. 2316; Pub. L. 109-284, §6(5), Sept. 27, 2006, 120 Stat. 1212.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
581	40:490(a).	June 30, 1949, ch. 288, title II, §210(a), as added Sept. 5, 1950, ch. 849, §5(c), 64 Stat. 580; Pub. L. 85-886, §1, Sept. 2, 1958, 72 Stat. 1709; Pub. L. 89-276, Oct. 20, 1965, 79 Stat. 1010; Pub. L. 90-626, Oct. 22, 1968, 82 Stat. 1319; Pub. L. 94-541, title I, §104(a), Oct. 18, 1976, 90 Stat. 2506; Pub. L. 104-201, title VIII, §823, Sept. 23, 1996, 110 Stat. 2609; Pub. L. 104-316, title I, §120(b), Oct. 19, 1996, 110 Stat. 3836.

In this section, 40:490(a)(7) is omitted as obsolete because the pneumatic tube system referred to in the provision is no longer used or maintained and 40:490(a)(9) is omitted as obsolete because the relevant provisions of the Surplus Property Act of 1944 (50 App.:1611 et seq.) have been repealed.

In subsection (c)(3) and (4), the words “without regard to the provisions of section 278a of this title” and “which on June 30, 1950, was specifically exempted by law from the requirements of said section” (in 40:490(a)(5)), and the words “without regard to the 25 per centum limitation of section 278a of this title” and “without reference to such limitation” (in 40:490(a)(8)), respectively, are omitted as obsolete because 40:278a was repealed by section 7 of the Public Buildings Amendments of 1988 (Public Law 100-678, 40:278a).

In subsection (c)(5), the words “Defense Industrial Reserve” are substituted for “National Industrial Reserve” because the National Industrial Reserve Act was renamed the Defense Industrial Reserve Act by section 809 of the Department of Defense Appropriation Authorization Act, 1974 (Public Law 93-155, 87 Stat. 617), and transferred to 10:2535 by section 4235 of the Defense Conversion, Reinvestment and Transition Assistance Act of 1992, which was included as Division D in the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484, title XLII, 106 Stat. 2690).

In subsection (d)(3), the words “Federal Buildings Fund” are substituted for “Buildings Management Fund” because the fund established under 40:490(f)(1) is the Federal Buildings Fund and unexpended balances in the Buildings Management Fund were merged into the Federal Buildings Fund under 40:490(f)(3).

In subsection (e), before clause (1), the words “section 501 of title 36” are substituted for “the Act of August 6, 1965, 70 Stat 1049” in section 210(a)(15) of the Federal Property and Administrative Services Act of 1949 because of section 5(b) of the Act of August 12, 1998 (Public Law 105-225, 112 Stat. 1499), the first section of which enacted Title 36, United States Code. In clause (1), the words “chapters 33 and 51 and subchapter III of chapter 53 of title 5” are substituted for “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 (f)(1)(A), the words “Defense Industrial Reserve pursuant to section 2535 of title 10” are substituted for “National Industrial Reserve pursuant to the National Industrial Reserve Act of 1948 [50 U.S.C. 451 et seq.]” because the National Industrial Reserve Act was renamed the Defense Industrial Reserve Act by section 809 of the Department of Defense Appropriation Authorization Act, 1974 (Public Law 93-155, 87 Stat. 617), and transferred to 10:2535 by section 4235 of the Defense Conversion, Reinvestment and Transition Assistance Act of 1992, which was included as Division D in the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484, title XLII, 106 Stat. 2690).

In subsection (g)(1), 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 sub-

stituted for “the Government Corporation Control Act” in section 210(a)(6) 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.

AMENDMENTS

2006—Subsec. (b). Pub. L. 109-284 substituted “The Administrator of General Services may—” for “The Administrator may—” in introductory provisions.

2002—Subsec. (a). Pub. L. 107-296, §1706(a)(1), struck out subsec. (a) which read as follows: “APPLICABILITY.—To the extent that the Administrator of General Services by law, other than this section, may maintain, operate, and protect buildings or property, including the construction, repair, preservation, demolition, furnishing, or equipping of buildings or property, the Administrator, in the discharge of these duties, may exercise authority granted under this section.”

Subsec. (b). Pub. L. 107-296, §1706(a)(2), in par. (1), inserted “and” at end, in par. (2), substituted a period for “; and” at end, and struck out par. (3) which read as follows: “furnish arms and ammunition for the protection force the Administration maintains.”

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107-296 effective 60 days after Nov. 25, 2002, see section 4 of Pub. L. 107-296, set out as an Effective Date note under section 101 of Title 6, Domestic Security.

FEDERAL BUILDINGS PERSONNEL TRAINING

Pub. L. 111-308, Dec. 14, 2010, 124 Stat. 3283, provided that:

“SECTION 1. SHORT TITLE.

“This Act may be cited as the ‘Federal Buildings Personnel Training Act of 2010’.

“SEC. 2. TRAINING OF FEDERAL BUILDING PERSONNEL.

“(a) IDENTIFICATION OF CORE COMPETENCIES.—Not later than 18 months after the date of enactment of this Act [Dec. 14, 2010], and annually thereafter, the Administrator of General Services, in consultation with representatives of relevant professional societies, industry associations, and apprenticeship training providers, and after providing notice and an opportunity for comment, shall identify the core competencies necessary for Federal personnel performing building operations and maintenance, energy management, safety, and design functions to comply with requirements under Federal law. The core competencies identified shall include competencies relating to building operations and maintenance, energy management, sustainability, water efficiency, safety (including electrical safety), and building performance measures.

“(b) DESIGNATION OF RELEVANT COURSES, CERTIFICATIONS, DEGREES, LICENSES, AND REGISTRATIONS.—The Administrator, in consultation with representatives of relevant professional societies, industry associations, and apprenticeship training providers, shall identify a course, certification, degree, license, or registration to demonstrate each core competency, and for ongoing training with respect to each core competency, identified for a category of personnel specified in subsection (a).

“(c) IDENTIFIED COMPETENCIES.—An individual shall demonstrate each core competency identified by the Administrator under subsection (a) for the category of personnel that includes such individual. An individual shall demonstrate each core competency through the means identified under subsection (b) not later than one year after the date on which such core competency is identified under subsection (a) or, if the date of hire of such individual occurs after the date of such identification, not later than one year after such date of hire. In the case of an individual hired for an employment period not to exceed one year, such individual shall

demonstrate each core competency at the start of the employment period.

“(d) CONTINUING EDUCATION.—The Administrator, in consultation with representatives of relevant professional societies, industry associations, and apprenticeship training providers, shall develop or identify comprehensive continuing education courses to ensure the operation of Federal buildings in accordance with industry best practices and standards.

“(e) CURRICULUM WITH RESPECT TO FACILITY MANAGEMENT AND OPERATION OF HIGH-PERFORMANCE BUILDINGS.—Not later than 18 months after the date of enactment of this Act, and annually thereafter, the Administrator, acting through the head of the Office of Federal High-Performance Green Buildings, and the Secretary of Energy, acting through the head of the Office of Commercial High-Performance Green Buildings, in consultation with the heads of other appropriate Federal departments and agencies and representatives of relevant professional societies, industry associations, and apprenticeship training providers, shall develop a recommended curriculum relating to facility management and the operation of high-performance buildings.

“(f) APPLICABILITY OF THIS SECTION TO FUNCTIONS PERFORMED UNDER CONTRACT.—Training requirements under this section shall apply to non-Federal personnel performing building operations and maintenance, energy management, safety, and design functions under a contract with a Federal department or agency. A contractor shall provide training to, and certify the demonstration of core competencies for, non-Federal personnel in a manner that is approved by the Administrator.”

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 resources, 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.

§ 582. Management of buildings by Administrator of General Services

(a) REQUEST BY FEDERAL AGENCY OR INSTRUMENTALITY.—At the request of a federal agency, a mixed-ownership Government corporation (as defined in chapter 91 of title 31), or the District of Columbia, the Administrator of General Services may operate, maintain, and protect a building that is owned by the Federal Government (or, in the case of a wholly owned or mixed-ownership Government corporation, by the corporation) and occupied by the agency or instrumentality making the request.

(b) TRANSFER OF FUNCTIONS BY DIRECTOR OF THE OFFICE OF MANAGEMENT AND BUDGET.—

(1) IN GENERAL.—When the Director of the Office of Management and Budget determines that it is in the interest of economy or efficiency, the Director shall transfer to the Administrator all functions vested in a federal agency with respect to the operation, maintenance, and custody of an office building owned by the Government or a wholly owned Government corporation, or an office building, or part of an office building, that is occupied by a federal agency under a lease.

(2) EXCEPTION FOR POST-OFFICE BUILDINGS.—A transfer of functions shall not be made under this subsection for a post-office building, unless the Director determines that the building is not used predominantly for post-office purposes. The Administrator may delegate functions with respect to a post-office building that are transferred to the Administrator under this subsection only to another officer or employee of the General Services Administration or to the Postmaster General.