

PUBLIC LAW 109-313—OCT. 6, 2006

GENERAL SERVICES ADMINISTRATION
MODERNIZATION ACT

Public Law 109–313
109th Congress

An Act

Oct. 6, 2006
[H.R. 2066]

General Services
Administration
Modernization
Act.
40 USC 101 note.

To amend title 40, United States Code, to establish a Federal Acquisition Service, to replace the General Supply Fund and the Information Technology Fund with an Acquisition Services Fund, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “General Services Administration Modernization Act”.

SEC. 2. FEDERAL ACQUISITION SERVICE.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—Section 303 of title 40, United States Code, is amended to read as follows:

“§ 303. Federal Acquisition Service

“(a) ESTABLISHMENT.—There is established in the General Services Administration a Federal Acquisition Service. The Administrator of General Services shall appoint a Commissioner of the Federal Acquisition Service, who shall be the head of the Federal Acquisition Service.

“(b) FUNCTIONS.—Subject to the direction and control of the Administrator of General Services, the Commissioner of the Federal Acquisition Service shall be responsible for carrying out functions related to the uses for which the Acquisition Services Fund is authorized under section 321 of this title, including any functions that were carried out by the entities known as the Federal Supply Service and the Federal Technology Service and such other related functions as the Administrator considers appropriate.

“(c) REGIONAL EXECUTIVES.—The Administrator may appoint Regional Executives in the Federal Acquisition Service, to carry out such functions within the Federal Acquisition Service as the Administrator considers appropriate.”.

(2) CLERICAL AMENDMENT.—The item relating to section 303 at the beginning of chapter 3 of such title is amended to read as follows:

“303. Federal Acquisition Service.”.

(b) EXECUTIVE SCHEDULE COMPENSATION.—Section 5316 of title 5, United States Code, is amended by striking “Commissioner, Federal Supply Service, General Services Administration.” and inserting the following:

“Commissioner, Federal Acquisition Service, General Services Administration.”.

(c) REFERENCES.—Any reference in any other Federal law, Executive order, rule, regulation, reorganization plan, or delegation of authority, or in any document—

(1) to the Federal Supply Service is deemed to refer to the Federal Acquisition Service;

(2) to the GSA Federal Technology Service is deemed to refer to the Federal Acquisition Service;

(3) to the Commissioner of the Federal Supply Service is deemed to refer to the Commissioner of the Federal Acquisition Service; and

(4) to the Commissioner of the GSA Federal Technology Service is deemed to refer to the Commissioner of the Federal Acquisition Service.

40 USC 303 note.

22 USC 2669;
44 USC 2107
note.
10 USC 2302
note.

SEC. 3. ACQUISITION SERVICES FUND.

(a) ABOLISHMENT OF GENERAL SUPPLY FUND AND INFORMATION TECHNOLOGY FUND.—The General Supply Fund and the Information Technology Fund in the Treasury are hereby abolished.

(b) TRANSFERS.—Capital assets and balances remaining in the General Supply Fund and the Information Technology Fund as in existence immediately before this section takes effect shall be transferred to the Acquisition Services Fund and shall be merged with and be available for the purposes of the Acquisition Services Fund under section 321 of title 40, United States Code (as amended by this Act).

(c) ASSUMPTION OF OBLIGATIONS.—Any liabilities, commitments, and obligations of the General Supply Fund and the Information Technology Fund as in existence immediately before this section takes effect shall be assumed by the Acquisition Services Fund.

(d) EXISTENCE AND COMPOSITION OF ACQUISITION SERVICES FUND.—Subsections (a) and (b) of section 321 of title 40, United States Code, are amended to read as follows:

“(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

40 USC 321 note.

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.”.

(e) USES OF FUND.—Section 321(c) of such title is amended in paragraph (1)(A)—

- (1) by striking “and” at the end of clause (i);
- (2) by inserting “and” after the semicolon at the end of clause (ii); and
- (3) by inserting after clause (ii) the following new clause:
 “(iii) personal services related to the provision of information technology (as defined in section 11101(6) of this title);”.

(f) PAYMENT FOR PROPERTY AND SERVICES.—Section 321(d)(2)(A) of such title is amended—

- (1) by striking “and” at the end of clause (iv);
- (2) by redesignating clause (v) as clause (vi); and
- (3) by inserting after clause (iv) the following new clause:
 “(v) the cost of personal services employed directly in providing information technology (as defined in section 11101(6) of this title); and”.

(g) TRANSFER OF UNCOMMITTED BALANCES.—Subsection (f) of section 321 of such title is amended to read as follows:

“(f) TRANSFER OF UNCOMMITTED BALANCES.—Following the close of each fiscal year, after making provision for a sufficient level of inventory of personal property to meet the needs of Federal agencies, the replacement cost of motor vehicles, and other anticipated operating needs reflected in the cost and capital plan developed under subsection (b), the uncommitted balance of any funds remaining in the Fund shall be transferred to the general fund of the Treasury as miscellaneous receipts.”.

(h) CONFORMING AND CLERICAL AMENDMENTS.—

- (1) Section 322 of such title is repealed.
- (2) The heading for section 321 of such title is amended to read as follows:

“§ 321. Acquisition Services Fund”.

- (3) The table of sections for chapter 3 of such title is amended by striking the items relating to sections 321 and 322 and inserting the following:

“321. Acquisition Services Fund.”.

- (4) Section 573 of such title is amended by striking “General Supply Fund” both places it appears and inserting “Acquisition Services Fund”.

(5) Section 604(b) of such title is amended—

- (A) in the heading, by striking “GENERAL SUPPLY FUND” and inserting “ACQUISITION SERVICES FUND”; and
- (B) in the text, by striking “General Supply Fund” and inserting “Acquisition Services Fund”.

(6) Section 605 of such title is amended—

- (A) in subsection (a)—
 - (i) in the heading, by striking “GENERAL SUPPLY FUND” and inserting “ACQUISITION SERVICES FUND”; and

- (ii) in the text, by striking “General Supply Fund” and inserting “Acquisition Services Fund”; and
- (B) in subsection (b)(2)—
 - (i) by striking “321(f)(1)” and inserting “321(f)”; and
 - (ii) by striking “General Supply Fund” and inserting “Acquisition Services Fund”.

SEC. 4. PROVISIONS RELATING TO ACQUISITION PERSONNEL.

Section 37 of the Office of Federal Procurement Policy Act (41 U.S.C. 433) is amended by adding at the end the following new subsection:

“(i) PROVISIONS RELATING TO REEMPLOYMENT.—

“(1) POLICIES AND PROCEDURES.—The head of each executive agency, after consultation with the Administrator and the Director of the Office of Personnel Management, shall establish policies and procedures under which the agency head may reemploy in an acquisition-related position (as described in subsection (g)(1)(A)) an individual receiving an annuity from the Civil Service Retirement and Disability Fund, on the basis of such individual’s service, without discontinuing such annuity. The head of each executive agency shall keep the Administrator informed of the agency’s use of this authority.

“(2) SERVICE NOT SUBJECT TO CSRS OR FERS.—An individual so reemployed shall not be considered an employee for the purposes of chapter 83 or 84 of title 5, United States Code.

“(3) CRITERIA FOR EXERCISE OF AUTHORITY.—Policies and procedures established pursuant to this subsection shall authorize the head of the executive agency, on a case-by-case basis, to continue an annuity if—

“(A) the unusually high or unique qualifications of an individual receiving an annuity from the Civil Service Retirement and Disability Fund on the basis of such individual’s service,

“(B) the exceptional difficulty in recruiting or retaining a qualified employee, or

“(C) a temporary emergency hiring need, makes the reemployment of an individual essential.

“(4) REPORTING REQUIREMENT.—The Administrator shall submit annually to the Committee on Government Reform of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report on the use of the authority under this subsection, including the number of employees reemployed under authority of this subsection.

“(5) SUNSET PROVISION.—The authority under this subsection shall expire on December 31, 2011.”.

SEC. 5. DISPOSAL OF FEDERAL SURPLUS PROPERTY TO HISTORIC LIGHT STATIONS.

Section 549(c)(3)(B) of title 40, United States Code, is amended—

- (1) in clause (vii), by striking “or” after the semicolon;
- (2) in clause (viii), by striking the period and inserting “; or”; and
- (3) by adding at the end the following:

“(ix) a historic light station as defined under section 308(e)(2) of the National Historic Preservation

Act (16 U.S.C. 470w–7(e)(2)), including a historic light station conveyed under subsection (b) of that section, notwithstanding the number of hours that the historic light station is open to the public.”.

5 USC 5316 note. **SEC. 6. EFFECTIVE DATE.**

This Act and the amendments made by this Act shall take effect 60 days after the date of the enactment of this Act.

Approved October 6, 2006.

LEGISLATIVE HISTORY—H.R. 2066:

HOUSE REPORTS: No. 109–91 (Comm. on Government Reform).

SENATE REPORTS: No. 109–257 (Comm. on Homeland Security and Governmental Affairs).

CONGRESSIONAL RECORD:

Vol. 151 (2005): May 23, considered and passed House.

Vol. 152 (2006): Sept. 6, considered and passed Senate, amended.
Sept. 25, House concurred in Senate amendments.

