

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 executive 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.

Editorial Notes

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 Director of the Government Publishing Office, 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 non-personal 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.

(C) FAILURE TO MAKE PROMPT REIMBURSEMENT.—The Administrator may obtain reimbursement by the issuance of transfer and counterwarrants, or other lawful transfer documents, supported by itemized invoices, if payment is not made by a requisitioning agency within 45 days after the later of—

(i) the date of billing by the Administrator; or

(ii) the date on which actual liability for personal property or services is incurred by the Administrator.

(e) REIMBURSEMENT FOR EQUIPMENT PURCHASED FOR CONGRESS.—The Administrator may accept periodic reimbursement from the Senate and from the House of Representatives for the cost of any equipment purchased for the Senate or the House of Representatives with money from the Fund. The amount of each periodic reimbursement shall be computed by amortizing the total cost of each item of equipment over the useful life of the equipment, as determined by the Administrator, in consultation with the Sergeant at Arms and Doorkeeper of the Senate or the Chief Administrative Officer of the House of Representatives, as appropriate.

(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.

(g) AUDITS.—The Comptroller General shall audit the Fund in accordance with the provisions of chapter 35 of title 31 and report the results of the audits.

(h)¹ REQUIREMENT FOR ANNUAL REPORT TO CONGRESS.—Not later than September 30 of each year, the Administrator shall submit to the Committee on Oversight and Accountability of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report that includes, at a minimum, a list of each program within the Technology Transformation Services funded by expenditures during the previous fiscal year, or that have been funded by expenditures in the previous 5-year period, including the following:

- (1) An explanation of the program.
- (2) Information about how the program is funded, including the amount of expenditures the program received in the previous fiscal year and total amount.
- (3) The amount of reimbursements associated with or anticipated to be associated with the program from another source of funds or another agency, if applicable.
- (4) A description of projects or initiatives associated with the program, including—
 - (A) information about when the projects or initiatives were initiated and completed; and
 - (B) funding information, to the extent practicable.
- (5) Any additional information, data, or analysis used to determine the information estimated within the report, if applicable.

(i)¹ DEFINITIONS.—In this section:

- (1) ADMINISTRATOR.—The term “Administrator” means the Administrator of General Services.
- (2) EXPENDITURE.—The term “expenditure” means any obligation of funds from the Acquisition Services Fund for programs referenced in subsection (h).

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1074; Pub. L. 109–313, §3(d)–(g), (h)(2), Oct. 6, 2006, 120 Stat. 1735, 1736; Pub. L. 113–235, div. H, title I, §1301(d), Dec. 16, 2014, 128 Stat. 2537; Pub. L. 118–182, §2(b), Dec. 23, 2024, 138 Stat. 2624.)

DELAYED EFFECTIVE DATE OF AMENDMENT

Amendment by section 2(b) of Pub. L. 118–182 adding subsecs. (h) and (i) of this section effective on the commencement of the first fiscal year after Dec. 23, 2024. See 2024 Amendment note below.

¹ See Delayed Effective Date of Amendment note below.

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
321(a)	40:756(a) (1st sentence).	June 30, 1949, ch. 288, title I, §109(a)–(c), (e), (f), 63 Stat. 382; Sept. 5, 1950, ch. 849, §§1, 2(a), (b), 3(a), 64 Stat. 578, 579; July 12, 1952, ch. 703, §1(c)–(e), 66 Stat. 593; Pub. L. 87–372, Oct. 4, 1961, 75 Stat. 802; Pub. L. 87–600, §1(a), (b), (d), Aug. 24, 1962, 76 Stat. 401; Pub. L. 93–604, title VII, §701, Jan. 2, 1975, 88 Stat. 1963; Pub. L. 94–273, §2(19), Apr. 21, 1976, 90 Stat. 375; Pub. L. 100–202, §101(m) [title VI, §619(a), (b)], Dec. 22, 1987, 101 Stat. 1329–427.
321(b)(1)	40:756(a) (2d sentence).	
321(b)(2)	40:756(c).	
321(b)(3)	40:756(g) (last sentence).	June 30, 1949, ch. 288, title I, §109(g) (last sentence), as added Sept. 5, 1950, ch. 849, §3(b), 64 Stat. 579; Pub. L. 86–591, July 5, 1960, 74 Stat. 330.
321(c)(1)	40:756(a) (last sentence).	
321(c)(2)	40:756(f).	
321(d)	40:756(b).	
321(e)	40:756b.	Pub. L. 99–500, §151, Oct. 18, 1986, 100 Stat. 1783–352; Pub. L. 99–591, §151, Oct. 30, 1986, 100 Stat. 3341–355; Pub. L. 100–202, §101(i) [title I, §4], Dec. 22, 1987, 101 Stat. 1329–294; Pub. L. 104–186, title II, §221(15), Aug. 20, 1996, 110 Stat. 1750.
321(f)(1)	40:756(e)(1).	
321(f)(2)	40:756a.	Pub. L. 97–12, title I, (proviso in par. under heading “General Supply Fund”), June 5, 1981, 95 Stat. 75.
321(g)	40:756(e)(2).	

In subsection (b)(1), the words “the assets of the general supply fund (including any surplus therein) created by section 3 of the Act of February 27, 1929 (45 Stat. 1342; 41 U.S.C. 7c), and transferred to the Administrator by section 752 of this title” and “the fund shall assume all of the liabilities, obligations, and commitments of the general supply fund created by such Act of February 27, 1929” are omitted as executed and obsolete.

In subsection (b)(2)(B), the words “Amounts credited under this paragraph” are substituted for “and the same” for clarity.

In subsection (c)(2), the words “Subject to the requirements of subsections (a) to (e) of this section” are omitted as unnecessary.

In subsection (d)(1), the words “For property or services procured through the Fund for requisitioning agencies” are added for clarity.

In subsection (d)(2)(B), the words “with respect to the supplies or services concerned” are omitted as included in “properly allocable costs”.

In subsection (e), the text of 40:756b(b) and the words “Notwithstanding any other provision of law” are omitted as unnecessary.

In subsection (f)(2), the words “on and after June 5, 1981” are omitted as obsolete.

Editorial Notes

AMENDMENTS

2024—Subsecs. (h), (i). Pub. L. 118–182 added subsecs. (h) and (i).

2006—Pub. L. 109–313, §3(h)(2), substituted “Acquisition Services Fund” for “General Supply Fund” in section catchline.

Subsecs. (a), (b). Pub. L. 109–313, §3(d), amended subsecs. (a) and (b) generally. Prior to amendment, subsecs. (a) and (b) related to the existence and composition, respectively, of the General Supply Fund.

Subsec. (c)(1)(A)(iii). Pub. L. 109–313, §3(e), added cl. (iii).

Subsec. (d)(2)(A)(v), (vi). Pub. L. 109-313, §3(f), added cl. (v) and redesignated former cl. (v) as (vi).

Subsec. (f). Pub. L. 109-313, §3(g), amended heading and text of subsec. (f) generally. Prior to amendment, text read as follows:

“(1) SURPLUS DEPOSITED IN TREASURY.—As of September 30 of each year, any surplus in the Fund above the amounts transferred or appropriated to establish and maintain the Fund (all assets, liabilities, and prior losses considered) shall be deposited in the Treasury as miscellaneous receipts.

“(2) SURPLUS RETAINED.—From any surplus generated by operation of the Fund, the Administrator may retain amounts necessary to maintain a sufficient level of inventory of personal property to meet the needs of the federal agencies.”

Statutory Notes and Related Subsidiaries

CHANGE OF NAME

“Director of the Government Publishing Office” substituted for “Public Printer” in subsec. (c)(1)(A)(i) on authority of section 1301(d) of Pub. L. 113-235, set out as a note under section 301 of Title 44, Public Printing and Documents.

EFFECTIVE DATE OF 2024 AMENDMENT

Pub. L. 118-182, §2(c), Dec. 23, 2024, 138 Stat. 2624, provided that: “The amendment made by this Act [amending this section and section 323 of this title] shall take effect on the commencement of the first fiscal year after the date of the enactment of this Act [Dec. 23, 2024].”

EFFECTIVE DATE OF 2006 AMENDMENT

Amendment by Pub. L. 109-313 effective 60 days after Oct. 6, 2006, see section 6 of Pub. L. 109-313, set out as a note under section 5316 of Title 5, Government Organization and Employees.

ACQUISITION SERVICES FUND

Pub. L. 109-313, §3(a)-(c), Oct. 6, 2006, 120 Stat. 1735, provided that:

“(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 [see Effective Date of 2006 Amendment note above] 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.”

[§ 322. Repealed. Pub. L. 109-313, §3(h)(1), Oct. 6, 2006, 120 Stat. 1736]

Section, Pub. L. 107-217, Aug. 21, 2002, 116 Stat. 1076, related to an Information Technology Fund in the Treasury.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF REPEAL

Repeal effective 60 days after Oct. 6, 2006, see section 6 of Pub. L. 109-313, set out as an Effective Date of 2006 Amendment note under section 5316 of Title 5, Government Organization and Employees.

§ 323. Consumer Information Center Fund¹

(a) EXISTENCE.—There is in the Treasury a Federal Citizen Services Fund, General Services Administration, for the purpose of disseminating Federal Government information to the public and for other related purposes.

(b) DEPOSITS.—Money shall be deposited into the Fund from—

(1) appropriations from the Treasury for Federal Citizen Services activities;

(2) user fees from the public;

(3) reimbursements from other federal agencies for costs of distributing publications; and

(4) any other income incident to Center² activities.

(c) EXPENDITURES.—Money deposited into the Fund is available for expenditure for Center² activities in amounts specified in appropriation laws. The Fund shall assume all liabilities, obligations, and commitments of the Center² account.

(d) UNOBLIGATED BALANCES.—Any unobligated balances at the end of a fiscal year remain in the Fund and are available for authorization in appropriation laws for subsequent fiscal years.

(e) GIFT ACCOUNT.—The Center² may accept and deposit to this account gifts for purposes of defraying the costs of printing, publishing, and distributing consumer information and educational materials and undertaking other consumer information activities. In addition to amounts appropriated or otherwise made available, the Center² may expend the gifts for these purposes and any balance remains available for expenditure.

(f) The Administrator may enter into agreements with federal agencies to provide services through the Fund on a fully reimbursable basis.

(g)³ REQUIREMENT FOR ANNUAL REPORT TO CONGRESS.—Not later than September 30 of each year, the Administrator shall submit to the Committee on Oversight and Accountability of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report that includes, at a minimum, a list of each program funded by expenditures during the previous fiscal year, or that have been funded by expenditures in the previous 5-year period, including the following:

(1) An explanation of the program.

(2) Information about how the program is funded, including the amount of expenditures the program received in the previous fiscal year and total amount.

(3) The amount of reimbursements associated with or anticipated to be associated with the program from another source of funds or another agency, if applicable.

(4) A description of projects or initiatives associated with the program, including—

(A) information about when the projects or initiatives were initiated and completed; and

(B) funding information, to the extent practicable.

(5) Any additional information, data, or analysis used to determine the information estimated within the report, if applicable.

¹ So in original. Probably should be “Federal Citizen Services Fund”.

² So in original. See 2009 Amendment notes below.

³ See Delayed Effective Date of Amendment note below.