

the Treasury to sell the type of lands described upon such terms and after public notice by advertisement as he might deem best for the public interest.

§ 304a. Disposition of surplus real property; assignment to governmental agency; lease; sale

Notwithstanding any other provisions of law, whenever any real property located outside of the District of Columbia, exclusive of military or naval reservations, heretofore or hereafter acquired by any Federal agency, by judicial process or otherwise in the collection of debts, purchase, donation, condemnation, devise, forfeiture, lease, or in any other manner, is, in whole or in part, declared to be in excess of its needs by the Federal agency having control thereof, or by the President on recommendation of the Administrator of General Services, the Administrator of General Services is authorized (a) to assign or reassign to any Federal agency or agencies space therein: *Provided*, That if the Federal agency to which space is assigned does not desire to occupy the space so assigned to it, the decision of the Administrator of General Services shall be subject to review by the President; or (b) pending a sale, to lease such real property on such terms and for such period not in excess of five years as he may deem in the public interest; or (c) to sell the same at public sale to the highest responsible bidder upon such terms and after such public advertisement as he may deem in the public interest: *Provided, further*, That if no bids which are satisfactory as to price and responsibility of bidder are received as a result of such public advertisement, the Administrator of General Services is authorized to sell such property by negotiation, upon such terms as may be deemed to be to the best interest of the Government, but at a price not less than that bid by the highest responsible bidder. (Aug. 27, 1935, ch. 744, §1, 49 Stat. 885; July 18, 1940, ch. 635, §§1, 3, 54 Stat. 764, 765; June 30, 1949, ch. 288, title I, §103(a), 63 Stat. 380.)

AMENDMENTS

1940—Act July 18, 1940, inserted last proviso and substituted “Federal Works Administrator” for “Secretary of the Treasury” and “Commissioner of Public Buildings” for “Director of Procurement”.

TRANSFER OF FUNCTIONS

Functions of Federal Works Agency and of all agencies thereof, together with functions of Federal Works Administrator, and functions of Commissioner of Public Buildings and Public Buildings Administration transferred to Administrator of General Services by section 103(a) of act June 30, 1949, which is classified to section 753(a) of this title. Federal Works Agency, office of Federal Works Administrator, office of Commissioner of Public Buildings, and Public Buildings Administration abolished by section 103(b) of act June 30, 1949.

EFFECTIVE DATE OF TRANSFER OF FUNCTIONS

Transfer of functions by act June 30, 1949, effective July 1, 1949, see section 605 of act June 30, 1949 set out as an Effective Date note under section 471 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 304a-1, 304a-2, 304b, 304d, 304e of this title; title 16 section 459t.

§ 304a-1. Expenses of sale; maintenance

There are authorized to be appropriated such amounts as may be necessary to cover the costs incident to the sale or lease of real property, or demolition of buildings thereon as hereinafter authorized, which have been or may hereafter be declared surplus to the needs of any Federal agency in accordance with the provisions of sections 304a to 304e of this title, and the care, maintenance, and protection thereof, including, but not limited to pay of employees, travel of Government employees, brokers' fees not in excess of rates paid for similar services in the community where the property is situated, appraisals, photographs, surveys, evidence of title and perfecting of defective titles, advertising, and telephone and telegraph charges: *Provided, however*, That a Federal agency shall remain responsible for the proper care, maintenance, and protection of the aforesaid property, notwithstanding any declaration that the same is in excess of its needs until such time as custody is assumed by the Administrator of General Services or other disposition is made thereof.

(Aug. 27, 1935, ch. 744, §6, as added July 18, 1940, ch. 635, §2, 54 Stat. 764; amended June 30, 1949, ch. 288, title I, §103(a), 63 Stat. 380.)

TRANSFER OF FUNCTIONS

Functions of Federal Works Agency and of all agencies thereof, together with functions of Federal Works Administrator transferred to Administrator of General Services by section 103(a) of act June 30, 1949, which is classified to section 753(a) of this title. Federal Works Agency and office of Federal Works Administrator abolished by section 103(b) of act June 30, 1949.

EFFECTIVE DATE OF TRANSFER OF FUNCTIONS

Transfer of functions by act June 30, 1949, effective July 1, 1949, see section 605 of act June 30, 1949, set out as an Effective Date note under section 471 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 304a-2, 304d, 304e of this title.

§ 304a-2. Demolition; historic buildings

The Administrator of General Services is authorized, upon his determination that such action will be to the best interest of the Government, to demolish any building declared surplus to the needs of the Government in accordance with the provisions of sections 304a to 304e of this title: *Provided*, That before proceeding with the demolition of any building, the Administrator of General Services shall inform the Secretary of the Interior in writing of his intention to demolish it, and shall not proceed with the demolition until he shall have received written notice from the Secretary of the Interior that said building is not an historic building of national significance within the meaning of sections 461 to 467 of title 16: *Provided, however*, That if the Secretary of the Interior shall fail to notify the Administrator of General Services of his determination as to whether such building is an historic building of national significance within ninety days of the receipt of the notice of intention to demolish the Administrator of General Services may proceed to demolish said building.

(Aug. 27, 1935, ch. 744, §7, as added July 18, 1940, ch. 635, §2, 54 Stat. 764; amended June 30, 1949, ch. 288, title I, §103(a), 63 Stat. 380.)

REFERENCES IN TEXT

Section 461 to 467 of title 16, referred to in text, was in the original a reference to the Act of Aug. 21, 1935, ch. 593, 49 Stat. 666, which is popularly known as the Historic Sites, Buildings, and Antiquities Act.

TRANSFER OF FUNCTIONS

Functions of Federal Works Agency and of all agencies thereof, together with functions of Federal Works Administrator, and functions of Commissioner of Public Buildings and Public Buildings Administration transferred to Administrator of General Services by section 103(a) of act June 30, 1949, which is classified to section 753(a) of this title. Federal Works Agency, office of Federal Works Administrator, office of Commissioner of Public Buildings, and Public Buildings Administration abolished by section 103(b) of act June 30, 1949.

EFFECTIVE DATE OF TRANSFER OF FUNCTIONS

Transfer of functions by act June 30, 1949, effective July 1, 1949, see section 605 of act June 30, 1949, set out as an Effective Date note under section 471 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 304a-1, 304d, 304e of this title.

§ 304b. Alterations and repairs to real property assigned; payment by agency

Whenever after investigation it is determined by the Administrator of General Services that any such real property should be used for the accommodation of any Federal agency or agencies, the Administrator of General Services is authorized to make any repairs thereto or alterations thereof which he deems necessary or advisable and to maintain and operate the same. To the extent that the appropriations of the General Services Administration not otherwise allocated are inadequate for such repairs, alterations, maintenance, or operation, the Administrator of General Services may require each Federal agency to which space has been assigned therein pursuant to the provisions of section 304a of this title to pay promptly by check to the Administrator of General Services out of its appropriation for rent, either in advance of or upon or during occupancy of such space, all or part of the estimated or actual cost of such repairs, alterations, maintenance, and operation: *Provided*, That the total amount so to be paid shall be determined and equitably apportioned by the Administrator of General Services among the Federal agencies to whom space has been so assigned.

(Aug. 27, 1935, ch. 744, §2, 49 Stat. 886; July 18, 1940, ch. 635, §3, 54 Stat. 765; June 14, 1946, ch. 404, §4, 60 Stat. 257; June 30, 1949, ch. 288, title I, §103(a), 63 Stat. 380.)

AMENDMENTS

1946—Act June 14, 1946, repealed last two provisos relating to computation of rates of assigned space.

1940—Act July 18, 1940, substituted "Federal Works Administrator", "Commissioner of Public Buildings", and "Public Buildings Administration" for "Secretary of the Treasury", "Director of Procurement", and "Procurement Division", respectively, throughout section.

TRANSFER OF FUNCTIONS

Functions of office of Commissioner of Public Buildings and Public Buildings Administration transferred to Administrator of General Services by section 103(a) of act June 30, 1949, which is classified to section 753(a) of this title. Office of Commissioner of Public Buildings and Public Buildings Administration abolished by section 103(b) of act June 30, 1949.

EFFECTIVE DATE OF TRANSFER OF FUNCTIONS

Transfer of functions by act June 30, 1949, effective July 1, 1949, see section 605 of act June 30, 1949, set out as an Effective Date note under section 471 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 304a-1, 304a-2, 304d, 304e of this title; title 16 section 459t.

§ 304c. Payment by agencies of rent, repairs, alterations, maintenance, operation, and moving costs

To the extent that the appropriations of the General Services Administration not otherwise required are inadequate therefor, the Administrator of General Services may require each Federal agency to which leased space has been assigned to pay promptly by check to the Administrator of General Services out of its available appropriations, either in advance or during occupancy of such space, all or part of the estimated cost of rent, repairs, alterations, maintenance, operation, and moving: *Provided*, That when space in a building is occupied by two or more agencies, the Administrator of General Services shall determine and equitably apportion rental, operation, and other charges on the basis of the total amount of space so leased.

(Aug. 27, 1935, ch. 744, §3, 49 Stat. 886; July 18, 1940, ch. 635, §3, 54 Stat. 765; June 14, 1946, ch. 404, §4, 60 Stat. 257; June 30, 1949, ch. 288, title I, §103(a), 63 Stat. 380; Pub. L. 85-493, §2, July 2, 1958, 72 Stat. 294.)

AMENDMENTS

1958—Pub. L. 85-493 struck out provisions which authorized leasing of space outside of District of Columbia for periods not in excess of five years, which provisions are now covered by section 490 of this title.

1946—Act June 14, 1946, substituted provision which authorized Commissioner of Public Buildings to require each Federal agency to pay the estimated cost of rental, repair, etc. of leased space assigned to that agency and to equitably apportion the charges when two or more agencies occupy the same space for provision which authorized the Director of Procurement to procure space for agencies in the same manner authorized by section 304a of this title and to require these agencies to pay the total expense required in the manner specified by section 304b of this title.

1940—Act July 18, 1940, substituted "Commissioner of Public Buildings" and "Federal Works Administrator" for "Director of Procurement" and "Secretary of the Treasury", respectively.

TRANSFER OF FUNCTIONS; EXCEPTIONS

Functions with respect to acquiring space in buildings by lease, functions with respect to assigning and reassigning space in buildings for use by agencies (including both space acquired by lease and space in Government-owned buildings), with certain exceptions, transferred from respective agencies in which theretofore vested to Administrator of General Services by sections 1 and 2 of Reorg. Plan No. 18 of 1950, eff. July 1, 1950, 15 F.R. 3177, 64 Stat. 1270, set out as a note under