

1987—Subsec. (a). Pub. L. 100-202 struck out “during fiscal year 1987” after “is authorized” in first sentence.

§ 757. Information Technology Fund

(a) Establishment; content; costs and capital requirements

(1) There is established on the books of the Treasury and¹ Information Technology Fund (hereinafter referred to as the “Fund”), which shall be available without fiscal year limitation. There are authorized to be appropriated to the Fund such sums as may be required. For purposes of subsection (b) of this section, the Fund shall consist of—

(A) the capital and assets of the Federal telecommunications fund established under this section (as in effect on December 31, 1986), which are in such fund on January 1, 1987;

(B) the capital and assets which are in the automatic data processing fund established under section 759² of this title (as in effect on December 31, 1986) which are in such fund on January 1, 1987; and

(C) the supplies and equipment transferred to the Administrator under sections 759² and 486(f) of this title, subject to any liabilities assumed with respect to such supplies and equipment.

(2) The Administrator shall determine the cost and capital requirements of the Fund for each fiscal year and shall submit plans concerning such requirements and such other information as may be requested for the review and approval of the Director of the Office of Management and Budget. Any change to the cost and capital requirements of the Fund for a fiscal year shall be made in the same manner as provided by this section for the initial fiscal year determination. If approved by the Director, the Administrator shall establish rates to be charged agencies provided, or to be provided, information technology resources through the Fund consistent with such approvals. Such cost and capital requirements may include funds—

(A) needed for the purchase (if the Administrator has determined that purchase is the least costly alternative³ of information processing and transmission equipment, software, systems, and operating facilities necessary for the provision of such services;

(B) resulting from operations of the Fund, including the net proceeds of disposal of excess or surplus personal property and receipts from carriers and others for loss or damage to property; and

(C) which are appropriated, authorized to be transferred, or otherwise made available to the Fund.

These plans fulfill the requirements of sections 1512 and 1513 of title 31.

(b) Function and availability of Fund

The Fund shall—

(1) assume all of the liabilities, obligations, and commitments of the funds described in

subparagraphs (A) and (B) of subsection (a)(1) of this section; and

(2) be available for expenses, including personal services and other costs, and for procurement (by lease, purchase, transfer, or otherwise) for efficiently providing information technology resources to Federal agencies and for the efficient management, coordination, operation, and utilization of such resources.

(c) Contract authority

(1) In the operation of the Fund, the Administrator is authorized to enter into multiyear contracts for the provision of information technology hardware, software, or services for periods not in excess of five years, if—

(A) funds are available and adequate for payment of the costs of such contract for the first fiscal year and any costs of cancellation or termination;

(B) such contract is awarded on a fully competitive basis; and

(C) the Administrator determines that—

(i) the need for the information technology hardware, software, or services being provided will continue over the period of the contract;

(ii) the use of the multiyear contract will yield substantial cost savings when compared with other methods of providing the necessary resources; and

(iii) such a method of contracting will not exclude small business participation.

(2) Any cancellation costs incurred with respect to a contract entered into under this subsection shall be paid from currently available funds in the Fund.

(3) This subsection shall not be construed to limit the authority of the Administrator to procure equipment and services under section 481 of this title.

(d) Transfer of uncommitted balances

Following the close of each fiscal year, the uncommitted balance of any funds remaining in the Fund, after making provision for anticipated operating needs as determined by the Office of Management and Budget, shall be transferred to the general fund of the Treasury as miscellaneous receipts.

(e) Annual report

A report on the operation of the Fund shall be made annually by the Administrator to the Director of the Office of Management and Budget. Such report shall identify any proposed increases to the capital of the Fund and shall include a report on information processing equipment inventory, utilization, and acquisition.

(f) Information technology resources

For purposes of this section, the term “information technology resources” includes any service or equipment which had been acquired or provided under this section or section 759⁴ of this title, including other information processing and transmission equipment, software, systems, operating facilities, supplies, and services

¹ So in original. Probably should be “an”.

² See References in Text note below.

³ So in original. Probably should be followed by a closing parenthesis.

⁴ See References in Text note below.

related thereto, and maintenance and repair thereof.

(June 30, 1949, ch. 288, title I, § 110, as added Pub. L. 87-847, Oct. 23, 1962, 76 Stat. 1117; amended Pub. L. 99-500, § 101(m) [title VIII, § 821(a)(1)], Oct. 18, 1986, 100 Stat. 1783-308, 1783-340, and Pub. L. 99-591, § 101(m) [title VIII, § 821(a)(1)], Oct. 30, 1986, 100 Stat. 3341-308, 3341-340; Pub. L. 101-136, title IV, § 25, Nov. 3, 1989, 103 Stat. 808.)

REFERENCES IN TEXT

Section 759 of this title, referred to in subsecs. (a)(1)(B), (C) and (f), was repealed by Pub. L. 104-106, div. E, title LI, § 5101, Feb. 10, 1996, 110 Stat. 680.

CODIFICATION

Pub. L. 99-591 is a corrected version of Pub. L. 99-500. Section was formerly classified to section 630g-1 of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, § 1, Sept. 6, 1966, 80 Stat. 378.

AMENDMENTS

1989—Subsec. (a)(2). Pub. L. 101-136 inserted at end “These plans fulfill the requirements of sections 1512 and 1513 of title 31.”

1986—Pub. L. 99-500 and Pub. L. 99-591 amended section generally, substituting provisions relating to the Information Technology Fund for former provisions relating to the Federal telecommunications fund.

EFFECTIVE DATE OF 1986 AMENDMENT

Section 101(m) [title VIII, § 833] of Pub. L. 99-500 and Pub. L. 99-591 provided that: “This title and the amendments made by this title [amending this section, sections 751 and 759 of this title, and sections 3501 to 3507, 3511, 3514, and 3520 of Title 44, Public Printing and Documents, enacting provisions set out as notes under sections 101 and 3503 of Title 44, amending provisions set out as a note under section 3503 of Title 44, and repealing provisions set out as a note under section 759 of this title] shall take effect on the date of enactment of this Act [Oct. 18, 1986], except as provided in section 813(b) [set out as a note under section 3503 of Title 44] and except that the provisions of section 821 and the amendments made by such section [amending this section and section 759 of this title, section 3504 of Title 44, and provisions set out as a note under section 3503 of Title 44] shall take effect on January 1, 1987.”

DEFINITIONS

The definitions in section 472 of this title apply to this chapter.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 44 section 3504.

§ 758. Personnel

(a) Appointment and compensation

The Administrator is authorized, subject to the civil-service and classification laws, to appoint and fix the compensation of such personnel as may be necessary to carry out the provisions of titles I, II, III, V, and VI of this Act.

(b) Temporary employment of experts or consultants; stenographic reporting services

To such extent as he finds necessary to carry out the provisions of titles I, II, III, V, and VI of this Act, the Administrator is authorized to procure the temporary (not in excess of one year) or intermittent services of experts or consultants 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.

(c) Utilization of personnel of other Federal agencies

Notwithstanding the provisions of section 973 of title 10 or of any other provision of law, the Administrator in carrying out the functions imposed upon him by this Act is authorized to utilize in his agency the services of officials, officers, and other personnel in other executive agencies, including personnel of the armed services, with the consent of the head of the agency concerned.

(June 30, 1949, ch. 288, title II, § 208, 63 Stat. 391; Sept. 5, 1950, ch. 849, § 7(b), (c), 64 Stat. 590.)

REFERENCES IN TEXT

The civil-service laws, referred to in subsecs. (a) and (b), are set forth in Title 5, Government Organization and Employees. See, particularly, section 3301 et seq. of Title 5.

The classification laws, referred to in subsecs. (a) and (b), are classified generally to chapter 51 (§ 5101 et seq.) and to subchapter III (§ 5331 et seq.) of chapter 53 of Title 5.

This Act, referred to in text, is act June 30, 1949, ch. 288, 63 Stat. 377, as amended, known as the Federal Property and Administrative Services Act of 1949. For complete classification of this Act, including titles I, II, III, V and VI thereof, see Short Title note set out under section 471 of this title and Tables.

CODIFICATION

In subsec. (c), “section 973 of title 10” substituted for “sections 3544 and 8544 of title 10” on authority of Pub. L. 90-235, § 4(a)(5), (6), Jan. 2, 1968, 81 Stat. 759. Previously, “sections 3544 and 8544 of title 10” had been substituted for “section 1222 of the Revised Statutes (10 U.S.C. 576)” on authority of act Aug. 10, 1956, ch. 1041, § 49(b), 70A Stat. 640, the first section of which enacted Title 10, Armed Forces.

Section was formerly classified to section 630h of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, § 1, Sept. 6, 1966, 80 Stat. 378.

Section was also formerly classified to section 238 of Title 41, Public Contracts.

AMENDMENTS

1950—Subsecs. (a), (b). Act Sept. 5, 1950, substituted “V, and VI of this Act” for “and V of this Act”.

TRANSFER OF FUNCTIONS

Functions, powers, and duties of Office of Audits and Office of Investigations in General Services Administration transferred to Office of Inspector General in General Services Administration by section 9(a)(1)(K) of the Inspector General Act of 1978, Pub. L. 95-452, set out in the Appendix to Title 5, Government Organization and Employees, section 2 of which established such Office of Inspector General.

DEFINITIONS

The definitions in section 472 of this title apply to this chapter.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 752 of this title.

§ 759. Repealed. Pub. L. 104-106, div. E, title LI, § 5101, Feb. 10, 1996, 110 Stat. 680

Section, act June 30, 1949, ch. 288, title I, § 111, as added Oct. 30, 1965, Pub. L. 89-306, 79 Stat. 1127; amend-