

U.S. Department of Labor

Office of Inspector General
Washington, D.C. 20210



JUL 21 2004

The Honorable Ted Stevens
Chairman, Committee on Appropriations
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

Public Law 108-199, Division F, Section 636, requires the Inspector General of each department or agency to submit to the Committee on Appropriations a report detailing the policies and procedures in place that direct a department or agency to give first priority to rural areas for the location of new Federal offices and other facilities.

The enclosed report presents the results of the procedures we performed with respect to the Department of Labor's (DOL) policies for locating Federal facilities in rural areas.

If you have any questions on the enclosure, please do not hesitate to contact me at (202) 693-5100, or Catherine Gromek, Director, Office of Planning, Liaison and Communications, at (202) 693-5238.

Sincerely,

A handwritten signature in cursive script that reads "Gordon S. Heddell".

Gordon S. Heddell
Inspector General

Enclosure

cc: The Honorable Robert C. Byrd
Ranking Minority Member



Assistant Inspector General's Report on Applying Agreed-Upon Procedures

The Honorable Ted Stevens
Chairman, Committee on Appropriations
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

We performed the procedure described below, which was directed by the Congress of the United States through Public Law 108-199, Division F, Section 636 (P.L. 108-199, section 636), solely to assist the United States Senate, Committee on Appropriations in evaluating the Department of Labor's (DOL) compliance with provisions of the Rural Development Act of 1972 (Act). The Act requires departments or agencies to give first priority to the location of new offices and other facilities in rural areas. DOL management is responsible for compliance with this requirement. To comply with P.L.108-199, section 636, we conducted an agreed-upon procedures engagement in accordance with attestation standards established by Generally Accepted Government Auditing Standards. We based our procedure on the information Congress included in P.L. 108-199, section 636.

The procedure was to detail what policies and procedures are in place for the DOL to give first priority to the location of new offices and other facilities in rural areas, as directed by the Rural Development Act of 1972.

DOL's policies and procedures are presented in the enclosed excerpt from Chapter 400 – Space Management of the DOL's Department of Labor Manual Series (DLMS).

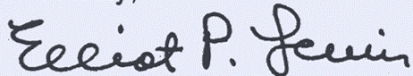
- ◆ Specific references to the Rural Development Act of 1972 are made in Section 411, Chapter 400--Space Management of the DLMS
- ◆ Section 412-Policy, part B.--Location of Offices in Rural and Urban Areas. This section specifies that DOL agencies are "required to comply with GSA regulations and policies regarding the location of offices in rural and urban areas where consistent with meeting the mission requirements of the agency." (See enclosed, CFR Sections 102-83.50, 102-83.55, 102-83.65 and 102-79.55, and GSA Memorandum PE-2003-01, Subject: Rural Development Act Compliance.)

We were not engaged to and did not conduct an audit or examination, the objective of which would be the expression of an opinion on compliance with provisions of laws and regulations. Accordingly, we do not express such an opinion.

This report is intended solely for the information and use of the Congress of the United States and specifically of the United States Senate, Committee on Appropriations, and is not intended to be and should not be used by anyone other than these specified parties.

If you have any questions please do not hesitate to contact me at (202) 693-5100, or Catherine Gromek, Director, Office of Planning, Liaison and Communications, at (202) 693-5238.

Sincerely,



Elliot P. Lewis
Assistant Inspector General
for Audit

July 15, 2004

Enclosure

ADMINISTRATION
Chapter 400 - Space Management

410 **AUTHORITY, POLICY, AND RESPONSIBILITIES**

411 **Authority.** The DOL's Space Management Program is authorized by the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 471 et seq.); the Public Buildings Act of 1959, as amended (40 U.S.C. 601-619); the Federal Property Management Regulations (FPMR, 41 CFR, Chapter 101, revised July 1, 1999); Chapter 102B Federal Management Regulation (FMR), Part 102-85.5 to Part 102-85.225 (Interim Rule of 05-08-01 Pricing Policy for Occupancy in GSA Space); the Rural Development Act of 1972 (P.L. 92-419), as amended by Section 636 of Division of F of P.L. 108-199 (January 23, 2004) and Section 647 of Public Law 107-67; the Public Buildings Cooperative Use Act of 1976, and in furtherance of and consistent with EO 12072 and EO 13006.

412 **Policy.** The Space Management Policies of the DOL are as follows:

A. **Location of Space.** In acquiring new space and in major renovations, consideration will be given to placement of each office in a location that meets the agency's mission-related needs. Where mission-related reasons make it necessary to request a waiver from regulation or policy the situation must be justified to and approved by the Director, Business Operations Center, OASAM

Within the context of Federal regulations, in instances of acquiring new space or major building renovations, a priority will be given to co-location of DOL agencies in Federal facilities. This priority extends to co-location of agency regional, district and area offices where these offices are located in the same city. Compliance will enable DOL to enhance implementation of appropriate security measures to allow for use of common services and reduce operational and administrative costs.

B. **Location of Offices in Rural and Urban Areas.** DOL agencies are required to comply with GSA regulations and policies regarding the location of offices in rural and urban areas where consistent with meeting the mission requirements of the agency.

C. **Alteration of Assigned Space.** Space assigned to the DOL or its component agencies may be altered if doing so is conducive to accomplishment of the objectives enumerated in paragraph 404. Alterations will not be performed for solely cosmetic purposes, nor will they be performed to satisfy individual preferences.

D. **Release of Space.** Once space is found to be no longer needed for the mission of agency, it will be made available for reassignment to another DOL agency, or for release to GSA, so as to avoid continuing expenses for excess space.

E. **Acquisition of Parking.** The DOL will acquire, either from GSA or through a service contract from commercial sources, parking for official vehicles and other spaces that are necessary for the conduct of official business. It is not the policy of the DOL to provide commuter parking for employees at public expense.

§ 102-82.25

is independently authorized to take such actions without a delegation from GSA when the Secretary determines such actions to be in the best interests of national security.

§ 102-82.25 What are Executive agencies' responsibilities concerning the procurement of utility services?

Executive agencies, operating under a utility services delegation from GSA, or the Secretary of Defense when the Secretary determines it to be in the best interests of national security, must provide for the procurement of utility services (such as commodities and utility rebate programs), as required, and must procure from sources of supply that are the most advantageous to the Federal Government in terms of economy, efficiency, reliability, or quality of service. Executive agencies, upon receiving a delegation of authority from GSA, may enter into contracts for utility services for periods not exceeding ten years (40 U.S.C. 481).

PART 102-83—LOCATION OF SPACE

Subpart A—General Provisions

Sec.

- 102-83.5 What is the scope of this part?
- 102-83.10 What basic location of space policy governs an executive agency?
- 102-83.15 Is there a general hierarchy of consideration that agencies must follow in their utilization of space?

Subpart B—Location of Space

DELINEATED AREA

- 102-83.20 What is a delineated area?
- 102-83.25 Who is responsible for identifying the delineated area within which a Federal agency wishes to locate specific activities?
- 102-83.30 In addition to its mission and program requirements, are there any other issues that Federal agencies must consider in identifying the delineated area?
- 102-83.35 Are executive agencies required to consider whether the central business area will provide for adequate competition when acquiring leased space?
- 102-83.40 Who must approve the final delineated area?
- 102-83.45 Where may executive agencies find guidance on appealing GSA's decisions and recommendations concerning delineated areas?

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RURAL AREAS

- 102-83.50 What is the Rural Development Act?
- 102-83.55 What is a rural area?
- 102-83.60 What is an urbanized area?
- 102-83.65 Are executive agencies required to give first priority to the location of new offices and other facilities in rural areas?

URBAN AREAS

- 102-83.70 What is Executive Order 12072?
- 102-83.75 What is Executive Order 13006?
- 102-83.80 What is an urban area?
- 102-83.85 What is a central business area?
- 102-83.90 Do Executive Orders 12072 and 13006 apply to rural areas?
- 102-83.95 After an agency has identified that its geographic service area and delineated area are in an urban area, what is the next step for an agency?
- 102-83.100 Why must agencies consider available space in properties under the custody and control of the U.S. Postal Service?
- 102-83.105 What happens if there is no available space in non-historic buildings under the custody and control of the U.S. Postal Service?
- 102-83.110 When an agency's mission and program requirements call for the location in an urban area, are executive agencies required to give first consideration to central business areas?
- 102-83.115 What is a central city?
- 102-83.120 What happens if an agency has a need to be in a specific urban area that is not a central city in a metropolitan area?

PREFERENCE TO HISTORIC PROPERTIES

- 102-83.125 Are executive agencies required to give preference to historic properties when acquiring leased space?

AUTHORITY: 40 U.S.C. 486(c); E.O. 12072; and E.O. 13006

SOURCE: 67 FR 76880, Dec. 13, 2002, unless otherwise noted.

Subpart A—General Provisions

§ 102-83.5 What is the scope of this part?

The real property policies contained in this part apply to Federal agencies, including the GSA/Public Buildings Service (PBS), operating under, or subject to, the authorities of the Administrator of General Services.

Federal Management Regulation

§ 102-83.55

§ 102-83.10 What basic location of space policy governs an executive agency?

Each executive agency is responsible for identifying its geographic service area and the delineated area within which it wishes to locate specific activities, consistent with its mission and program requirements, and in accordance with all applicable statutes, regulations and policies.

§ 102-83.15 Is there a general hierarchy of consideration that agencies must follow in their utilization of space?

Yes, Federal agencies must follow the hierarchy of consideration identified in § 102-79.55 of this chapter.

Subpart B—Location of Space

DELINEATED AREA

§ 102-83.20 What is a delineated area?

Delineated area means the specific boundaries within which space will be obtained to satisfy an agency space requirement.

§ 102-83.25 Who is responsible for identifying the delineated area within which a Federal agency wishes to locate specific activities?

Each Federal agency is responsible for identifying the delineated area within which it wishes to locate specific activities, consistent with its mission and program requirements, and in accordance with all applicable laws, regulations, and Executive Orders.

§ 102-83.30 In addition to its mission and program requirements, are there any other issues that Federal agencies must consider in identifying the delineated area?

Yes, Federal agencies must also consider real estate, labor, and other operational costs and applicable local incentives when identifying the delineated area.

§ 102-83.35 Are executive agencies required to consider whether the central business area will provide for adequate competition when acquiring leased space?

In accordance with the Competition in Contracting Act of 1984 (CICA), as

amended (41 U.S.C. 253(a)), executive agencies must consider whether restricting the delineated area for obtaining leased space to the central business area will provide for adequate competition when acquiring leased space. Where an executive agency determines that the delineated area must be expanded beyond the CBA in order to provide adequate competition, the agency may expand the delineated area in consultation with local officials. Executive agencies must continue to include the CBA in such expanded areas.

§ 102-83.40 Who must approve the final delineated area?

Federal agencies conducting the procurement must approve the final delineated area for site acquisitions and lease actions and must confirm that the final delineated area complies with the requirements of all applicable laws, regulations, and Executive Orders.

§ 102-83.45 Where may executive agencies find guidance on appealing GSA's decisions and recommendations concerning delineated areas?

The GSA Public Buildings Service provides guidance in their Customer Guide to Real Property on the process for appealing GSA's decisions and recommendations concerning delineated areas.

RURAL AREAS

§ 102-83.50 What is the Rural Development Act?

In the Rural Development Act, as amended, Congress directs Federal agencies to develop policies and procedures to give first priority to the location of new offices and other Federal facilities in rural areas. The intent of the Act is to revitalize and develop rural areas and help foster a balance between rural and urban America.

§ 102-83.55 What is a rural area?

Rural area means a city, town, or unincorporated area that has a population of 50,000 inhabitants or less, other than an urbanized area immediately adjacent to a city, town, or unincorporated area that has a population in excess of 50,000 inhabitants, as specified in the Rural Development Act, as amended.

§ 102-83.60

§ 102-83.60 What is an urbanized area?

An urbanized area is a statistical geographic area defined by the Census Bureau, consisting of a central place(s) and adjacent densely settled territory that together contain at least 50,000 people, generally with an overall population density of at least 1,000 people per square mile.

§ 102-83.65 Are executive agencies required to give first priority to the location of new offices and other facilities in rural areas?

Yes, executive agencies must give first priority to the location of new offices and other facilities in rural areas in accordance with the Rural Development Act (7 U.S.C. 2204b-1), unless their mission or program requirements call for locations in an urban area. First priority to the location of new offices and other facilities in rural areas must be given in accordance with the hierarchy specified in § 102-79.55 of this chapter.

URBAN AREAS

§ 102-83.70 What is Executive Order 12072?

Executive Order 12072, entitled "Federal Space Management," requires all executive agencies that have a mission requirement to locate in an urban area to give first consideration to locating Federal facilities in central business areas, and/or adjacent areas of similar character, to use them to make downtowns attractive places to work, conserve existing resources, and encourage redevelopment. It also directs executive agencies to consider opportunities for locating cultural, educational, recreational, or commercial activities within the proposed facility.

§ 102-83.75 What is Executive Order 13006?

Executive Order 13006, entitled "Locating Federal Facilities on Historic Properties in Our Nation's Central Cities," requires all executive agencies that have a mission requirement to locate in an urban area to give first consideration to locating Federal facilities in historic buildings and districts within central business areas. It also directs executive agencies to remove reg-

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ulatory barriers, review their policies, and build new partnerships with the goal of enhancing participation in the National Historic Preservation program.

§ 102-83.80 What is an urban area?

Urban area means any metropolitan area (MA) as defined by the Office of Management and Budget (OMB) in OMB Bulletin No. 99-04, or succeeding OMB Bulletin, that doesn't meet the definition of rural area in § 102-83.55.

§ 102-83.85 What is a central business area?

Central business area means the centralized community business area and adjacent areas of similar character, including other specific areas that may be recommended by local officials in accordance with Executive Order 12072. The central business areas are designated by local government and not by Federal agencies.

§ 102-83.90 Do Executive Orders 12072 and 13006 apply to rural areas?

No, Executive Orders 12072 and 13006 only apply to agencies looking for space in urban areas.

§ 102-83.95 After an agency has identified that its geographic service area and delineated area are in an urban area, what is the next step for an agency?

After an agency identifies its geographic service area and delineated area within which it wishes to locate specific activities are in an urban area (*i.e.*, determined that the agency's mission requirements dictate a need to locate its facility in an urban area), Federal agencies must seek space in historic properties already under agency control, in accordance with section 110 of the National Historic Preservation Act. The Act provides that prior to purchasing, constructing or leasing new space, Federal agencies must:

(a) Consider agency-controlled historic properties within historic districts inside central business areas when locating Federal operations, in accordance with Executive Order 13006 (which, by reference, also incorporates the requirements in Executive Order

Federal Management Regulation

§ 102-83.120

12072 and the Rural Development Act of 1972);

(b) Then consider agency-controlled developed or undeveloped sites within historic districts, if no suitable agency-controlled historic property specified in paragraph (a) of this section is available;

(c) Then consider agency-controlled historic properties outside of historic districts, if no suitable agency-controlled site exists within a historic district as specified in paragraph (b) of this section;

(d) Then consider non-historic agency-controlled properties, if no suitable agency-controlled historic properties outside of historic districts exist as specified in paragraph (c) of this section;

(e) Then consider historic properties under the custody and control of the U.S. Postal Service, if there is no available space in non-historic agency-controlled properties specified in paragraph (d) of this section.

(f) Then consider non-historic properties under the custody and control of the U.S. Postal Service, if there is no available space in historic properties under the custody and control of the U.S. Postal Service specified in paragraph (e) of this section.

§ 102-83.100 Why must agencies consider available space in properties under the custody and control of the U.S. Postal Service?

See § 102-73.20 of this chapter.

§ 102-83.105 What happens if there is no available space in non-historic buildings under the custody and control of the U.S. Postal Service?

If no suitable space in non-historic buildings under the custody and control of the U.S. Postal Service is available, agencies may then acquire real estate by purchase, lease, or construction, in accordance with FMR part 102-73.

§ 102-83.110 When an agency's mission and program requirements call for the location in an urban area, are executive agencies required to give first consideration to central business areas?

Yes, if an agency has a specific location need to be in an urban area, then Executive Orders 12072 and 13006 require that agencies should give first consideration to locating in a historic building in a historic district in the CBA of a central city of the appropriate metropolitan area. If no such space is available, agencies must give consideration to locating in a non-historic building in a historic district in the CBA of a central city of the appropriate metropolitan area. If no such space is available, agencies must give consideration to locating in a historic building outside of a historic district in the CBA of a central city of the appropriate metropolitan area. If no such space is available, agencies should give consideration to locating in a non-historic building outside of a historic district in the CBA of a central city of the appropriate metropolitan area.

§ 102-83.115 What is a central city?

Central cities are those central cities defined by OMB in OMB Bulletin No. 99-04 or succeeding OMB Bulletin.

§ 102-83.120 What happens if an agency has a need to be in a specific urban area that is not a central city in a metropolitan area?

If an agency has a need to be in a specific urban area that is not a central city in a metropolitan area, then the agency must give first consideration to locating in a historic building in a historic district in the CBA of the appropriate metropolitan area. If no such space is available, agencies must give consideration to locating in a non-historic building in a historic district in the CBA of the appropriate metropolitan area. If no such space is available, agencies must give consideration to locating in a historic building outside of

§ 102-83.125

a historic district in the CBA of the appropriate metropolitan area. If no such space is available, agencies should give consideration to locating in a non-historic building outside of a historic district in the CBA of the appropriate metropolitan area.

PREFERENCE TO HISTORIC PROPERTIES

§ 102-83.125 Are executive agencies required to give preference to historic properties when acquiring leased space?

Yes, Federal agencies must give a price preference when acquiring space via either the lowest price technically acceptable or the best value tradeoff source selection process. See part 102-73 of this chapter for additional guidance.

PART 102-84—ANNUAL REAL PROPERTY INVENTORIES

Sec.

- 102-84.5 What is the scope of this part?
102-84.10 What is the purpose of the Annual Real Property Inventory Program?
102-84.15 Why must I provide information for the Annual Real Property Inventory?
102-84.20 Where should I obtain information to be reported for the Annual Real Property Inventory?
102-84.25 Is it necessary for my agency to designate an official to serve as the point of contact for the real property inventories?
102-84.30 Is it necessary for my agency to certify the accuracy of its real property inventory submission?
102-84.35 Which agencies must submit a report for inclusion in the Annual Real Property Inventory?
102-84.40 What types of real property must I report for the Annual Real Property Inventory?
102-84.45 What types of real property must not be reported for the Annual Real Property Inventory?
102-84.50 Can the GSA Form 1166 be used to report information?
102-84.55 When are the Annual Real Property Inventory reports due?

AUTHORITY: 40 U.S.C. 486(c).

SOURCE: 66 FR 55594, Nov. 2, 2001, unless otherwise noted.

§ 102-84.5 What is the scope of this part?

GSA's policies contained in this part apply to all Federal agencies. This part

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prescribes guidance that you must follow in preparing and submitting annual real property inventory information for real property owned by and leased to the United States. The detailed guidance implementing these policies is contained in separate customer guides issued by the GSA Office of Governmentwide Policy.

§ 102-84.10 What is the purpose of the Annual Real Property Inventory Program?

The purpose of the Annual Real Property Inventory program is to:

- (a) Maintain a centralized source of information on Federal real property holdings;
- (b) Track space utilization of reporting agencies;
- (c) Provide support for consolidated Federal financial statements on real property assets; and
- (d) Establish a reference for answering inquiries from the Congress, the press, trade associations, educational institutions, Federal, State and local government agencies, and the general public.

§ 102-84.15 Why must I provide information for the Annual Real Property Inventory?

You must provide information for the Annual Real Property Inventory because:

(a) The Senate Committee on Appropriations requests that the Government maintain an Annual Real Property Inventory.

(b) Executive Order 12411, Government Work Space Management Reforms, dated March 29, 1983 (3 CFR, 1983 Comp., p. 155), requires that Executive agencies:

(1) Produce and maintain a total inventory of work space and related furnishings and declare excess to the Administrator of General Services all such holdings that are not necessary to satisfy existing or known and verified planned programs; and

(2) Establish information systems, implement inventory controls and conduct surveys, in accordance with procedures established by the Administrator of General Services, so that a governmentwide reporting system may be developed.

§ 102-78.55 For which properties must Federal agencies assume historic preservation responsibilities?

Federal agencies must assume historic preservation responsibilities for real property assets under their custody and control. Federal agencies occupying space in buildings under the custody and control of other Federal agencies must obtain approval from the agency having custody and control of the building.

§ 102-78.60 When leasing space, are Federal agencies able to give preference to space in historic properties or districts?

Yes, Executive Order 13006 requires executive agencies that have a mission requirement to locate in an urban area to give first consideration to space in historic buildings and districts inside central business areas. Agencies may give a price preference of up to 10 percent to space in historic buildings and districts, in accordance with §§ 102-73.115 and 102-73.120 of this chapter.

[67 FR 76874, Dec. 13, 2002]

§ 102-78.65 What are Federal agencies' historic preservation responsibilities when disposing of real property under their control?

Federal agencies must:

(a) To the extent practicable, establish and implement alternatives for historic properties, including adaptive reuse, that are not needed for current or projected agency purposes. Agencies are required to get the Secretary of Interior's approval of the plans of transferees of surplus Federally-owned historic properties.

(b) Review all proposed excess actions to identify any properties listed on or eligible for listing on the National Register. Federal agencies must not perform disposal actions that could result in the alteration, destruction, or modification of an historic or cultural property until Federal agencies have consulted with the SHPO and the Advisory Council.

§ 102-78.70 What are an agency's historic preservation responsibilities when disposing of another Federal agency's real property?

Federal agencies must not accept property declared excess by another Federal agency nor act as an agent for transfer or sale of such properties until the holding agency provides evidence that the Federal agency has met its National Historic Preservation Act responsibilities.

PART 102-79—ASSIGNMENT AND UTILIZATION OF SPACE

Sec.

102-79.5 What is the scope of this part?

102-79.10 What basic assignment and utilization of space policy governs an executive agency?

102-79.15 What objectives must an executive agency strive to meet in providing assignment and utilization of space services?

102-79.20 What standard must executive agencies promote when assigning space?

102-79.25 May Federal agencies allot space in Federal buildings for the provision of child care services?

102-79.30 May Federal agencies allot space in Federal buildings for establishing fitness centers?

102-79.35 What elements must Federal agencies address in their planning effort for establishing fitness programs?

102-79.40 Can Federal agencies allot space in Federal buildings to Federal credit unions?

102-79.45 What type of services may Federal agencies provide without charge to Federal credit unions?

102-79.50 What standard must executive agencies promote in their utilization of space?

102-79.55 Is there a general hierarchy of consideration that agencies must follow in their utilization of space?

102-79.60 Are agencies required to use historic properties available to the agency?

102-79.65 What guidelines must an agency follow if it elects to establish a public access defibrillation program in a Federal facility?

AUTHORITY: 40 U.S.C. 486(c); E.O. 12411, 48 FR 13391, 3 CFR, 1983 Comp., p. 155; and E.O. 12512, 50 FR 18453, 3 CFR, 1985 Comp., p. 340.

SOURCE: 67 FR 76874, Dec. 13, 2002, unless otherwise noted.

Federal Management Regulation

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(a) At least 95 percent of the membership of the credit union to be served by the allotment of space is composed of persons who either are presently Federal employees or were Federal employees at the time of admission into the credit union, and members of their families; and

(b) Space is available.

§102-79.45 What type of services may Federal agencies provide without charge to Federal credit unions?

Federal agencies may provide without charge to Federal credit union services such as:

- (a) Lighting;
- (b) Heating and cooling;
- (c) Electricity;
- (d) Office furniture;
- (e) Office machines and equipment;
- (f) Telephone service (including installation of lines and equipment and other expenses associated with telephone service); and
- (g) Security systems (including installation and other expenses associated with security systems).

§102-79.50 What standard must executive agencies promote in their utilization of space?

Executive agencies, when acquiring or utilizing federally owned and leased space under the Federal Property and Administrative Services Act of 1949, as amended, must promote efficient utilization of space. Where there is no Federal agency space need, executive agencies must make every effort to maximize the productive use of vacant space through the issuance of permits, licenses or leases to nonfederal entities to the extent authorized by law.

§102-79.55 Is there a general hierarchy of consideration that agencies must follow in their utilization of space?

Yes, Federal agencies must:

(a) First utilize space in Government-owned and Government-leased buildings.

(b) If there is no suitable space in Government-owned and Government-leased buildings, utilize space in buildings under the custody and control of the U.S. Postal Service.

(c) If there is no suitable space in buildings under the custody and con-

trol of the U.S. Postal Service, agencies may acquire real estate by lease, purchase, or construction, as specified in part 102-73 of this chapter.

§102-79.60 Are agencies required to use historic properties available to the agency?

Yes, Federal agencies must assume responsibility for the preservation of the historic properties they own or control. Prior to acquiring, constructing or leasing buildings, agencies must use, to the maximum extent feasible, historic properties already owned or leased by the agency (16 U.S.C. 470h-2).

§102-79.65 What guidelines must an agency follow if it elects to establish a public access defibrillation program in a Federal facility?

Federal agencies electing to establish a public access defibrillation program in a Federal facility must follow the guidelines, entitled "Guidelines for Public Access Defibrillation Programs in Federal Facilities," which can be obtained from the Office of Real Property (MP), General Services Administration, 1800 F Street, NW., Washington, DC 20405.

PART 102-80—SAFETY AND ENVIRONMENTAL MANAGEMENT

Subpart A—General Provisions

Sec.

102-80.5 What is the scope of this part?

102-80.10 What are the basic safety and environmental management policies for real property?

Subpart B—Safety and Environmental Management

ASBESTOS

102-80.15 What are Federal agencies' responsibilities concerning the assessment and management of asbestos?

RADON

102-80.20 What are Federal agencies' responsibilities concerning the abatement of radon?

INDOOR AIR QUALITY

102-80.25 What are Federal agencies' responsibilities concerning the management of indoor air quality?

**Rural Development Act (RDA) Compliance
Business Guidance**

1. As provided in FMR Part 102-83 and the Customer Guide*, the RDA requires that an agency give first priority to rural areas when locating new offices and other facilities. GSA has agreed with GAO to require client agencies to provide a written statement to GSA affirming that first priority was given to locating in a rural area. If the agency accepts rural space, a statement citing their rural location can be made in the form of a note added on the Lease File Checklist. A formal statement from the agency is not required in the case of a rural location.
2. If an agency selects urban space, a statement affirming that first priority has been given to rural areas must be received from the requesting agency prior to initiating an action to acquire space. The statement should include the requesting agency's name, geographic area (city or town), and identify the requirement that rural space cannot meet (i.e., conflicts with mission, availability of space, etc.). The statement may be provided in the form of a letter, facsimile, or e-mail. It must be signed by, or in the case of an e-mail, addressed from an authorized ordering official. Once obtained, the statement will serve only as a record; it will not be used to judge or approve the agency's location.
3. A copy of the statement shall be retained in the lease file. Section I. of The Standard Lease File Index and Checklist is being updated to include the RDA Compliance Statement.
4. Among other things, the FMR was updated to include the definition of "Rural area" as a city, town, or unincorporated area that has a population of 50,000 inhabitants or less, other than an urbanized area immediately adjacent to a city, town or unincorporated area that has a population in excess of 50,000 inhabitants, as specified in the Rural Development Act, as amended.
5. It should be noted that the RDA requirements do not conflict with Executive Order 12072. When an agency's mission requires an urban location, Executive Order 12072 dictates first consideration to a central business area within the urban location. The Rural Development Act does not override agency mission requirements. Regardless of mission, any agency locating in an urban area rather than a rural area must provide a statement explaining that they gave first priority to rural areas; however, the locations did not support certain requirements.

*The Customer Guide to Real Property is available on line at
http://www.gsa.gov/attachments/GSA_PUBLICATIONS/extpub/CustGuid.pdf