

## Federal Management Regulation

Pt. 102-79

### **§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.

**§ 102-79.5**

**§ 102-79.5 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.

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

Executive agencies must provide a quality workplace environment that supports program operations, preserves the value of real property assets, meets the needs of the occupant agencies, and provides child care and physical fitness facilities in the workplace when adequately justified. An executive agency must promote maximum utilization of Federal workspace, consistent with mission requirements, to maximize its value to the Government.

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

Executive agencies must provide assignment and utilization services that will maximize the value of Federal real property resources and improve the productivity of the workers housed therein.

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

Executive agencies must promote the optimum use of space for each assignment at an economical cost to the Government, provide quality workspace that is delivered and occupied in a timely manner, and assign space based on mission requirements.

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

Yes, in accordance with 40 U.S.C. 490b, Federal agencies can allot space in Federal buildings to individuals or entities who will provide child care services to Federal employees if such:

- (a) Space is available;
- (b) Agency determines that such space will be used to provide child care services to children of whom at least 50

**41 CFR Ch. 102 (7-1-04 Edition)**

percent have one parent or guardian who is a Federal Government employee; and

(c) Agency determines that such individual or entity will give priority for available child care services in such space to Federal employees.

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

Yes, in accordance with 5 U.S.C. 7901, Federal agencies can allot space in Federal buildings for establishing fitness programs.

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

Federal agencies must address the following elements in their planning effort for establishing fitness programs:

- (a) A survey indicating employee interest in the program;
- (b) A three-to five-year implementation plan demonstrating long-term commitment to physical fitness/health for employees;
- (c) A health related orientation, including screening procedures, individualized exercise programs, identification of high-risk individuals, and appropriate follow-up activities;
- (d) Identification of a person skilled in prescribing exercise to direct the fitness program;
- (e) An approach that will consider key health behavior related to degenerative disease, including smoking and nutrition;
- (f) A modest facility that includes only the essentials necessary to conduct a program involving cardiovascular and muscular endurance, strength activities, and flexibility;
- (g) Provision for equal opportunities for men and women, and all employees, regardless of grade level.

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

Yes, in accordance with 12 U.S.C. 1770, Federal agencies may allot space in Federal buildings to Federal credit unions without charge for rent or services if: