

Subject: MANAGEMENT OF DHHS OWNED AND LEASED REAL PROPERTY

- 24-06-00 Easements
 - 10 Outleasing of Property
 - 20 Licenses for the Use of DHHS Property
 - 30 Regulations for the Management and Use of Space
 - 40 Employee Welfare/Service Facilities
 - 50 Naming of Buildings and Installations

24-06-00 EASEMENTS

- A. Nature of Right-of-Way Easements. A right-of-way easement through Federal lands is a right granted to another to use a portion of the Federal lands for a specified purpose such as a highway or utility line. It is granted for other than a temporary basis and is not revocable solely at the will of the grantor. In short, it is the grant of an interest in the property of the Government and, under the Constitution, it must be authorized by Congress.
- B. Authority of HHS to Grant Easements. Until the enactment of P.L. 87-852 (40 U.S.C. 319), DHHS and its predecessor agencies were not granted broad statutory authority to grant right-of-way easements over Federal lands. It did have the inherent right to give licenses for the use of Government land that were revocable at the will of the Government. Additional authority to use Government property for short terms under the implied authority of DHHS is granted under 5 U.S.C. 301 or under authority delegated by GSA. Inasmuch as easements granted by DHHS convey a recognized interest in real property, they should be recorded by the grantee in the appropriate local land records.
- C. Section 1 of P.L. 87-852 (40 U.S.C. 319) broadly granted to agencies, including DHHS, having custody and control over real property of the United States, the authority to grant easements in, over, and upon such property (other than public domain property or property held in trust for Indians) rights-of-way for highways and utility lines with or without consideration and upon such terms as are deemed appropriate to protect the interests of the United States. Right-of-way easements for highway purposes may be granted to States or political subdivisions thereof. Right-of-way easements for utility lines may be granted to any person making application therefor. DHHS is authorized to relinquish to States legislative jurisdiction over the real property which is the subject of the easement. Such an action may be important in connection with right-of-way easements for highway purposes; otherwise the State would be unable to enforce its traffic laws over the real property made the subject of the easement.

D. Terms and Conditions of Easements. The grant of the right-of-way easement may be made for such period of time as is reasonable considering the nature and purpose of the easement, and may be for an indefinite period of time. P.L. 87-852, however, requires that a grant be terminated, in whole or in part, if there has been:

- o a failure to comply with any term or condition of the grant;
- o a consecutive two-year non-use of the easement for the purpose for which it was granted; or
- o an abandonment of the easement.

The grant instrument is to provide that written notice of such a termination be given to the Grantee, or its successor or assigns; the termination is to be effective as of the date of such a notice; and upon termination, all right, title, and interest in the land shall revert to the United States or its assigns.

E. DHHS may impose other terms or conditions to protect the interests of the United States and of the public. Such additional terms and conditions serve to make more explicit the limited purpose of the grant; protect the rights of the public at large; enlarge the basis for a possible termination of the grant; or otherwise enhance the ability of DHHS to enforce the terms and conditions of the grant. Such other terms and conditions include:

- o The Grantee will neither conduct mining operations nor remove any mineral substances from the land.
- o The Grantee will, at its own expense, construct, mark, keep, and maintain, in good condition and repair, any improvements it makes on the property.
- o The Government reserves the right to enter, on occasion, the premises which are the subject of the grant to assure that the terms of the grant are being complied with.
- o The Grantee will indemnify and save the Government harmless from any liability or responsibility whatever arising directly or indirectly from the Grantee's use of the easement and activities on the premises.
- o The Grantee will minimize damage to the scenic and esthetic values of the premises and otherwise protect the environment.
- o The Grantee will comply with air and water quality standards established by or pursuant to Federal or State law.

- o The Grantee will comply with State standards for public health and safety, environmental protection, and the siting, construction, operation, and maintenance of, or for, rights-of-way for similar purposes if those standards are more stringent than applicable Federal standards.
 - o The Grantee will otherwise protect Federal property and economic interests and the public interest in the lands traversed by the right-of-way or lands adjacent thereto.
 - o Upon termination or forfeiture of the grant, the Grantee, if so requested by the Government, will remove from the premises all structures or other improvements belonging to the Grantee and otherwise restore the premises to the satisfaction of, and at no cost to, the Government.
- F. 23 U.S.C. 317. In the case of land needed for a right-of-way for a Federal Aid Highway, DHHS may transfer lands under the custody and control of DHHS to the Secretary of Transportation, who has the authority to make a grant of, and transfer title to, not merely an easement over, such lands to State highway departments.

1-06-10 OUTLEASING OF PROPERTY

DHHS has no authority to lease Government land to another except for such right to lease excess or surplus property as it may derive from GSA. It does have limited authority to make real property available to others as outlined in Chapter 24-06-20. Also, it does have authority under 5 U.S.C. 301 to license property on a revocable-at-will basis.

24-06-20 LICENSES FOR THE USE OF DHHS PROPERTY

- A. Revocable Licenses. The Attorney General has ruled that the Government in its control over real property has the inherent right to license the use of such property for private purposes provided that the license is revocable at will. Such a revocable license does not convey any interest in the real property. DHHS has the authority under 5 U.S.C. 301 thus to license the use of property under its control, provided the license does not interfere with the Government's use of the property and is not otherwise adverse to the interests of the United States. Such a license or permit must not be issued in a discriminatory manner or otherwise violate any statutory provision.
- B. Revocable Permits. Some temporary uses of DHHS property involve the use, for a temporary period, of space that might otherwise be used for Governmental purposes. Such a temporary use may be authorized when it is in furtherance of the interests of the Government, such as when it enhances the morale and welfare of employees or patients. Thus, space can

be provided for the use of employee unions or for recreational purposes. Space may also be provided for the operation of a cafeteria for employees if circumstances justify such an action. Also included would be the making of space available for day care centers for children of DHHS employees, but such an action is now governed by statute (P.L. 94-482), which includes the additional authority of providing equipment for that purpose.

- C. Other Use of Government Space. The use of non-surplus space by persons outside the Government for a purpose not associated with DHHS activities, other than on a revocation-at-will basis, must be based on statutory authority. GSA may delegate authority to DHHS under section 210(a)(13) of the Federal Property and Administrative Services Act of 1949 to lease building sites until they are needed for construction. DHHS does not have independent authority to make property available for farming. GSA may under section 202 of that Act authorize the leasing of excess property. The provision of space for cultural, educational, or recreational activities as provided for by the Public Buildings Cooperative Use Act (P.L. 94-541) requires a delegation of authority from GSA.
- D. Parking Spaces for Employees. Providing parking spaces for employees and visitors is a legitimate use of DHHS property. GSA regulations in that regard should be applied. It should be noted that penal sanctions do not apply to violations of parking regulations except in the case of Federal enclaves and then only when appropriate authority has been delegated by GSA.
- E. The Federal Credit Union Act (12 U.S.C. 1770, formerly 1771) authorizes the Secretary of DHHS, at his/her discretion, to provide space, without charge for rent or services, to credit unions 95 percent of whose members are Federal employees.
- F. Randolph-Sheppard Act (20 U.S.C. 107) authorizes the granting of concessions for vending stands in Government buildings, with preference being given to the blind.

24-06-30 REGULATIONS FOR THE MANAGEMENT AND USE OF SPACE

- A. The Department of Health and Human Services' (DHHS) authority with respect to space under its custody and control stems basically from 5 U.S.C 301 (formerly contained in 5 U.S.C. 22). That section provides that: "The head of an Executive department . . . may prescribe regulations for the government of his department, the conduct of his employees, the distribution and performance of its business, and the custody, use, and preservation of its records, papers, and property." That authority is, of course, subject to modification by statutory power and responsibility in specific fields. It should also be exercised in a manner consistent with the General Services Administration's (GSA) Federal Property Management Regulations (FPMR).

- B. Effect of Regulations. The regulations of the Secretary, such as the regulations dealing with smoking on DHHS-controlled property, are enforceable against employees and persons using the property only by administrative action. Violators of such regulations, however, are not subject to penal sanctions except in instances specifically provided for by statute.
- o Penal Sanctions. The regulations of DHHS dealing with the conduct of persons and traffic on certain Federal enclaves (45 CFR Part 3) provide for fines of not more than \$50 or imprisonment for not more than thirty days, or both. Those regulations were issued pursuant to a statute appearing at 40 U.S.C. 318-318d, authority for which was specifically delegated to DHHS by GSA pursuant to section 205(d) of the Federal Property and Administrative Services Act of 1949. They are intended to be exercised in accordance with the policies, procedures, and controls prescribed by GSA in FPMR 101-20.3. That authority can be applied only to properties under the exclusive or concurrent legislative jurisdiction of the United States (Federal enclaves) and only when authority therefor has been specifically delegated by GSA.
 - o Police Enforcement. The delegations from GSA such as those referred to above carry with them the authority to appoint employee guards as uniformed policemen with the powers of sheriffs and constables. This includes the power to carry firearms and to make arrests. Guards of private agencies and employee guards who are not appointed as special policemen do not have such rights. Employees are not to be so appointed without first attending an interagency school for that purpose. Until so appointed, employees should never attempt to arrest a private citizen.
- C. It is essential that DHHS maintain as complete a record as is feasible of the real property under its custody and control and of the uses being made of it. Such records are indispensable inasmuch as there is no general repository of Federal real property records. They are necessary for the compilation of annual reports for GSA, which keeps annual Inventories of Federal Real Property. They play an important role in determining whether the real property is being used fully and effectively, as well as in the process of complying with numerous requests in that regard. Finally, the records are essential for determining whether statutes and regulations are being complied with.
- D. Many of the statutes listed in Chapter 24-04, relating to the acquisition of real property, apply with equal, or even greater, force to the management and use of space on a continuing basis. This is especially true of the Fire Safety Codes promulgated by the Fire Protection Association and adopted by DHHS pursuant to section 19 of the Occupational Safety and Health Act.

- E. Executive Order 12088 (October 13, 1978) calls for Federal compliance with various Federal Pollution Control Standards, including the following:
- o The Toxic Substance Control Act, (15 U.S.C. 2601 et seq.).
 - o Section 274(h) of the Atomic Energy Act, (42 U.S.C. 2021h).
 - o The Marine Protection, Research, and Sanctuaries Act of 1972, (33 U.S.C. 1401, 1402, 1411-1422, 1441-1444, and 16 U.S.C. 1431-1434.)
 - o The Federal Insecticide, Fungicide, and Rodenticide Act, (7 U.S.C. 136).
- F. State Control. In addition to the Acts listed, Executive Order 12088 calls for compliance with other Pollution Control Statutes, which themselves call for DHHS compliance with State, interstate, and local requirements, including procedural requirements such as the obtaining of permits, as well as substantive requirements. They are as follows:
- o Section 313 of the Clean Water Act, (33 U.S.C. 1251 et seq. at 1323). This Act is directed primarily at effluent controls.
 - o Section 1447 of the Safe Drinking Water Act, (42 U.S.C. 300f et seq. at 300j-6). This Act primarily regulates public water systems for water consumption by the public, that is, having 15 service connections and serving 25 individuals 60 days out of the year.
 - o Section 4 of the Noise Control Act of 1972, (42 U.S.C. 4901 et seq. at 4903). This Act is no longer enforced at the Federal level and is regarded as a local matter. Nevertheless, local requirements must be observed.
 - o Section 6001 of the Resource Conservation and Recovery Act, amending the Solid Waste Disposal Act, (42 U.S.C. 6901 et seq. at 6961). This is a broad expansion of the original Act and is directed primarily at the disposal of hazardous wastes.
 - o Section 118 of the Clean Air Act, (42 U.S.C. 7401 et seq. at 7418). Under this Act, National Air Quality Standards are set to protect human health and the public welfare. They are based on the health and other effects of certain pollutants and are constantly being expanded to cover other pollutants. Emissions standards are also set for certain hazardous air pollutants, primarily industrial.

24-06-40 EMPLOYEE WELFARE/SERVICE FACILITIES

A. Authority

- o As stated in 24-06-30, the use of non-surplus space by persons outside the Government for a purpose not associated with Department of Health and Human Services (DHHS) activities, other than on a revocation-at-will basis, must be based on statutory authority.
- o Space can be made available under a license or permit provided it does not interfere with the Government's use of the property and provided it is in furtherance of the interests of the Government, such as the enhancement of the morale and welfare of employees or patients. Such use includes employee welfare and recreation associations, cafeterias and other concessions, health units, vending stands, dry cleaning establishments, and the like.
- o Where real property is assigned, for other than official use a written statement shall be prepared, setting forth all requirements pertaining to the assignment. The statement shall be retained in installation files for review and shall include the basis for making the assignment and the terms and conditions governing the use of the property.

B. Federal Credit Unions

- o The Federal Credit Union Act--Allotment of Space in Federal Buildings (12 U.S.C. 1770) states: "Upon application by any credit union organized under State law or by any Federal credit union organized in accordance with the terms of this chapter, at least 95 percentum of the membership of which 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, which application shall be addressed to the officer or agency of the United States charged with the allotment of space in the Federal buildings in the community or district in which such credit union does business, such officer or agency may in his or its discretion allot space to such credit union if space is available without charge for rent or services."

An Amendment to the Act, adopted October 15, 1982 (Public Law 97-320), adds "For the purpose of this section, the term 'services' includes, but is not limited to, the providing of lighting, heating, cooling, electricity, office furniture, office machines and equipment, telephone service (including installation of lines and equipment and other expenses associated with telephone service), and security systems (including installation and other expenses associated with security systems). Where there is an agreement for

the payment of costs associated with the provision of space or services, nothing in Title 31 or any other provision of law, shall be construed to prohibit or restrict payment by reimbursement to the miscellaneous receipts or other appropriate account of the Treasury."

- o It shall be Department policy, upon request by officially recognized credit unions, to assign space in Department-controlled buildings that is available and not required for official purposes by the occupant activity controlling the space. Such space will be assigned without charge for rent and services, except where there is an agreement providing for reimbursement.
- o All credit unions shall conform to standards set forth in FPMR 101-20.3, "Conduct on Federal Property," as well as the regulations and guidelines instituted by the Department. Desk-to-desk distribution of credit union informational materials and similar promotional activities may be authorized by the installation head, provided such activities do not disrupt agency efficiency. Denied requests by credit unions to conduct or engage in activities not clearly prohibited by policy or regulations may be appealed in writing to the OPDIV head. The decision of the OPDIV head may be appealed, through proper channels, to the Assistant Secretary for Management and Budget, whose decision is final.
- o The installation head shall, in keeping with these procedures and upon request from officially recognized credit unions, reassign available space and services to credit unions, limiting the space to that actually required to conduct effectively the activities of the credit unions. If there is a critical shortage of space at the installation, this will be sufficient reason to deny assignment of space to the credit union, but only after a review of current space utilization is conducted.
- o The space assigned must conform to the minimum standards on accessibility for the physically handicapped. (See FPMR 101-19.6) Space assigned should be in a central location within the building, close to main corridors to provide convenient access for all employees.
- o The installation head shall, within available resources and in keeping with these procedures, provide the following services without charge to authorized credit unions:
 - Maintain heating, lighting, ventilation, and necessary electrical outlets.

- Provide housekeeping and maintenance services such as cleaning and waxing floors, repairing and replacing floor coverings, cleaning and repairing venetian blinds, and cleaning windows, all in accordance with normal building programs for such work.
- Maintain and repair the building structure in the vicinity of the credit union.
- o The responsibilities of the credit union include, but are not limited to, the following:
 - The installation and maintenance of internal partitioning and special equipment.
 - The arrangement of furniture and equipment in a manner that will facilitate operation and will minimize congestion, hazards, and general maintenance problems.
 - The submission of space layout plans of proposed credit unions to the installation head for advance approval to assure conformance with sound buildings management practices, including consideration of health and safety features, electrical system loading, and handicap barriers.
- o The installation head may prepare agreements in memorandum form, or on printed forms, provided that the memoranda or printed forms address the following:
 - Description of space to be assigned, including building name and address, room number(s), and square footage assigned.
 - Official name of the credit union and citation of its charter.
 - That the license or permit issued to the credit union is not assignable and may be revoked at will by the Government.
 - The services which the Department will supply without charge, such as services to prepare or recondition the initial space assigned to the credit union, as well as the services noted above.
 - The services, equipment, or furniture for which the licensee or permittee will be responsible.

- The licensee or permittee will not discriminate against employees, applicants for employment or membership, or patrons on the grounds of age, race, creed, color, national origin, handicap or sex, and will comply with Title VI of the Civil Rights Act of 1964, section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and the Department's regulations issued pursuant thereto.
- The licensee or permittee shall conform to the GSA rules and regulations relating to conduct on Federal property as set forth in FPMR 101-20.3.

Except for the foregoing provisions, the license or permit may be modified and additional terms and conditions added where necessary to fit the particular circumstances. Care should be taken to assure that any modifications or additional conditions will not be contrary to law or other regulatory requirements, or be detrimental to the mission of the host installation.

All agreements shall be signed by the appropriate installation head and by an authorized credit union official. Executed agreements will be distributed as follows:

- Original to licensee or permittee.
- Copy for the real property management files of the installation head.

C. Vending Stands for the Blind

- o The Randolph-Sheppard Vending Stand Act (40 Stat. 1559, as amended by 68 Stat. 663, 20 U.S.C. 107), provides a priority for blind persons in the location and operation of vending facilities on Federal property. It also directs the assignment of vending machine income and establishes certain State licensing agency responsibilities for effective management of the vending facility program for the blind in each State.
- o Blind persons licensed by State licensing agencies designated by the Secretary of Education, under the provisions of the Act, shall be given preference in the operation of vending stands and machines on any DHHS-controlled property. Any limitation on the location or operation of a vending facility by a blind vendor, based on a finding that such location or operation would adversely affect the interests of DHHS, shall be fully justified in writing to the Secretary of Education who shall determine whether such limitation is warranted. A decision made by the Secretary concerning such limitation shall be binding and shall be published in the Federal Register. (See 34 CFR 395.30(b))

- o Consideration shall be given to the inclusion of vending facilities in the planning and construction of facilities, and in the leasing of space when the population of the building will be sufficient to support such a stand. Where it is determined that vending machines are to be installed on leased property, the necessary approval of the lessor shall be obtained prior to the issuance of a permit.
- The licensee or permittee shall conform to the GSA rules and regulations relating to conduct on Federal property as set forth in FPMR 101-20.3.

Except for the foregoing provisions, the license or permit may be modified and additional terms and conditions added where necessary to fit the particular circumstances. Care should be taken to assure that any modifications or additional conditions will not be contrary to law or other regulatory requirements, or be detrimental to the mission of the host installation.

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- o Blind persons licensed by State licensing agencies designated by the Secretary of Education, under the provisions of the Act, shall be given preference in the operation of vending stands and machines on any DHHS-controlled property. Any limitation on the location or operation of a vending facility by a blind vendor, based on a finding that such location or operation would adversely affect the interests of DHHS, shall be fully justified in writing to the Secretary of Education who shall determine whether such limitation is warranted. A decision made by the Secretary concerning such limitation shall be binding and shall be published in the Federal Register. (See 34 CFR 395.30(b))

- o Consideration shall be given to the inclusion of vending facilities in the planning and construction of facilities, and in the leasing of space when the population of the building will be sufficient to support such a stand. Where it is determined that vending machines are to be installed on leased property, the necessary approval of the lessor shall be obtained prior to the issuance of a permit.
- o A permit shall be issued in the name of the applicant State licensing agency, and shall prescribe such procedures as are necessary, as set forth in FPMR 101-20.2 and in the Application and Permit. The permit shall be for an indefinite term. No charge will be made to the State licensing agency for the use of the Government-furnished space, or for the maintenance and repair of the building structure in and adjacent to the vending stand areas. This includes painting and decorating, utilities required to operate the vending stands and vending machines, and other related building services in accordance with the normal level of service.
- o In the granting of permits to designated licensing agencies, or by contract with others, such as a necessary basic food service operation, the Department of Education regulations (34 CFR 395) and the procedures contained in GSA's FPMR 101-20.2 should be followed. The regulations provide that income collected from vending machines in competition with a blind vending facility shall accrue to the State licensing agency as follows:
 - 100 percentum of all income collected from all vending machines in direct competition with vending facilities operated by blind vendors.
 - 50 percentum of all income collected from vending machines not in direct competition with a blind vending facility.
 - 30 percentum of all income collected from vending machines not in direct competition with vending facilities operated by blind vendors at which at least 50 percentum of the total hours worked on premises occurs during a period other than normal working hours.
- o It shall be the responsibility of the on-site installation head to determine whether a vending machine on the property is in direct competition with a vending facility operated by a blind vendor, subject to the concurrence of the State licensing agency.

The collection of vending machine income by the responsible property management officer and its disbursement to the appropriate State licensing agency shall be conducted on at least a quarterly basis.

All arrangements pertaining to the operation of vending machines on DHHS-owned or -leased property not covered by contract with, or by permits issued to, State licensing agencies, shall be renegotiated upon the expiration of the existing contract or other arrangements so as to satisfy the provisions of this section.

The provisions of this section shall not apply to income from vending machines which are not in direct competition with a blind vending facility on DHHS-owned or -leased property and whose total income does not exceed \$3,000 annually.

D. Day Care Centers

- o In accordance with Public Law 99-591, Section 101(m) [Title VI, Section 616[, (40 USC 490b), space in Government buildings may be allotted for day care centers for children of DHHS employees at no cost. Also see Section 524 of the Education Amendments of 1976 (P.L. 94-482) (20 U.S.C. 2564).
- o The officer in charge of the installation will determine whether there is a need for a center, and will be responsible for initiating the revocable permit for use of the space.

Federal Employee Health Units

- o The provision for the establishment of health programs for Government employees is contained in P.L. 79-658 (5 U.S.C 7901). The Act provides that employee health units shall be established only after consultation with the Division of Federal Employee Occupational Health, Health Resources and Services Administration, and consideration of its recommendations, and only in localities where there is a sufficient number of Federal employees to warrant the provision of such services.
 - In most instances, a formally organized health program may be provided in buildings where the number of Federal employees to be served exceeds 300.
 - Employee health units can also be operated by another agency or agencies, or even by contract with an outside source, subject to the provisions of the aforementioned Act. For employee groups of less than 300, management may make arrangements by contract with private physicians to provide services such as physical examination, health screening, and other preventive services.
- o The administration and operation of health units in Federal buildings by the Division of Occupational and Beneficiary Health Services is based on its agreement for reimbursement with the Federal agency involved.

F. Establishment and Operation of Concessions

- o Concession-type activities are those which sell a commodity or perform a service at an established price. This includes, but is not limited to, barber and beauty shops, taxi stands, vending stands and machines, commissaries, mobile vending stands, canteens, soda fountains, lunch counters, and cafeterias.

- o It is DHHS policy to provide for concessions which are both convenient and beneficial for employees and patients, and which are likely to increase employee morale and efficiency. The installation head will determine whether concessions are needed and feasible by the following criteria:
 - Sufficient funds must be available to defray any cost for which DHHS will be responsible under the contractual agreement.
 - Sufficient and satisfactory space, not required for official purposes, must be available for the concession.
 - It must be possible to establish and operate each concession in conformance with applicable safety, health, and sanitation codes.
 - The commodities and services sold shall be limited to those which are beneficial for employees and patients and which cannot easily be obtained from existing facilities.

Each concession shall be required to serve all Federal employees or patients without regard to their age, race, creed, color, national origin, handicap or sex.

- o In granting permission to operate concession-type activities, the following activity/use categories shall be considered in the order of precedence listed below:
 - Activities involving the rehabilitation and therapy of patients under Sections 341-346 of the Public Health Service Act, as amended, 42 U.S.C. 257-261, the employment of Indian labor and the selling of products of Indian Industry under the provision of the Buy Indian Act, as amended, 25 U.S.C. 47 and the operation of vending facilities for the blind under the Randolph-Sheppard Vending Stand Act, as amended, 20 U.S.C. 107 et seq.
 - Activities of DHHS Employees Associations.
 - Uses by private individuals and organizations.

- Questions concerning this order of precedence should be addressed to the Deputy Assistant Secretary for Administrative and Management Services who will secure, when appropriate, the advice of the Office of General Counsel.
- o Commissaries and similar enterprises involving the use of DHHS facilities for the sale of groceries, household goods, appliances, and any other commodity to employees, will not be established at any installation unless it is isolated or remote and extreme hardship would result if such activities were not permitted. The officer in charge shall submit a statement justifying the need for the commissary to the OPDIV prior to the establishment of the commercial activity. The statement shall include information on the availability of foodstuffs and other supplies, transportation problems (goods and services), special living allowances, a comparison of local prices and those likely to be established at the concession, and other pertinent information.
- o The installation head for each installation is responsible for insuring that applicable regulations are complied with and that proper conduct is maintained at each concession. In particular, the installation head must insure that operations are conducted in conformance with the terms and conditions of the license, applicable Federal, State, and local regulations for safety, health, and sanitation, and such other operating standards as may be issued.

Unless otherwise stipulated in the license, the concessionaire shall provide as follows:

- Equipment and facilities, unless Government equipment is already installed. All equipment shall be in good condition and operating efficiently.
- Space preparations and subsequent alterations required for the installation and operation of the concession, and costs entailed in the removal of equipment, restoration of premises, etc., upon termination of the license.
- Cleaning of the area in an acceptable manner. If cleaning and related services are provided by the Government, the concessionaire shall reimburse the Government at actual cost when known, or otherwise at a cost estimated by the installation head.
- Reimbursement for utilities such as heat, light, power, telephones, as determined by the installation head, based on separately metered or estimated consumption. For vending machines contracted for by employee associations, \$1.00 per month for each vending machine will be charged.

The concessionaire will comply with the Equal Opportunity Clause prescribed by Executive Order 11246, and "Rules of Conduct on Federal Property" as set forth in FPMR 101-20.3.

- o The concession agreement, entered into in accordance with the Federal Procurement Regulation (FPR) issued by GSA, must be signed by a contracting officer with delegated authority.

24-06-50 NAMING OF BUILDINGS AND INSTALLATIONS

A. Naming of Buildings. Under section 410 of the Public Buildings Act of 1949 (40 U.S.C. 298d) the Administrator of General Services has the authority to name, rename, or otherwise designate any building under the custody and control of GSA regardless of whether it was previously renamed by statute. Likewise, DHHS assumes the authority, under 5 U.S.C. 301, to name its own buildings. The primary purpose in designating an official name for an DHHS installation or building is to identify the occupying activity for the public and official visitors.

B. Signs and Plaques. All identifying signs, plaques, doors, etc., shall be lettered as follows:

- o U.S. Department of
Health and Human Services
Operating Division
Bureau
Division, Office, or Program

The size of lettering should be in proportion to the size of the sign. The Department legend shall be the largest size letters.

- o Grounds and entrance signs or plaques should be of a size to be easily readable from a passing vehicle and should be placed at the main entrance to field installations.
- o Where entrances to installations are properly identified, individual buildings may be identified according to their primary use.
- o The General Services Administration has adopted the following inscription for all cornerstones for Federally-constructed buildings:

United States of America
President
(Name of President at the time cornerstone is set)
19--
(Year construction started)

Additional names, if any, will be determined on a case-by-case basis.

- o No plaques or tablets which pertain to the construction of the building or to those responsible for the construction will be placed on the interior of a building.
- C. The Secretary may name or rename (in honor of deceased persons) installations or buildings held by DHHS in the absence of specific expression by the Congress of its preference for naming the property.
- D. Deceased persons may be memorialized, subject to the approval of the Secretary, as follows: (1) those who have distinguished themselves by making an outstanding contribution toward the establishment and accomplishment of major programs of national or international interest and importance; (2) those who have firmly established an eminent position in the Government; and (3) those who have held positions of high and extensive responsibility. Requests will not be approved where the naming of the building for the deceased person would prevent the identification of the organizational activity to the public.
- E. It is Department policy not to name an installation or building under the custody and control of the Department in honor of a living person.
- F. A memorial or plaque erected on or in buildings or on land under the custody and control of the Department shall be subject to a revocable permit issued by the person responsible for the installation. No part of the cost of installation, maintenance, or removal shall be borne by the Government.

The following standards shall be applied in connection with the erection of approved memorial or plaques:

- o Design. The design should be of such material, proportion, and detail as will harmonize with its surroundings in a dignified and appropriate manner.
- o Inscription on Plaques. The inscription should be held to the minimum required to accomplish the purpose of the plaque.
- G. To process a request for memorialization honor, the following information and attachments shall be submitted by the OPDIV to the Office of Special Programs Coordination, OAMS, for action in the Office of the Secretary:
 - o A biography of the individual to be honored;
 - o copies of pertinent official files concerning the individual;
 - o photographs of the installation, building, room, etc., to be named in honor of the individual;