

Approved For Release 2001/09/03 : CIA-RDP84-00709R000400070079-6
OGC Has Reviewed

CONCESSIONS

Private Use of Government Buildings.

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STATINTL

Chief, Personnel Relations Division
Attention: [REDACTED]
General Counsel

1 March 1942

Employees' Co-Operative

1. I have discussed the problem of making space in a Government building available to an Employees' Co-Operative with the office of the Commissioner for Buildings Management in PBA.
2. They agree that there is no restrictive legislation which specifically states that building space cannot be used for an Employees' Co-Operative. They point, however, to the wording of acts making appropriations for purchase and construction and care of buildings, which specify the money shall be used to construct facilities for the specific use intended by the act. They consider such language as restrictive in intent and, consequently, have a policy that space will not be made available for other than official business of the agency concerned. In this connection, they point to the fact that for the refreshment stands run by the blind, and PX facilities in PBA buildings, there is specific legislation to authorize the allocation of space. Also, the Department of Agriculture makes space available for certain not strictly official purposes, but they have special legislative authority which takes them out from under PBA.
3. It is acknowledged by PBA that there is no legislative authority to allocate space to GSI cafeterias, but this they justify under a general authority to use the buildings for all purposes necessary to the efficient support of Government business.
4. I pointed out that the New Interior Building contained a shop for the sale of Indian handicraft. They informed me that this was allocated during a period when the Secretary of Interior had control of the building and was done at the instance of the Secretary himself. They consider the use improper but have not seen fit to raise the issue.

5. Whether the Co-Operative could be considered a facility necessary to the efficient conduct of Government business to the same extent as OSI is open to question. If the space contemplated for use of the Co-Operative is controlled by PBA, we shall almost certainly get opposition from the Buildings Management Office. The final answer, however, will probably have to be given by [redacted] office.

STATINTL

6. If the Co-Operative is still being pressed and you wish to use Government space, let me know whether the space under consideration is under PBA control and whether you wish to go over PBA to the Federal Works Administrator for a final ruling. If not under PBA, please let me know who controls the space, and we shall try to obtain approval for its release.

LAWRENCE R. HOUSTON

LRH:mbt