

**Editorial Notes**

## AMENDMENTS

2011—Subsec. (d)(2). Pub. L. 111-350 substituted “division C (except sections 3302, 3501(b), 3509, 3906, 4710, and 4711) of subtitle I of title 41” for “title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.)”.

2003—Subsec. (b). Pub. L. 108-178 inserted “, by purchase, condemnation, donation, exchange, or otherwise,” after “The Administrator may acquire”.

**Statutory Notes and Related Subsidiaries**

## EFFECTIVE DATE OF 2003 AMENDMENT

Amendment by Pub. L. 108-178 effective Aug. 21, 2002, see section 5 of Pub. L. 108-178, set out as a note under section 5334 of Title 5, Government Organization and Employees.

**§ 3305. Construction and alteration of buildings**

## (a) CONSTRUCTION.—

## (1) REPLACEMENT OF EXISTING BUILDINGS.—

When the Administrator of General Services considers it to be in the best interest of the Federal Government to construct a new public building to take the place of an existing public building, the Administrator may demolish the existing building and use the site on which it is located for the site of the proposed public building. If the Administrator believes that it is more advantageous to construct the public building on a different site in the same city, the Administrator may exchange the building and site, or the site, for another site, or may sell the building and site in accordance with subtitle I of this title and division C (except sections 3302, 3501(b), 3509, 3906, 4710, and 4711) of subtitle I of title 41.

(2) SALE OR EXCHANGE OF SITES.—When the Administrator decides that a site acquired for the construction of a public building is not suitable for that purpose, the Administrator may exchange the site for another site, or may sell it in accordance with subtitle I of this title and division C (except sections 3302, 3501(b), 3509, 3906, 4710, and 4711) of subtitle I of title 41.

(3) COMMITTEE APPROVAL REQUIRED.—This subsection does not permit the Administrator to use any land as a site for a public building if the project has not been approved in accordance with section 3307 of this title.

## (b) ALTERATION OF BUILDINGS.—

(1) AUTHORITY TO ALTER BUILDINGS AND ACQUIRE LAND.—The Administrator may—

(A) alter any public building; and

(B) acquire in accordance with section 3304(b)–(d) of this title land necessary to carry out the alteration.

(2) COMMITTEE APPROVAL NOT REQUIRED.—

(A) THRESHOLD AMOUNT.—Approval under section 3307 of this title is not required for any alteration and acquisition authorized by this subsection for which the estimated maximum cost does not exceed \$1,500,000.

(B) DOLLAR AMOUNT ADJUSTMENT.—The Administrator annually may adjust the dollar amount referred to in subparagraph (A) to reflect a percentage increase or decrease in construction costs during the prior calendar

year, as determined by the composite index of construction costs of the Department of Commerce. Any adjustment shall be expeditiously reported to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(c) CONSTRUCTION OR ALTERATION BY CONTRACT.—The Administrator may carry out any construction or alteration authorized by this chapter by contract if the Administrator considers it to be most advantageous to the Government.

(Pub. L. 107-217, Aug. 21, 2002, 116 Stat. 1159; Pub. L. 111-350, § 5(l)(16), Jan. 4, 2011, 124 Stat. 3852.)

## HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
3305(a) .....	40:605.	Pub. L. 86-249, §§ 6, 9, Sept. 9, 1959, 73 Stat. 479, 481.
3305(b)(1) ....	40:603(a).	Pub. L. 86-249, § 4, Sept. 9, 1959, 73 Stat. 479; Pub. L. 92-313, § 2(1), June 16, 1972, 86 Stat. 216; Pub. L. 100-678, § 2, Nov. 17, 1988, 102 Stat. 4049.
3305(b)(2)(A) 3305(b)(2)(B)	40:603(b). 40:606(f) (related to 40:603(b)).	Pub. L. 86-249, § 7(f) (related to § 4(b)), Sept. 9, 1959, as added Pub. L. 100-678, § 4, Nov. 17, 1988, 102 Stat. 4050.
3305(c) .....	40:608.	

In subsection (a)(1) and (2), the words “and title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.)” are added to provide an accurate literal translation of the words “this Act”, meaning the Federal Property and Administrative Services Act of 1949. See the revision note under section 111 of this title.

In subsection (b)(2)(B), the words “Transportation and Infrastructure” are substituted for “Public Works and Transportation” in section 7(f) of the Public Buildings Act of 1959 (Public Law 86-249, 73 Stat. 480) because of section 1(a)(9) of the Act of June 3, 1995 (Public Law 104-14, 2:21 note prec.).

**Editorial Notes**

## AMENDMENTS

2011—Subsec. (a)(1), (2). Pub. L. 111-350 substituted “division C (except sections 3302, 3501(b), 3509, 3906, 4710, and 4711) of subtitle I of title 41” for “title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.)”.

**§ 3306. Accommodating federal agencies**

## (a) DEFINITIONS.—In this section—

(1) COMMERCIAL ACTIVITIES.—The term “commercial activities” includes the operations of restaurants, food stores, craft stores, dry goods stores, financial institutions, and display facilities.

(2) CULTURAL ACTIVITIES.—The term “cultural activities” includes film, dramatic, dance, and musical presentations, and fine art exhibits, whether or not those activities are intended to make a profit.

(3) EDUCATIONAL ACTIVITIES.—The terms “educational activities” includes the operations of libraries, schools, day care centers, laboratories, and lecture and demonstration facilities.

(4) HISTORICAL, ARCHITECTURAL, OR CULTURAL SIGNIFICANCE.—The term “historical, architec-

tural, or cultural significance” includes buildings listed or eligible to be listed on the National Register established under chapter 3021 of title 54.

(5) RECREATIONAL ACTIVITIES.—The term “recreational activities” includes the operations of gymnasiums and related facilities.

(6) UNIT OF GENERAL LOCAL GOVERNMENT.—The term “unit of general local government” means a city, county, town, parish, village, or other general-purpose political subdivision of a State.

(b) DUTIES OF ADMINISTRATOR.—To carry out the duties of the Administrator of General Services under sections 581(h), 584(b), 3303(c), and 3307(b)(3) and (5) of this title and under any other authority with respect to constructing, operating, maintaining, altering, and otherwise managing or acquiring space necessary to accommodate federal agencies and to accomplish the purposes of sections 581(h), 584(b), 3303(c), and 3307(b)(3) and (5), the Administrator shall—

(1) acquire and utilize space in suitable buildings of historical, architectural, or cultural significance, unless use of the space would not prove feasible and prudent compared with available alternatives;

(2) encourage the location of commercial, cultural, educational, and recreational facilities and activities in public buildings;

(3) provide and maintain space, facilities, and activities, to the extent practicable, that encourage public access to, and stimulate public pedestrian traffic around, into, and through, public buildings, permitting cooperative improvements to and uses of the area between the building and the street, so that the activities complement and supplement commercial, cultural, educational, and recreational resources in the neighborhood of public buildings; and

(4) encourage the public use of public buildings for cultural, educational, and recreational activities.

(c) CONSULTATION AND SOLICITATION OF COMMENTS.—In carrying out the duties under subsection (b), the Administrator shall—

(1) consult with chief executive officers of the States, areawide agencies established pursuant to title II of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3331 et seq.) and section 6506 of title 31, and chief executive officers of those units of general local government in each area served by an existing or proposed public building; and

(2) solicit the comments of other community leaders and members of the general public as the Administrator considers appropriate.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1160; Pub. L. 113–287, § 5(j)(6), Dec. 19, 2014, 128 Stat. 3269.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
3306(a)(1) ....	40:612a(5).	Pub. L. 94–541, title I, §§ 102, 105(3)–(8), Oct. 18, 1976, 90 Stat. 2505, 2507.
3306(a)(2) ....	40:612a(6).	
3306(a)(3) ....	40:612a(7).	
3306(a)(4) ....	40:612a(4).	
3306(a)(5) ....	40:612a(8).	

HISTORICAL AND REVISION NOTES—CONTINUED

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
3306(a)(6) ....	40:612a(3).	
3306(b) .....	40:601a(a).	
3306(c) .....	40:601a(b).	

In subsection (b)(1), the word “historical” is substituted for “historic” to conform to the defined term.

In subsection (c)(1), the words “chief executive officers of the States” are substituted for “Governors” for clarity and for consistency in the revised title and with other titles of the United States Code. The words “section 6506 of title 31” are substituted for “title IV of the Intergovernmental Cooperation Act of 1968” in section 102(b) of the Public Buildings Cooperative Use Act of 1976 (Public Law 94–541, 90 Stat. 2505) because of section 4(b) of the Act of September 13, 1982 (Public Law 97–258, 96 Stat. 1067), the first section of which enacted Title 31, United States Code.

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REFERENCES IN TEXT

The Demonstration Cities and Metropolitan Development Act of 1966, referred to in subsec. (c)(1), is Pub. L. 89–754, Nov. 3, 1966, 80 Stat. 1255. Title II of the Act is classified generally to subchapter II (§ 3331 et seq.) of chapter 41 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 3331 of Title 42 and Tables.

AMENDMENTS

2014—Subsec. (a)(4). Pub. L. 113–287 substituted “chapter 3021 of title 54” for “section 101 of the National Historic Preservation Act (16 U.S.C. 470a)”.

Executive Documents

EX. ORD. NO. 13006. LOCATING FEDERAL FACILITIES ON HISTORIC PROPERTIES IN OUR NATION’S CENTRAL CITIES

Ex. Ord. No. 13006, May 21, 1996, 61 F.R. 26071, as amended by Ex. Ord. No. 13946, § 2, Aug. 24, 2020, 85 F.R. 52879, provided:

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the National Historic Preservation Act (16 U.S.C. 470 et seq.) [see 54 U.S.C. 300101 et seq.] and the Public Buildings Cooperative Use Act of 1976 (90 Stat. 2505) [title I of Pub. L. 94–541, see Tables for classification], and in furtherance of and consistent with Executive Order No. 12072 of August 16, 1978 [40 U.S.C. 121 note], and Executive Order No. 11593 of May 13, 1971 [54 U.S.C. 300101 note], it is hereby ordered as follows:

SECTION 1. *Statement of Policy.* Through community empowerment initiatives, the Federal Government has undertaken various efforts to revitalize distressed communities. This order reaffirms the commitment set forth in Executive Order No. 12072 [40 U.S.C. 121 note], as amended, to strengthen our Nation’s distressed communities by encouraging the location of Federal facilities in qualified opportunity zones (as defined in 26 U.S.C. 1400Z–1), other distressed areas, and centralized business districts. This order also reaffirms the commitments set forth in the National Historic Preservation Act to provide leadership in the preservation of historic resources, and in the Public Buildings Cooperative Use Act of 1976 to acquire and utilize space in suitable buildings of historic, architectural, or cultural significance.

To this end, the Federal Government shall utilize and maintain, wherever operationally appropriate and economically prudent, historic properties and districts, especially those located in our central business areas. When implementing these policies, the Federal Government shall institute practices and procedures that are sensible, understandable, and compatible with current

authority and that impose the least burden on, and provide the maximum benefit to, society.

SEC. 2. *Encouraging the Location of Federal Facilities on Historic Properties in Our Central Cities.* When operationally appropriate and economically prudent, and subject to the requirements of section 601 of title VI of the Rural Development Act of 1972, as amended (42 U.S.C. 3122) [now 7 U.S.C. 2204b-1], and Executive Order No. 12072, [sic] as amended, when locating Federal facilities, Federal agencies shall give consideration to historic properties within historic districts. If no such property is suitable, then such consideration shall include other developed or undeveloped sites within historic districts or historic properties outside of historic districts. Any rehabilitation or construction that is undertaken pursuant to this order must be architecturally compatible with the character of the surrounding historic district or properties.

SEC. 3. *Identifying and Removing Regulatory Barriers.* Federal agencies with responsibilities for leasing, acquiring, locating, maintaining, or managing Federal facilities or with responsibilities for the planning for, or managing of, historic resources shall take steps to reform, streamline, and otherwise minimize regulations, policies, and procedures that impede the Federal Government's ability to establish or maintain a presence in historic districts or to acquire historic properties to satisfy Federal space needs, unless such regulations, policies, and procedures are designed to protect human health and safety or the environment. Federal agencies are encouraged to seek the assistance of the Advisory Council on Historic Preservation when taking these steps.

SEC. 4. *Improving Preservation Partnerships.* In carrying out the authorities of the National Historic Preservation Act, the Secretary of the Interior, the Advisory Council on Historic Preservation, and each Federal agency shall seek appropriate partnerships with State, local, and tribal governments, [sic] and appropriate private organizations with the goal of enhancing participation of these parties in the National Historic Preservation Program. Such partnerships should embody the principles of administrative flexibility, reduced paperwork, and increased service to the public.

SEC. 5. *Judicial Review.* This order is not intended to create, nor does it create, any right or benefit, substantive or procedural, enforceable at law by a party against the United States, its agencies or instrumentalities, its officers or employees, or any other person.

### § 3307. Congressional approval of proposed projects

(a) RESOLUTIONS REQUIRED BEFORE APPROPRIATIONS MAY BE MADE.—The following appropriations may be made only if the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives adopt resolutions approving the purpose for which the appropriation is made:

(1) An appropriation to construct, alter, or acquire any building to be used as a public building which involves a total expenditure in excess of \$1,500,000, so that the equitable distribution of public buildings throughout the United States with due regard for the comparative urgency of need for the buildings, except as provided in section 3305(b) of this title, is ensured.

(2) An appropriation to lease any space at an average annual rental in excess of \$1,500,000 for use for public purposes.

(3) An appropriation to alter any building, or part of the building, which is under lease by the Federal Government for use for a public purpose if the cost of the alteration will exceed \$750,000.

(b) TRANSMISSION TO CONGRESS OF PROSPECTUS OF PROPOSED PROJECT.—To secure consideration for the approval referred to in subsection (a), the Administrator of General Services shall transmit to Congress a prospectus of the proposed facility, including—

(1) a brief description of the building to be constructed, altered, or acquired, or the space to be leased, under this chapter;

(2) the location of the building or space to be leased and an estimate of the maximum cost to the Government of the facility to be constructed, altered, or acquired, or the space to be leased;

(3) a comprehensive plan for providing space for all Government officers and employees in the locality of the proposed facility or the space to be leased, having due regard for suitable space which may continue to be available in existing Government-owned or occupied buildings, especially those buildings that enhance the architectural, historical, social, cultural, and economic environment of the locality;

(4) with respect to any project for the construction, alteration, or acquisition of any building, a statement by the Administrator that suitable space owned by the Government is not available and that suitable rental space is not available at a price commensurate with that to be afforded through the proposed action;

(5) a statement by the Administrator of the economic and other justifications for not acquiring a building identified to the Administrator under section 3303(c) of this title as suitable for the public building needs of the Government;

(6) a statement of rents and other housing costs currently being paid by the Government for federal agencies to be housed in the building to be constructed, altered, or acquired, or the space to be leased;

(7) with respect to any prospectus for the construction, alteration, or acquisition of any building or space to be leased, an estimate of the future energy performance of the building or space and a specific description of the use of energy efficient and renewable energy systems, including photovoltaic systems, in carrying out the project; and

(8) a statement of how the proposed project is consistent with the standards and criteria developed under section 11(b) of the Federal Assets Sale and Transfer Act of 2016.

(c) INCREASE OF ESTIMATED MAXIMUM COST.—The estimated maximum cost of any project approved under this section as set forth in any prospectus may be increased by an amount equal to any percentage increase, as determined by the Administrator, in construction or alteration costs from the date the prospectus is transmitted to Congress. The increase authorized by this subsection may not exceed 10 percent of the estimated maximum cost.

(d) RESCISSION OF APPROVAL.—If an appropriation is not made within one year after the date a project for construction, alteration, or acquisition is approved under subsection (a), the Committee on Environment and Public Works of the Senate or the Committee on Transportation and