

(Pub. L. 107-217, Aug. 21, 2002, 116 Stat. 1156.)

HISTORICAL AND REVISION NOTES

| Revised Section | Source (U.S. Code) | Source (Statutes at Large) |
|-----------------|----------------------|--|
| 3301(a)(1) | 40:612(2), (5), (6). | Pub. L. 86-249, §13, Sept. 9, 1959, 73 Stat. 482; Pub. L. 90-448, title VIII, §807(f), Aug. 1, 1968, 82 Stat. 544; Pub. L. 101-73, title VII, §744(g), Aug. 9, 1989, 103 Stat. 438; Pub. L. 102-54, §13(o), June 13, 1991, 105 Stat. 278; Pub. L. 104-208, div. A, title I, §101(f) [title IV, §407(b)], Sept. 30, 1996, 110 Stat. 3009-338. |
| | 40:612a(1). | Pub. L. 94-541, title I, §105(1), (2), Oct. 18, 1976, 90 Stat. 2507. |
| 3301(a)(2) | 40:612(6). | |
| 3301(a)(3) | 40:612(4). | |
| 3301(a)(4) | 40:612(3). | |
| | 40:612a(2). | |
| 3301(a)(5) | 40:612(1). | |
| | 40:612a(2). | |
| 3301(a)(6) | 40:612(7). | |
| 3301(b) | 40:613. | Pub. L. 86-249, §14, Sept. 9, 1959, 73 Stat. 483. |

In subsection (a), the text of 40:612(2) and 612a(1) is omitted because the complete name of the Administrator of General Services is used the first time the term appears in a section. In clause (5)(A), the words “mixed-ownership Government corporation” are substituted for “mixed ownership corporation” for consistency with 31:9101. In clause (5)(B) and (C), the words “from time to time hereafter” are omitted as unnecessary. In clause (6), the words “territories and” are added for consistency in the revised title and with other titles of the United States Code.

In subsection (b), the text of 40:613(1)–(3) is omitted as obsolete. The reference is to section 241(g) of the Immigration and Nationality Act rather than to section 242(c) to reflect the amendment of sections 241 and 242 by sections 305(a)(3) and 306(a)(2) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104-208, div. C, 110 Stat. 3009-598, 3009-607).

§ 3302. Prohibition on construction of buildings except by Administrator of General Services

Only the Administrator of General Services may construct a public building. The Administrator shall construct a public building in accordance with this chapter.

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HISTORICAL AND REVISION NOTES

| Revised Section | Source (U.S. Code) | Source (Statutes at Large) |
|-----------------|--------------------|--|
| 3302 | 40:601. | Pub. L. 86-249, §2, Sept. 9, 1959, 73 Stat. 479. |

§ 3303. Continuing investigation and survey of public buildings

(a) CONDUCTED BY ADMINISTRATOR.—The Administrator of General Services shall—

- (1) make a continuing investigation and survey of the public buildings needs of the Federal Government so that the Administrator may carry out the duties of the Administrator under this chapter; and
- (2) submit to Congress prospectuses of proposed projects in accordance with section 3307(a) and (b) of this title.

(b) COOPERATION WITH FEDERAL AGENCIES.—

- (1) DUTIES OF ADMINISTRATOR.—In carrying out the duties of the Administrator under this chapter, the Administrator—

- (A) shall cooperate with all federal agencies in order to keep informed of their needs;
- (B) shall advise each federal agency of the program with respect to the agency; and
- (C) may request the cooperation and assistance of each federal agency in carrying out duties under this chapter.

(2) DUTY OF FEDERAL AGENCIES.—Each federal agency shall cooperate with, advise, and assist the Administrator in carrying out the duties of the Administrator under this chapter as determined necessary by the Administrator to carry out the purposes of this chapter.

(c) REQUEST FOR IDENTIFICATION OF EXISTING BUILDINGS OF HISTORICAL, ARCHITECTURAL, OR CULTURAL SIGNIFICANCE.—When the Administrator undertakes a survey of the public buildings needs of the Government within a geographical area, the Administrator shall request that, within 60 days, the Advisory Council on Historic Preservation established by title II of the National Historic Preservation Act (16 U.S.C. 470i et seq.) identify any existing buildings in the geographical area that—

- (1) are of historical, architectural, or cultural significance (as defined in section 3306(a) of this title); and
- (2) whether or not in need of repair, alteration, or addition, would be suitable for acquisition to meet the public buildings needs of the Government.

(d) STANDARD FOR CONSTRUCTION AND ACQUISITION OF PUBLIC BUILDINGS.—In carrying out the duties of the Administrator under this chapter, the Administrator shall provide for the construction and acquisition of public buildings equitably throughout the United States with due regard to the comparative urgency of the need for each particular building. In developing plans for new buildings, the Administrator shall give due consideration to excellence of architecture and design.

(Pub. L. 107-217, Aug. 21, 2002, 116 Stat. 1158.)

HISTORICAL AND REVISION NOTES

| Revised Section | Source (U.S. Code) | Source (Statutes at Large) |
|-----------------|--------------------|---|
| 3303(a) | 40:611(a). | Pub. L. 86-249, §12(a), (b), (d), Sept. 9, 1959, 73 Stat. 482; Pub. L. 92-313, §2(2), (3), June 16, 1972, 86 Stat. 216; Pub. L. 94-541, title I, §103(3), Oct. 18, 1976, 90 Stat. 2506. |
| 3303(b) | 40:611(b). | |
| 3303(c) | 40:611(c). | Pub. L. 86-249, §12(c), as added Pub. L. 94-541, title I, §103(3), Oct. 18, 1976, 90 Stat. 2506. |
| 3303(d) | 40:611(d). | |

In subsection (c)(1), the word “historical” is substituted for “historic” to conform to the defined term. In subsection (c)(2), the word “purchase” is omitted as being included in [“]acquisition”.

REFERENCES IN TEXT

The National Historic Preservation Act, referred to in subsec. (c), is Pub. L. 89-665, Oct. 15, 1966, 80 Stat. 915, as amended. Title II of the Act is classified generally to sections 470i to 470v of Title 16, Conservation. For complete classification of this Act to the Code, see section 470 of Title 16 and Tables.

§ 3304. Acquisition of buildings and sites

(a) IN GENERAL.—The Administrator of General Services may acquire, by purchase, condemnation, donation, exchange, or otherwise, any building and its site which the Administrator decides is necessary to carry out the duties of the Administrator under this chapter.

(b) ACQUISITION OF LAND OR INTEREST IN LAND FOR USE AS SITES.—The Administrator may acquire, by purchase, condemnation, donation, exchange, or otherwise, land or an interest in land the Administrator considers necessary for use as sites, or additions to sites, for public buildings authorized to be constructed or altered under this chapter.

(c) PUBLIC BUILDINGS USED FOR POST OFFICE PURPOSES.—When any part of a public building is to be used for post office purposes, the Administrator shall act jointly with the United States Postal Service in selecting the town or city where the building is to be constructed, and in selecting the site in the town or city for the building.

(d) SOLICITATION OF PROPOSALS FOR SALE, DONATION, OR EXCHANGE OF REAL PROPERTY.—When the Administrator is to acquire a site under subsection (b), the Administrator, if the Administrator considers it necessary, by public advertisement may solicit proposals for the sale, donation, or exchange of real property to the Federal Government to be used as the site. In selecting a site under subsection (b) the Administrator (with the concurrence of the United States Postal Service if any part of the public building to be constructed on the site is to be used for post office purposes) may—

(1) select the site that the Administrator believes is the most advantageous to the Government, all factors considered; and

(2) acquire the site without regard to division C (except sections 3302, 3501(b), 3509, 3906, 4710, and 4711) of subtitle I of title 41.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1158; Pub. L. 108–178, §3(1), Dec. 15, 2003, 117 Stat. 2640; Pub. L. 111–350, §5(l)(15), Jan. 4, 2011, 124 Stat. 3852.)

HISTORICAL AND REVISION NOTES

| Revised Section | Source (U.S. Code) | Source (Statutes at Large) |
|-----------------|--------------------|--|
| 3304(a) | 40:602. | Pub. L. 86–249, §§3, 5, Sept. 9, 1959, 73 Stat. 479. |
| 3304(b) | 40:604(a). | |
| 3304(c) | 40:604(b). | |
| 3304(d) | 40:604(c). | |

In subsections (c) and (d), the words “United States Postal Service” are substituted for “Postmaster General” in subsections (b) and (c) of section 5 of the Public Buildings Act of 1959 (Public Law 86–249, 73 Stat. 479) because of section 4(a) of the Postal Reorganization Act (Public Law 91–375, 84 Stat. 773).

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”.

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.)