

TRANSFER OF FUNCTIONS

“Council of the District of Columbia” substituted for “District of Columbia Council” in subsec. (b), pursuant to section 401 of Pub. L. 93-198, District of Columbia Council, as established by Reorg. Plan No. 3 of 1967, abolished as of noon Jan. 2, 1975, by Pub. L. 93-198, title VII, §711, Dec. 24, 1973, 87 Stat. 818, and replaced by Council of District of Columbia, as provided by section 401 of Pub. L. 93-198.

Previously, reference to the Board of Commissioners of the District of Columbia had been changed to the District of Columbia Council pursuant to section 402(431) of Reorganization Plan No. 3 of 1967, 32 F.R. 11669, set out in the Appendix to Title 5, Government Organizations and Employees, which transferred the regulatory and other functions of the Board of Commissioners relating to agreements as to the closing and vacating of alleys and portions of streets to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of the Reorg. Plan No. 3 of 1967.

§ 608. Authorization for construction or alteration by contract

The Administrator is authorized to carry out any construction or alteration authorized by this chapter by contract, if he deems it to be most advantageous to the United States.

(Pub. L. 86-249, §9, Sept. 9, 1959, 73 Stat. 481.)

§ 609. Architectural or engineering services

(a) Employment by Administrator

The Administrator, whenever he determines it to be necessary, is authorized to employ, by contract or otherwise, and without regard to chapter 51 and subchapter III of chapter 53 of title 5, or to the civil service laws, rules, and regulations, or to section 5 of title 41, the services of established architectural or engineering corporations, firms, or individuals, to the extent he may require such services for any public building authorized to be constructed or altered under this chapter.

(b) Employment on permanent basis

No corporation, firm, or individual shall be employed under authority of subsection (a) of this section on a permanent basis.

(c) Responsibility of Administrator for construction

Notwithstanding any other provision of this section the Administrator shall be responsible for all construction authorized by this chapter, including the interpretation of construction contracts, the approval of materials and workmanship supplied pursuant to a construction contract, approval of changes in the construction contract, certification of vouchers for payments due the contractor, and final settlement of the contract.

(Pub. L. 86-249, §10, Sept. 9, 1959, 73 Stat. 481.)

REFERENCES IN TEXT

The civil service laws, referred to in subsec. (a), are set forth in Title 5, Government Organization and Employees. See, particularly, section 3301 et seq. of Title 5.

CODIFICATION

In subsec. (a), “chapter 51 and subchapter III of chapter 53 of title 5” substituted for “the Classification Act

of 1949, as amended” on authority of Pub. L. 89-554, §7(b), Sept. 6, 1966, 80 Stat. 631, the first section of which enacted Title 5, Government Organization and Employees.

§ 610. Report to Congress; uncompleted projects; building project surveys

(a) Upon the request of either House of Congress, or any committee thereof, and within a reasonable time, the Administrator shall submit a report showing the location, space, cost, and status, of each public building the construction, alteration, or acquisition of which is to be under authority of this chapter and which was uncompleted as of the date of the request, or as of such other date as the request may designate.

(b) The Administrator and the United States Postal Service are authorized and directed to make such building project surveys as may be requested by resolution by either the Committee on Environment and Public Works of the Senate or the Committee on Public Works and Transportation of the House of Representatives, and within a reasonable time shall make a report thereon to the Congress. Such report shall contain all other information required to be included in a prospectus of the proposed public building project under section 606(a) of this title.

(Pub. L. 86-249, §11, Sept. 9, 1959, 73 Stat. 481; Pub. L. 91-375, §4(a), Aug. 12, 1970, 84 Stat. 773; Pub. L. 96-470, title II, §211, Oct. 19, 1980, 94 Stat. 2246; Pub. L. 103-437, §14(b)(2), Nov. 2, 1994, 108 Stat. 4591.)

AMENDMENTS

1994—Subsec. (b). Pub. L. 103-437 substituted “Committee on Environment and Public Works of the Senate or the Committee on Public Works and Transportation of the House of Representatives” for “Committee on Public Works of the Senate or the Committee on Public Works of the House of Representatives”.

1980—Subsec. (a). Pub. L. 96-470 substituted “Upon the request of either House of Congress, or any committee thereof, and within a reasonable time, the Administrator shall submit” for “The Administrator shall submit to Congress each January, promptly after the convening of Congress,” and “request, or as of such other date as the request may designate” for “last preceding report made under this chapter”.

CHANGE OF NAME

Committee on Public Works and Transportation of House of Representatives treated as referring to Committee on Transportation and Infrastructure of House of Representatives by section 1(a) of Pub. L. 104-14, set out as a note preceding section 21 of Title 2, The Congress.

TRANSFER OF FUNCTIONS

In subsec. (b), “United States Postal Service” substituted for “Postmaster General” pursuant to Pub. L. 91-375, §4(a), Aug. 12, 1970, 84 Stat. 773, set out as a note under section 201 of Title 39, Postal Service, which abolished office of Postmaster General of Post Office Department and transferred its functions to United States Postal Service.

§ 611. Continuing investigation and survey of public buildings

(a) Authorization of Administrator

The Administrator is authorized and directed to make a continuing investigation and survey

of the public buildings needs of the Federal Government in order that he may carry out his duties under this chapter, and to submit to Congress prospectuses of proposed projects in accordance with section 606(a) of this title.

(b) Cooperation with Federal agencies

In carrying out his duties under this chapter the Administrator shall cooperate with all Federal agencies in order to keep informed of their needs, shall advise each such agency of his program with respect to such agency, and may request the cooperation and assistance of each Federal agency in carrying out his duties under this chapter. Each Federal agency shall cooperate with, advise, and assist the Administrator in carrying out his duties 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, and cultural significance

Whenever the Administrator undertakes a survey of the public buildings needs of the Federal Government within a geographical area, he shall request that, within sixty days, the Advisory Council on Historic Preservation established by title II of the Act of October 15, 1966 (16 U.S.C. 470i), identify any existing buildings within such geographical area that (1) are of historic, architectural, or cultural significance (as defined in section 612a of this title) and (2) would be suitable, whether or not in need of repair, alteration, or addition, for acquisition or purchase to meet the public buildings needs of the Federal Government.

(d) Construction and acquisition of public buildings with due regard to comparative urgency of need

The Administrator in carrying out his duties under this chapter 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 such new buildings, the Administrator shall give due consideration to excellence of architecture and design.

(Pub. L. 86-249, § 12, Sept. 9, 1959, 73 Stat. 482; Pub. L. 92-313, § 2(2), (3), June 16, 1972, 86 Stat. 216, 217; Pub. L. 94-541, title I, § 103(3), Oct. 18, 1976, 90 Stat. 2506.)

REFERENCES IN TEXT

Act of October 15, 1966, referred to in subsec. (c), is Pub. L. 89-665, Oct. 15, 1966, 80 Stat. 915, as amended, known as the National Historic Preservation Act. 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.

CODIFICATION

Section consists of subsecs. (a) to (d) of section 12 of Pub. L. 86-249. Subsec. (e) of Pub. L. 86-249 (formerly subsec. (d) and redesignated (e) by section 103(3) of Pub. L. 94-541) amended section 490(h)(1) of this title.

AMENDMENTS

1976—Subsecs. (c), (d). Pub. L. 94-541 added subsec. (c) and redesignated former subsec. (c) as (d).

1972—Subsec. (a). Pub. L. 92-313, § 2(2), struck out “as he determines necessary,” after “this chapter, and,”.

Subsec. (c). Pub. L. 92-313, § 2(3), inserted provisions relating to development of plans for new buildings by the Administrator.

EFFECTIVE DATE OF 1972 AMENDMENT

Amendment by Pub. L. 92-313 effective June 16, 1972, see section 11 of Pub. L. 92-313, set out as a note under section 603 of this title.

TERMINATION OF ADVISORY COUNCILS

Advisory councils in existence on Jan. 5, 1973, to terminate not later than the expiration of the 2-year period following Jan. 5, 1973, unless, in the case of a council established by the President or an officer of the Federal Government, such council is renewed by appropriate action prior to the expiration of such 2-year period, or in the case of a council established by the Congress, its duration is otherwise provided by law. See sections 3(2) and 14 of Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, 776, set out in the Appendix to Title 5, Government Organization and Employees.

ISSUANCE OF REGULATIONS PURSUANT TO PUBLIC BUILDINGS AMENDMENTS OF 1972; APPROVAL OF RATES FOR SPACE AND SERVICES FURNISHED

Administrator to issue and coordinate regulations with Office of Management and Budget and Director of such Office to approve rates for space and services furnished, see section 7 of Pub. L. 92-313, set out as a note under section 603 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 606 of this title.

§ 612. Definitions

As used in this chapter—

(1) The term “public building” means any building, whether for single or multitenant occupancy, its grounds, approaches, and appurtenances, which is generally suitable for office or storage space or both for the use of one or more Federal agencies or mixed ownership corporations, and shall include: (i) Federal office buildings, (ii) post office, (iii) customhouses, (iv) courthouses, (v) appraisers stores, (vi) border inspection facilities, (vii) warehouses, (viii) record centers, (ix) relocation facilities, (x) telecommuting centers and¹ (xi) similar Federal facilities, and (xii) any other buildings or construction projects the inclusion of which the President may deem, from time to time hereafter, to be justified in the public interest; but shall not include any such buildings and construction projects: (A) on the public domain (including that reserved for national forests and other purposes), (B) on properties of the United States in foreign countries, (C) on Indian and native Eskimo properties held in trust by the United States, (D) on lands used in connection with Federal programs for agricultural, recreational, and conservation purposes, including research in connection therewith, (E) on or used in connection with river, harbor, flood control, reclamation or power projects, or for chemical manufacturing or development projects, or for nuclear production, research, or development projects, (F) on or used in connection with housing and residential projects, (G) on military installations (including any fort, camp, post, naval training station, airfield, proving ground, mili-

¹ So in original. The word “and” probably should be a comma.