

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.

tary supply depot, military school, or any similar facility of the Department of Defense), (H) on installations of the Department of Veterans Affairs used for hospital or domiciliary purposes, and (I) the exclusion of which the President may deem, from time to time hereafter, to be justified in the public interest.

(2) The term “Administrator” means the Administrator of General Services.

(3) The term “Federal agency” means any executive agency or any establishment in the legislative or judicial branch of the Government (except the Senate, the House of Representatives, and the Architect of the Capitol and any activities under his direction).

(4) The term “executive agency” means any executive department or independent establishment in the executive branch of the Government including any wholly owned Government corporation and including (A) the Central-Bank for Cooperatives and the regional banks for cooperatives, (B) Federal land banks, (C) Federal intermediate credit banks, [(D) Repealed. Pub. L. 101-73, title VII, §744(g), Aug. 9, 1989, 103 Stat. 438], (E) Federal Deposit Insurance Corporation, and (F) the Government National Mortgage Association.

(5) The term “alter” includes repairing, remodeling, improving, or extending or other changes in a public building.

(6) The terms “construct” and “alter” include preliminary planning, engineering, architectural, legal, fiscal, and economic investigations and studies, surveys, designs, plans, working drawings, specifications, procedures, and other similar actions necessary for the construction or alteration, as the case may be, of a public building.

(7) The term “United States” includes the several States, the District of Columbia, the Commonwealth of Puerto Rico, and the possessions of the United States.

(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. 3009-314, 3009-338.)

AMENDMENTS

1996—Par. (1)(x) to (xii). Pub. L. 104-208 added cl. (x) and redesignated former cls. (x) and (xi) as (xi) and (xii), respectively.

1991—Par. (1)(H). Pub. L. 102-54 substituted “installations of the Department of Veterans Affairs” for “Veterans’ Administration installations”.

1989—Par. (4)(D). Pub. L. 101-73 struck out subpar. (D) which read as follows: “Federal home loan banks.”

1968—Par. (4). Pub. L. 90-448 substituted “Government National Mortgage Association” for “Federal National Mortgage Association”.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 490 of this title; title 15 section 205c; title 42 section 8287c; title 49 section 40110.

§ 612a. Additional definitions

As used in this title and in the amendments made by this title—

(1) The term “Administrator” means the Administrator of General Services.

(2) The terms “public building” and “Federal agency” have the same meaning as is given them in this chapter.

(3) The term “unit of general local government” means any city, county, town, parish, village, or other general purpose political subdivision of a State.

(4) The term “historical, architectural, or cultural significance” includes, but is not limited to, buildings listed or eligible to be listed on the National Register established under section 470a of title 16.

(5) The term “commercial activities” includes, but is not limited to, the operations of restaurants, food stores, craft stores, dry goods stores, financial institutions, and display facilities.

(6) The term “cultural activities” includes, but is not limited to, film, dramatic, dance, and musical presentations, and fine art exhibits, whether or not such activities are intended to make a profit.

(7) The term “educational activities” includes, but is not limited to, the operations of libraries, schools, day care centers, laboratories, and lecture and demonstration facilities.

(8) The term “recreational activities” includes, but is not limited to, the operations of gymnasiums and related facilities.

(Pub. L. 94-541, title I, §105, Oct. 18, 1976, 90 Stat. 2507.)

REFERENCES IN TEXT

This title, referred to in introductory text, means title I of Pub. L. 94-541, Oct. 18, 1976, 90 Stat. 2505, the Public Buildings Cooperative Use Act of 1976, which enacted sections 601a and 612a and amended sections 490, 606, and 611 of this title.

This chapter, referred to in par. (2), was in the original “the Public Buildings Act of 1959”, meaning Pub. L. 86-249. For complete classification of this Act to the Code, see Short Title note set out under section 601 of this title and Tables.

CODIFICATION

Section was enacted as part of the Public Buildings Cooperative Use Act of 1976, and not as part of the Public Buildings Act of 1959 which comprises this chapter.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 490, 611 of this title; title 31 section 782.

§ 613. Exemption of certain public buildings projects

This chapter shall not apply to the construction of any public building—

(1) for which an appropriation for construction is made out of the \$500,000 made available for construction of small public building projects outside the District of Columbia pursuant to the Public Buildings Act of May 25, 1926, as amended, in the third paragraph, or for which an appropriation is made in the fourth, sixth, seventh, and eighth paragraphs, under the heading “GENERAL SERVICES ADMINISTRATION” in title I of the Independent Offices Appropriation Act, 1959,

(2) which is a project referred to in the first proviso of the fifth paragraph under the heading “GENERAL SERVICES ADMINISTRATION” in title I of the Independent Offices Appropriation Act, 1959,

(3) for which an appropriation for direct construction by an executive agency other than the