

vation Act, the Secretary of the Interior, the Advisory Council on Historic Preservation, and each Federal agency shall seek appropriate partnerships with States, local governments, Indian tribes, 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.

WILLIAM J. CLINTON.

§ 602. Acquisition of buildings and their sites

The Administrator is authorized to acquire, by purchase, condemnation, donation, exchange, or otherwise, any building and its site which he determines to be necessary to carry out his duties under this chapter.

(Pub. L. 86-249, § 3, Sept. 9, 1959, 73 Stat. 479.)

§ 602a. Purchase contracts

(a) Authority of Administrator; terms; vesting of title; application of installment payments to purchase price; procedures; report of negotiations to Congressional committees; solicitation of proposals

Whenever the Administrator of General Services determines that the best interests of the United States will be served by taking action hereunder, he is authorized to provide space by entering into purchase contracts, the terms of which shall not be more than thirty years and which shall provide in each case that title to the property shall vest in the United States at or before the expiration of the contract term and upon fulfillment of the terms and conditions stipulated in each of such purchase contracts. Such terms and conditions shall include provision for the application to the purchase price agreed upon therein of installment payments made thereunder. Each purchase contract authorized by this section shall be entered into pursuant to the provisions of title III of the Federal Property and Administrative Services Act of 1949, as amended [41 U.S.C. 251 et seq.]. If any such contract is negotiated, the determination and findings supporting such negotiation shall be promptly reported in writing to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives. Proposals for purchase contracts shall be solicited from the maximum number of qualified sources consistent with the nature and requirements of the facility to be procured.

(b) Contract provisions; limitations on amount of payments

Each such purchase contract shall include such provisions as the Administrator of General Services, in his discretion, shall deem to be in the best interests of the United States and appropriate to secure the performance of the obligations imposed upon the party or parties that shall enter into such agreement with the United States. No such purchase contract shall provide for any payments to be made by the United

States in excess of the amount necessary, as determined by the Administrator, to—

(1) amortize the cost of construction of improvements to be constructed plus the fair market value, on the date of the agreement, of the site, if not owned by the United States; and

(2) provide a reasonable rate of interest on the outstanding principal as determined under paragraph (1) above; and

(3) reimburse the contractor for the cost of any other obligations required of him under the contract, including (but not limited to) payment of taxes, costs of carrying appropriate insurance, and costs of repair and maintenance if so required of the contractor.

(c) Utilization of funds for payments

Funds available on June 16, 1972, for the payment of rent and related charges for premises, whether appropriated directly to the General Services Administration or to any other agency of the Government and received by said Administration for such purpose, may be utilized by the Administrator of General Services to make payments becoming due from time to time from the United States as current charges in connection with agreements entered into under authority of this section.

(d) State and local taxes

With respect to any interest in real property acquired under the provisions of this section, the same shall be subject to State and local taxes until title to the same shall pass to the Government of the United States.

(e) Agreements to effectuate purposes; development and improvement of land; construction of projects previously approved; increase of estimated maximum cost

For the purpose of purchase contracts provided for in this section for the erection by the contractor of buildings and improvements for the use of the United States, the Administrator is authorized to enter into agreements with any person, copartnership, corporation, or other public or private entity, to effectuate any of the purposes of this section; and is further authorized to bring about the development and improvement of any land owned by the United States and under the control of the General Services Administration including the demolition of obsolete and outmoded structures situated thereon, by providing for the construction thereon by others of such structures and facilities as shall be the subject of the applicable purchase contracts, and by making available such plans and specifications for the construction of a public building thereon as the Government may possess. Projects heretofore approved pursuant to the provisions of this chapter may be constructed under authority of this section without further approval, and the prospectuses submitted to obtain such approval shall for all purposes, be considered as prospectuses for the purchase of space, except that any such project shall be subject to the requirements of section 606(b) of this title, based upon an estimated maximum cost increased by not more than an average of 10 per centum per year, exclusive of financing or other costs attributable to the use

of the method of construction authorized by this section.

(f) Submission and approval of prospectus as prerequisite; exceptions; procedure

Except for previously approved prospectuses referred to in subsection (e) of this section, no purchase contract shall be entered into pursuant to the authority of this section until a prospectus therefor has been submitted and approved in accordance with section 606 of this title.

(g) Expiration of contracting authority

No purchase contract shall be entered into under the authority granted under this section after the end of the third fiscal year which begins after June 16, 1972.

(h) Prohibition on providing space until expiration of 30 days from notification of Congressional committees by Administrator

No space shall be provided pursuant to this section until after the expiration of 30 days from the date upon which the Administrator of General Services notifies the Committees on Appropriations of the Senate and House of Representatives of his determination that the best interests of the Federal Government will be served by providing such space by entering into a purchase contract therefor.

(Pub. L. 92-313, §5, June 16, 1972, 86 Stat. 219; Pub. L. 103-437, §14(a), Nov. 2, 1994, 108 Stat. 4590.)

REFERENCES IN TEXT

The Federal Property and Administrative Services Act of 1949, as amended, referred to in subsec. (a), is act June 30, 1949, ch. 288, 63 Stat. 393, as amended. Title III of the Federal Property and Administrative Services Act of 1949 is classified generally to subchapter IV (§251 et seq.) of chapter 4 of Title 41, Public Contracts. For complete classification of this Act to the Code, see Short Title note set out under section 471 of this title and Tables.

This chapter, referred to in subsec. (e), was in the original “the Public Buildings Act of 1959, as amended (40 U.S.C. 601 et seq.)”, 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 Amendments of 1972, and not as part of the Public Buildings Act of 1959 which comprises this chapter.

AMENDMENTS

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

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.

EFFECTIVE DATE

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

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 490i of this title.

§ 603. Alteration of buildings; acquisition of land; exemption from committee approval

(a) The Administrator is authorized to alter any public building, and to acquire in accordance with section 604 of this title such land as may be necessary to carry out such alteration.

(b) No approval under section 606 of this title shall be required for any alteration and acquisition authorized by this section the estimated maximum cost of which does not exceed \$1,500,000.

(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.)

AMENDMENTS

1988—Subsec. (b). Pub. L. 100-678 substituted “\$1,500,000” for “\$500,000”.

1972—Subsec. (b). Pub. L. 92-313 substituted “\$500,000” for “\$200,000”.

EFFECTIVE DATE OF 1972 AMENDMENT

Section 11 of Pub. L. 92-313 provided that: “This Act [see Short Title of 1972 Amendment note set out under section 601 of this title] shall become effective upon enactment [June 16, 1972]. The effective date of applying the rates to be charged pursuant to the regulations to be issued under subsections (j) and (k) of section 210 of the Federal Property and Administrative Services Act of 1949, as amended [section 490(j) and (k) of this title], shall be as determined by the Administrator of General Services but in any event shall not be later than the beginning of the third full fiscal year subsequent to the enactment thereof.”

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

Section 7 of Pub. L. 92-313 provided that: “To carry out the provisions of the Public Buildings Amendments of 1972 [see Short Title of 1972 Amendment note set out under section 601 of this title], the Administrator of General Services shall issue such regulations as he deems necessary. Such regulations shall be coordinated with the Office of Management and Budget, and the rates established by the Administrator of General Services pursuant to sections 210(j) and 210(k) of the Federal Property and Administrative Services Act of 1949, as amended [section 490(j) and (k) of this title], shall be approved by the Director of the Office of Management and Budget.”

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 606, 614 of this title.

§ 604. Sites

(a) Acquisition of lands or interests therein

The Administrator is authorized to acquire, by purchase, condemnation, donation, exchange, or