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PUBLIC BUILDINGS ACT OF 1959

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December 29, 2000

PUBLIC BUILDINGS ACT OF 1959

[As Amended Through P.L. 106-580, Dec. 29, 2000]

AN ACT To provide for the construction, alteration, and acquisition of public buildings of the Federal Government, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Public Buildings Act of 1959".

SEC. 2. No public building shall be constructed except by the Administrator, who shall construct such public building in accordance with this Act.

SEC. 3. 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 Act.

SEC. 4. (a) The Administrator is authorized to alter any public building, and to acquire in accordance with section 5 of this Act such land as may be necessary to carry out such alteration.

(b) No approval under section 7 shall be required for any alteration and acquisition authorized by this section the estimated maximum cost of which does not exceed \$1,500,000.

SEC. 5. (a) The Administrator is authorized to acquire, by purchase, condemnation, donation, exchange, or otherwise, such lands or interests in lands as he deems necessary for use as sites, or additions to sites, for public buildings authorized to be constructed or altered under this Act.

(b) Whenever a public building is to be used in whole or in part for post office purposes, the Administrator shall act jointly with the Postmaster General in selecting the town or city wherein such building is to be constructed, and in selecting the site in such town or city for such building.

(c) Whenever the Administrator is to acquire a site under this section, he may, if he deems it necessary, solicit by public advertisement, proposals for the sale, donation, or exchange of real property to the United States to be used as such site. In selecting a site under this section the Administrator (with the concurrence of the Postmaster General if the public building to be constructed thereon is to be used in whole or in part for post office purposes) is authorized to select such site as in his estimation is the most advantageous to the United States, all factors considered, and to acquire such site without regard to title III of the Federal Property and Administrative Services Act of 1949, as amended.

SEC. 6. (a) Whenever the Administrator deems it to be in the best interest of the United States to construct a new public build-

ing to take the place of an existing public building, he is authorized to demolish the existing building and to use the site on which it is located for the site of the proposed public building, or, if in his judgment it is more advantageous to construct such public building on a different site in the same city, he is authorized to exchange such building and site, or such site, for another site, or to sell such building and site in accordance with the provisions of the Federal Property and Administrative Services Act of 1949, as amended.

(b) Whenever the Administrator determines that a site acquired for the construction of a public building is not suitable for that purpose, he is authorized to exchange such site for another, or to sell it in accordance with the provisions of the Federal Property and Administrative Services Act of 1949, as amended.

(c) Nothing in this section shall be deemed to permit the Administrator to use any land as a site for a public building if such project has not been approved in accordance with section 7.

SEC. 7. (a) In order to insure the equitable distribution of public buildings throughout the United States with due regard for the comparative urgency of need for such buildings, except as provided in section 4, no appropriation shall be made to construct, alter, purchase, or to acquire any building to be used as a public building which involves a total expenditure in excess of \$1,500,000 if such construction, alteration, purchase, or acquisition has not been approved by resolutions adopted by the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives. No appropriation shall be made to lease any space at an average annual rental in excess of \$1,500,000 for use for public purposes if such lease has not been approved by resolutions adopted by the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives. No appropriation shall be made to alter any building, or part thereof, which is under lease by the United States for use for a public purpose if the cost of such alteration would exceed \$750,000 unless such alteration has been approved by resolutions adopted by the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives. For the purpose of securing consideration for such approval, the Administrator shall transmit to the Congress a prospectus of the proposed facility, including (but not limited to)—

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

(2) the location of the building or space to be leased and an estimate of the maximum cost to the United States of the facility to be constructed, altered, purchased, 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 such of those

buildings as enhance the architectural, historical, social, cultural, and economic environment of the locality;

(4) with respect to any project for the construction, alteration, purchase, 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 or purchasing a building or buildings identified to the Administrator pursuant to section 12(c) of this Act as suitable for the public building needs of the Federal Government; and

(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, purchased, acquired, or the space to be leased.

(b) 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 the percentage increase, if any, as determined by the Administrator, in construction or alteration costs, as the case may be, from the date of transmittal of such prospectus to Congress, but in no event shall the increase authorized by this subsection exceed 10 per centum of such estimated maximum cost.

(c) In the case of any project approved for construction, alteration, or acquisition by the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives, in accordance with subsection (a) of this section, for which an appropriation has not been made within one year after the date of such approval, either of those Committees may rescind, by resolution, its approval of such project at any time thereafter before such an appropriation has been made.

(d) Nothing in this section shall be construed to prevent the Administrator from entering into emergency leases during any period declared by the President to require such emergency leasing authority, except that no such emergency lease shall be for a period of more than 180 days without approval of a prospectus for such lease in accordance with subsection (a) of this section.

(e) LIMITATION ON LEASING CERTAIN SPACE.—

(1) GENERAL RULE.—The Administrator may not lease any space to accommodate—

(A) computer and telecommunications operations;

(B) secure or sensitive activities related to the national defense or security, except in any case in which it would be inappropriate to locate such activities in a public building or other facility identified with the United States Government; or

(C) a permanent courtroom, judicial chamber, or administrative office for any United States court; if the average rental cost of leasing such space would exceed \$1,500,000.

(2) EXCEPTION.—The Administrator may lease any space with respect to which paragraph (1) applies if the Adminis-

trator first determines, for reasons set forth in writing, that leasing such space is necessary to meet requirements which cannot be met in public buildings and submits such reasons to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives.

(f) DOLLAR AMOUNT ADJUSTMENT.—Any dollar amount referred to in this section and section 4(b) of this Act may be adjusted by the Administrator annually to reflect a percentage increase or decrease in construction costs during the preceding calendar year, as determined by the composite index of construction costs of the Department of Commerce. Any such adjustment shall be expeditiously reported to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives.

(40 U.S.C. 606)

SEC. 8. (a) The purposes of this Act shall be carried out in the District of Columbia as nearly as may be practicable in harmony with the plan of Peter Charles L'Enfant and such public buildings shall be so constructed or altered as to combine architectural beauty with practical utility.

(b) Whenever in constructing or altering a public building under this Act in the District of Columbia the Administrator determines that such construction or alteration requires the utilization of contiguous squares as a site for such building, such portions of streets as lie between such squares and such alleys as intersect such squares are authorized to be closed and vacated if such closing and vacating is mutually agreed to by the Administrator, the Board of Commissioners of the District of Columbia, and the National Capital Planning Commission. The portions of such streets and alleys so closed and vacated shall thereupon become part of such site.

(c) With respect to any lands located south of Independence Avenue, between Third Street SW. and Eleventh Street SE., in the District of Columbia, no such lands shall be acquired by the Administrator for use as sites, or additions to sites, without prior consultation with the House Office Building Commission created by the Act of March 4, 1907 (34 Stat. 1365).

With respect to any lands located in the area extending from the United States Capitol Grounds to Eleventh Street NE. and SE. and bounded by Independence Avenue on the south and G Street NE. on the north, in the District of Columbia, no such lands shall be acquired by the Administrator for use as site, or additions to sites, without prior consultation with the Architect of the Capitol.

(d)(1) Notwithstanding the District of Columbia Stadium Act of 1957 or any other provision of law, the Armory Board (hereafter in this subsection referred to as the "Board"), created by the Act of June 4, 1948 (D.C. Code, sec. 2-1702), is hereby authorized to enter into contracts for the conduct in the Robert F. Kennedy Stadium authorized by such Act of 1957 of major league football, baseball, and softball, and motorcycle races, rodeos, musical concerts, and other events, and to increase the seating capacity of such stadium by an additional number of seats, not to exceed eight thousand,

and at a cost not to exceed \$1,500,000. Notwithstanding such Act of 1957, or any other provision of law, the Board is further authorized to borrow such sums as may be necessary to provide for the additional seating authorized by this subsection in accordance with the following terms and conditions, which terms and conditions shall be effective during the period that any of such sums so borrowed remain unpaid:

(A) 50 per centum of all revenues from professional football derived from such additional seats shall be used solely for the purpose of repaying the sums borrowed for such seats;

(B) 44 per centum of such revenues shall be paid to the team operating under the trade name of the Washington Redskins, or its successors; and

(C) 6 per centum of such revenues shall be subject to the provisions of section 6 of such Act of 1957.

(2) In no case shall the National Football League or any team within such league (other than the aforementioned Redskins team or its successors), during the period within which any part of such sums so borrowed pursuant to paragraph (1) of this subsection remains unpaid, be considered as being entitled to, or as acquiring any right in connection with, any part of the revenues attributable to the additional seats authorized by this subsection.

SEC. 9. The Administrator is authorized to carry out any construction or alteration authorized by this Act by contract, if he deems it to be most advantageous to the United States.

SEC. 10. (a) The Administrator, whenever he determines it to be necessary, is authorized to employ, by contract or otherwise, and without regard to the Classification Act of 1949, as amended, or to the civil service laws, rules and regulations, or to section 3709 of the Revised Statutes, 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 Act.

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

(c) Notwithstanding any other provision of this section the Administrator shall be responsible for all construction authorized by this Act, 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.

SEC. 11. (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 Act 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 Postmaster General are hereby 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 7(a) of this Act.

SEC. 12. (a) 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 Act, and, to submit to Congress prospectuses of proposed projects in accordance with section 7(a) of this Act.

(b) In carrying out his duties under this Act 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 Act. Each Federal agency shall cooperate with, advise, and assist the Administrator in carrying out his duties under this Act as determined necessary by the Administrator to carry out the purposes of this Act.

(c) 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 105 of the Public Buildings Cooperative Use Act of 1976) 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) The Administrator in carrying out his duties under this Act 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.

(e) Clause (1) of section 210(h) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 490(h)) is amended by striking out the words "ten years", and inserting in lieu thereof the words "twenty years".

SEC. 13. As used in this Act—

(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 and (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 for-

eign 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, military 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, (E)¹ Federal Deposit Insurance Corporation, and (F)¹ 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.

SEC. 14. This Act 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,

¹ So in law. "(E), and (F)", should have been redesignated as "(D), and (E)".

(3) for which an appropriation for direct construction by an executive agency other than the General Services Administration of a specified public building has been made before the date of enactment of this Act,

(4) within the purview of title 8, United States Code, section 1252(c) or title 19, United States Code, section 68, as amended.

(40 U.S.C. 341–347)

SEC. 15. The performance, in accordance with standards established by the Administrator of General Services, of the responsibilities and authorities vested in him under this Act shall, except for the authority contained in section 4, upon request, be delegated to the appropriate executive agency where the estimated cost of the project does not exceed \$100,000, and may be delegated to the appropriate executive agency where the Administrator determines that such delegation will promote efficiency and economy. No delegation of responsibility or authority made under this section shall exempt the person to whom such delegation is made, or the exercise of such responsibility or authority, from any other provision of this Act.

SEC. 16. Nothing in this Act shall be construed to limit or repeal—

(1) existing authorizations for the leasing of buildings by and for the General Services Administration; or

(2) the authority conferred by law on the United States Postal Service.

SEC. 17. The following provisions of law are repealed except as to their application to any project referred to in section 14:

(1) The first sentence of section 6 of the Act entitled “An Act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June thirtieth, nineteen hundred and seventeen, and for other purposes”, approved September 1, 1916 (40 U.S.C. 23).

(2) The first sentence of the last paragraph under the side heading “LIGHTING AND HEATING FOR THE PUBLIC GROUNDS” under the subheading “UNDER ENGINEER DEPARTMENT” under the heading “UNDER THE WAR DEPARTMENT” in the Act entitled “An Act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, nineteen hundred and twelve, and for other purposes”, approved March 4, 1911 (40 U.S.C. 24).

(3) The proviso in the sixth paragraph under the side heading “In the Office of the Comptroller of the Currency” under the heading “TREASURY DEPARTMENT” in the Act entitled “An Act making additional Appropriations and to supply the Deficiencies in the Appropriations for the Service of the Government for the fiscal Years¹ ending June thirty, eighteen hundred and seventy, and June thirty, eighteen hundred and seventy-one, and for other Purposes”, approved July 15, 1870 (40 U.S.C. 32).

(4) Section 9 of the Act entitled “An Act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, nineteen hundred and eight, and for other purposes”, approved March 4, 1907, as amended (40 U.S.C. 33).

¹ So in law. “fiscal Year”, probably should be “fiscal year”.

(5) That part of the fourth from last paragraph under the subheading "BUILDINGS AND GROUNDS IN AND AROUND WASHINGTON" under the heading "UNDER THE WAR DEPARTMENT" in the Act entitled "An Act making appropriations for sundry civil expenses of the government¹ for the fiscal year ending June thirtieth, eighteen hundred and eighty-four, and for other purposes", approved March 3, 1883 (40 U.S.C. 59), as reads "; and all officers in charge of public buildings in the District of Columbia shall cause the flow of water in the building under their charge to be shut off from five o'clock postmeridian to eight o'clock antemeridan: *Provided*, That the water in said public buildings is not necessarily in use for public business".

(6) Section 2 of the Act entitled "An Act to authorize the Secretary of the Treasury to suspend work upon the public buildings", approved June 23, 1874, as amended (40 U.S.C. 254).

(7) The thirty-first and thirty-second paragraphs under the subheading "PUBLIC BUILDINGS" under the heading "UNDER THE TREASURY DEPARTMENT" in the Act entitled "An Act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and ninety, and for other purposes", approved March 2, 1889, as amended (40 U.S.C. 260 and 268).

(8) The fifth from the last paragraph under the subheading "PUBLIC BUILDINGS" under the heading "UNDER THE TREASURY DEPARTMENT" in the Act entitled "An Act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, nineteen hundred and ten, and for other purposes", approved March 4, 1909, as amended (40 U.S.C. 262).

(9) The proviso in the fortieth paragraph under the subheading "PUBLIC BUILDINGS" under the heading "UNDER THE TREASURY DEPARTMENT" in the Act entitled "An Act making appropriations for sundry civil expenses of the government for the fiscal year ending June thirtieth, eighteen hundred and eighty-three, and for other purposes", approved August 7, 1882, as amended (40 U.S.C. 263).

(10) The proviso in the last paragraph of section 5 of the Act entitled "An Act to increase the limit of cost of certain public buildings, to authorize the enlargement, extension, remodeling, or improvement of certain public buildings, to authorize the erection and completion of public buildings, to authorize the purchase of sites for public buildings, and for other purposes", approved March 4, 1913 (40 U.S.C. 264).

(11) Section 35 of the Act entitled "An Act to increase the limit of cost of certain public buildings, to authorize the enlargement, extension, remodeling, or improvement of certain public buildings, to authorize the erection and completion of public buildings, to authorize the purchase of sites for public buildings, and for other purposes", approved June 25, 1910, as amended (40 U.S.C. 265).

(12) Section 3734 of the Revised Statutes of the United States, as amended (40 U.S.C. 267).

(13) The last paragraph under the subheading "PUBLIC BUILDINGS" under the heading "UNDER THE TREASURY DEPART-

¹ So in law. "government" probably should be "Government".

MENT” in the Act entitled “An Act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and ninety-six, and for other purposes”, approved March 2, 1895, as amended (40 U.S.C. 274).

(14) The second and fourth provisos in the paragraph with the side heading “Furniture and repairs of furniture” under the subheading “PUBLIC BUILDINGS, OPERATING EXPENSES” under the heading “TREASURY DEPARTMENT” in the Act entitled “An Act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, nineteen hundred and seventeen, and for other purposes”, approved July 1, 1916, as amended (40 U.S.C. 275 and 282).

(15) The fourth from the last paragraph under the subheading “PUBLIC BUILDINGS” under the heading “UNDER THE TREASURY DEPARTMENT” in the Act entitled “An Act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, nineteen hundred and one, and for other purposes”, approved June 6, 1900, as amended (40 U.S.C. 276).

(16) That part of the proviso in the last paragraph under the subheading “PUBLIC BUILDINGS” under the heading “UNDER THE TREASURY DEPARTMENT” in the Act entitled “An Act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and ninety-three, and for other purposes”, approved August 5, 1892, as amended (40 U.S.C. 277), which reads “: nor shall there hereafter be paid more than six dollars per day to any person employed outside of the District of Columbia, in any capacity whatever, whose compensation is paid from appropriations for public buildings in course of construction, but the Secretary of the Treasury may, in his discretion, authorize payment in cities of eighty thousand or more inhabitants of a sum not exceeding eight dollars per day for such purposes”.

(17) So much of the eighth from the last paragraph under the subheading “PUBLIC BUILDINGS” under the heading “UNDER THE TREASURY DEPARTMENT” in the Act entitled “An Act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and eighty-eight, and for other purposes”, approved March 3, 1887, as amended (40 U.S.C. 278) as reads “, and hereafter where public buildings shall be completed with the exception of heating apparatus and approaches but one person shall be employed by the Government for the supervision and care of such building”.

(18) Titles I and III and sections 401 and 406 of the Public Buildings Act of 1949 (40 U.S.C. 352, 353, 354, 297, 297A, 298, and 298c).

(19) Except for sections 3 and 8, all of the Act entitled “An Act to provide for the construction of certain public buildings, and for other purposes”, approved May 25, 1926, as amended (40 U.S.C. 341 and the following).

(20) The proviso in the next to last paragraph under the subheading “MISCELLANEOUS PUBLIC BUILDING PROJECTS” under the heading “TREASURY DEPARTMENT” in the Act entitled “An Act making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1928, and prior fiscal

years, to provide supplemental appropriations for the fiscal year ending June 30, 1928, and for other purposes", approved December 22, 1927 (40 U.S.C. 342a).

(21) Section 3 of the Act entitled "An Act authorizing the Secretary of the Treasury to acquire certain lands within the District of Columbia to be used as sites for public buildings", approved January 13, 1928, as amended (40 U.S.C. 348).

(22) Subsections (c) and (e) of the Act entitled "An Act to amend the Act entitled 'An Act to provide for the construction of certain public buildings, and for other purposes,' approved May 25, 1926 (Forty-fourth Statutes, page 630); the Act entitled 'An Act to amend section 5 of the Act entitled "An Act to provide for the construction of certain public buildings, and for other purposes," approved May 25, 1926,' dated February 24, 1928 (Forty-fifth Statutes, page 137); and the Act entitled 'An Act authorizing the Secretary of the Treasury to acquire certain land within the District of Columbia to be used as space for public buildings,' approved January 13, 1928 (Forty-fifth Statutes, page 51)", approved March 31, 1930, as amended (40 U.S.C. 349 and 350a).

(23) The Act entitled "An Act to authorize the Secretary of the Treasury to accept donations of sites for public buildings", approved June 27, 1930, as amended (40 U.S.C. 350).

SEC. 18. (a) In order to provide for the District of Columbia facilities for the holding of conventions, exhibitions, meetings, and other social, cultural, and business activities, the Commissioner of the District of Columbia (hereinafter, "Commissioner") is authorized to provide for the development, construction, operation, and maintenance of the civic center to be designated as the Dwight D. Eisenhower Memorial Bicentennial Civic Center on a site in the Northwest section of the District of Columbia within an area bounded by Eighth Street, H Street, Tenth Street, New York Avenue, and K Street.

(b)(1) Such civic center shall be in accordance with a plan, indicating the design and estimated costs, approved by the Commissioner and the District of Columbia Council, and approved by the National Capital Planning Commission pursuant to section 5 of the National Capital Planning Act of 1952 (D.C. Code, sec. 1-1005) and section 16 of the Act approved June 20, 1938 (D.C. Code, sec. 5-428), and reviewed by the Commissioner of Fine Arts to the extent required by section 1 of the Act approved May 16, 1930 (D.C. Code, sec. 5-410).

(2) Notwithstanding the provisions of section 12 of the District of Columbia Redevelopment Act of 1945, as amended (D.C. Code, sec. 5-711), the urban renewal plan, approved pursuant to section 6(b)(2) of such Act (D.C. Code, sec. 5-705(b)(2)), for an urban renewal area in which the civic center is located shall be deemed to be modified by the plan approved pursuant to this subsection and the National Capital Planning Commission shall certify such urban renewal plan, as modified, to the District of Columbia Redevelopment Land Agency.

(3) In the development of the civic center in accordance with the plan approved pursuant to this subsection, the Commissioner, notwithstanding any other provision of law, may open, extend, widen, or close any street, road, highway, or alley, or part thereof,

by the filing of a plat or plats in the Office of the Surveyor of the District of Columbia showing such opening, extension, widening, or closing.

(c) The Commissioner shall acquire by purchase, gift, condemnation, or otherwise, all real property necessary to provide for the civic center.

(d)(1) The Commissioner is authorized to enter into purchase contracts, including negotiated contracts, for the financing, design, construction, and maintenance of the civic center. The Commissioner is further authorized to lease the site described in subsection (a) at a nominal rental for a period of not more than thirty-five years. The payment term of said purchase contracts shall not be more than thirty years from the date of acceptance of the civic center and such purchase contracts shall provide that title to the civic center shall vest in the District of Columbia at or before the expiration of the contract term and upon fulfillment of the terms and conditions stipulated in the purchase contracts. Such terms and conditions shall include provision for the application to the purchase price agreed upon therein of installment payments made thereunder.

(2) Such purchase contracts shall include such provisions as the Commissioner, in his discretion, shall deem to be in the best interest of the District of Columbia and appropriate to secure the performance of the obligations imposed upon the party or parties that shall enter into such agreement with the Commissioner. The purchase contracts shall provide for payments to be made to—

(A) amortize the cost of site acquisition, including relocation payments required by the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, and such other moneys as may be advanced by the contractors to the District of Columbia;

(B) amortize the cost of construction of improvements to be constructed;

(C) provide a reasonable rate of interest on the outstanding principal as determined under subparagraphs (A) and (B) above; and

(D) reimburse the contractors for the cost of any other obligations required of them 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 contractors.

(3) For the purpose of the purchase contracts provided by this subsection for the erection of the civic center, the Commissioner 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 subsection.

(4) No purchase contract for the construction of such civic center shall be entered into, pursuant to the authority of this section, until thirty legislative days following submittal to and approval by the Senate and House Committees for the District of Columbia, and the Senate and House Committees on Appropriations, of the design, plans, and specifications, including detailed cost estimates, of such civic center.

(e) The full faith and credit of the Government of the District of Columbia is hereby committed to guarantee, upon such terms and conditions as may be prescribed by the Commissioner, the fulfillment of all obligations imposed by the provision of this section.

(f)(1) The Commissioner is authorized to accept and administer gifts, personal services, securities, or other property of whatever character to aid in carrying out the purposes of this section.

(2) The Commissioner is further authorized to provide for the operation of any or all aspects of the civic center by any department or agency of the Government of the District of Columbia, or may provide for the performance of such operations, including the use or rental of the civic center or its equipment, motor vehicle parking facilities, concessions, and other activities, by contract entered into with any person, copartnership, corporation, or other public or private entity, upon such terms and conditions as may be stipulated in the agreements, and for such purposes may utilize or employ the services of personnel of any agency or instrumentality of the United States or the District of Columbia, with the consent of such agency or instrumentality, upon a reimbursable or non-reimbursable basis, and may utilize voluntary or uncompensated personnel.

SEC. 19. STATE ADMINISTRATION OF CRIMINAL AND HEALTH AND SAFETY LAWS.

Notwithstanding any other provision of law, the Administrator may, whenever the Administrator considers it desirable, assign to a State, or to a commonwealth, territory, or possession of the United States, all or part of the authority of the United States to administer criminal laws and health and safety laws with respect to lands or interests in lands under the control of the Administrator located in such State, commonwealth, territory, or possession. Assignment of authority under this section may be accomplished by filing with the chief executive officer of such State, commonwealth, territory, or possession a notice of assignment to take effect upon acceptance thereof, or in such other manner as may be prescribed by the laws of the State, commonwealth, territory, or possession in which such lands or interests in lands are located.

(40 U.S.C. 617)

SEC. 20. SPECIAL RULES FOR LEASED BUILDINGS.

(a) SPECIFICATIONS.—Notwithstanding the provisions of section 210(h)(1) of the Federal Property and Administrative Services Act of 1949, the Administrator shall not make any agreement or undertake any commitment which will result in the construction of any building which is to be constructed for lease to, and for predominant use by, the United States until the Administrator has established detailed specification requirements for such building.

(b) COMPETITIVE PROCEDURES.—The Administrator may acquire a leasehold interest in any building which is constructed for lease to, and for predominant use by, the United States only by the use of competitive procedures required by section 303 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253).

(c) INSPECTIONS.—The Administrator shall inspect every building to be constructed for lease to, and for predominant use by, the

United States during the construction of such building in order to determine that the specifications established for such building are complied with.

(d) ENFORCEMENT.—

(1) POST-CONSTRUCTION EVALUATION.—Upon completion of a building constructed for lease to, and for predominant use by, the United States, the Administrator shall evaluate such building for the purpose of determining the extent, if any, of failure to comply with the specifications referred to in subsection (a).

(2) CONTRACT CLAUSE.—The Administrator shall ensure that any contract entered into for a building described in paragraph (1) shall contain provisions permitting a reduction of rent during any period when such building is not in compliance with such specifications.

(40 U.S.C. 618)

SEC. 21. COMPLIANCE WITH NATIONALLY RECOGNIZED CODES.

(a) BUILDING CODES.—Each building constructed or altered by the General Services Administration or any other Federal agency shall be constructed or altered, to the maximum extent feasible as determined by the Administrator or the head of such Federal agency, in compliance with one of the nationally recognized model building codes and with other applicable nationally recognized codes. Such other codes shall include, but not be limited to, electrical codes, fire and life safety codes, and plumbing codes, as determined appropriate by the Administrator. In carrying out this subsection, the Administrator or the head of the Federal agency authorized to construct or alter the building shall use the latest edition of the nationally recognized codes referred to in this subsection.

(b) ZONING LAWS.—Each building constructed or altered by the General Services Administration or any other Federal agency shall be constructed or altered only after consideration of all requirements (other than procedural requirements) of—

(1) zoning laws, and

(2) laws relating to landscaping, open space, minimum distance of a building from the property line, maximum height of a building, historic preservation, and esthetic qualities of a building, and other similar laws,

of a State or a political subdivision of a State which would apply to the building if it were not a building constructed or altered by a Federal agency.

(c) SPECIAL RULES.—

(1) STATE AND LOCAL GOVERNMENT CONSULTATION, REVIEW, AND INSPECTIONS.—For purposes of meeting the requirements of subsections (a) and (b) with respect to a building, the Administrator or the head of the Federal agency authorized to construct or alter the building shall—

(A) in preparing plans for the building, consult with appropriate officials of the State or political subdivision, or both, in which the building will be located;

(B) upon request, submit such plans in a timely manner to such officials for review by such officials for a reasonable period of time not exceeding 30 days; and

- (C) permit inspection by such officials during construction or alteration of the building, in accordance with the customary schedule of inspections for construction or alteration of buildings in the locality, if such officials provide to the Administrator or the head of the Federal agency, as the case may be—
- (i) a copy of such schedule before construction of the building is begun; and
 - (ii) reasonable notice of their intention to conduct any inspection before conducting such inspection.
- (2) LIMITATION ON STATE RESPONSIBILITIES.—Nothing in this section shall impose an obligation on any State or political subdivision to take any action under paragraph (1).
- (d) STATE AND LOCAL GOVERNMENT RECOMMENDATIONS.—Appropriate officials of a State or a political subdivision of a State may make recommendations to the Administrator or the head of the Federal agency authorized to construct or alter a building concerning measures necessary to meet the requirements of subsections (a) and (b). Such officials may also make recommendations to the Administrator or the head of the Federal agency concerning measures which should be taken in the construction or alteration of the building to take into account local conditions. The Administrator or the head of the Federal agency shall give due consideration to any such recommendations.
- (e) EFFECT OF NONCOMPLIANCE.—No action may be brought against the United States and no fine or penalty may be imposed against the United States for failure to meet the requirements of subsection (a), (b), or (c) of this section or for failure to carry out any recommendation under subsection (d).
- (f) LIMITATION ON LIABILITY.—The United States and its contractors shall not be required to pay any amount for any action taken by a State or a political subdivision of a State to carry out this section (including reviewing plans, carrying out on-site inspections, issuing building permits, and making recommendations).
- (g) APPLICABILITY TO CERTAIN BUILDINGS.—This section applies to any project for construction or alteration of a building for which funds are first appropriated for a fiscal year beginning after September 30, 1989.
- (h) NATIONAL SECURITY WAIVER.—This section shall not apply with respect to any building if the Administrator or the head of the Federal agency authorized to construct or alter the building determines that the application of this section to the building would adversely affect national security. A determination under this subsection shall not be subject to administrative or judicial review.

(40 U.S.C. 619)