

Office of
Governmentwide
Policy

General Reference Guide for Real Property Policy

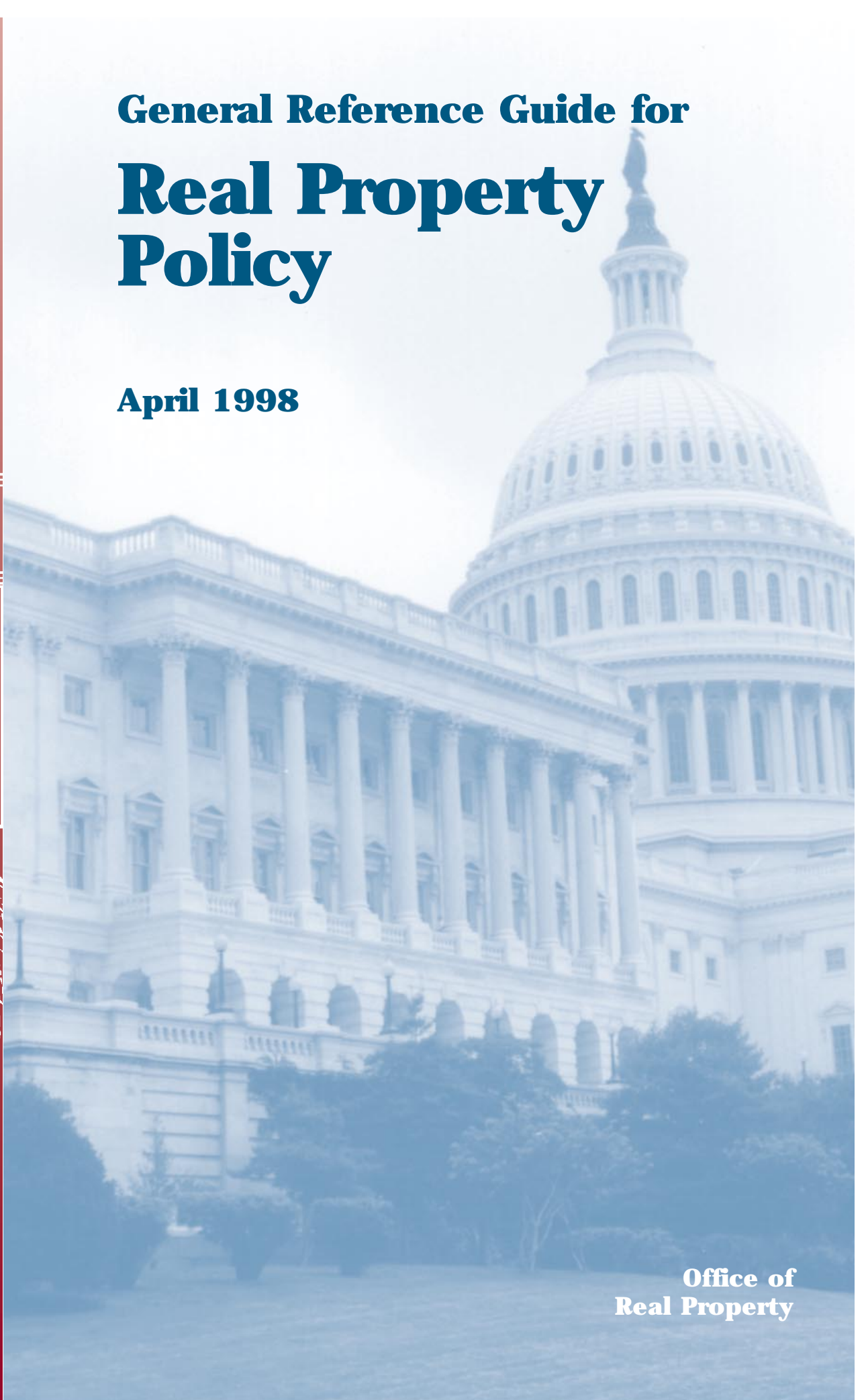
April 1998

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U.S. General
Services
Administration



Office of
Real Property





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Real Property Policy

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**U.S. General Services Administration
Office of Governmentwide Policy
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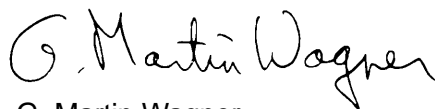
Foreword

The Office of Governmentwide Policy is pleased to issue the General Reference Guide for Real Property Policy. I think you will find that it contains valuable information that can be used by all real property professionals.

This Guide was written to provide an easy-to-understand “map” to legal authorities relating to real property policies. It is an additional tool that the Federal real property community can use to keep educated and informed on current issues regarding real property policy.

I want to recognize David L. Bibb whose Office of Real Property researched and compiled the listing of the Guide. Under the leadership of Stanley C. Langfeld, the Real Property Policy Division assumed responsibility for the planning and completion of this timely document. Deborah Connors researched and wrote the report under Team Leader Sheldon Greenberg’s guidance.

I would like to also recognize and thank the General Services Administration’s (GSA), Office of General Counsel who assisted in the review of this Guide. Your assistance in dealing with the legal cites and wording in the document has been an integral step in accomplishing what we set out to do: to provide an easy-to-understand reference of legal authorities applicable to GSA and Federal agencies to whom GSA real property management and operations have been delegated.



G. Martin Wagner
Associate Administrator
Office of Governmentwide Policy
U.S. General Services Administration

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Executive Summary

This General Reference Guide for Real Property Policy consists of a listing, by subject area, of applicable laws, GSA Federal Property Management Regulations (FPMR's) and Executive Orders. The subject areas include: Delegation of Authority; Real Property Acquisition; Facility Management; Real Property Disposal; Design and Construction; Art-in-Architecture; Historic Preservation; Assignment and Utilization of Space; Safety and Environmental Management; Security; and Public Utilities. An index is included at the end of the Guide for cross-reference purposes. This Guide is a listing only, and does not have any recommendations or policy implications for these authorities.

I. Introduction

The following Guide was written because the Office of Real Property identified a need for an easy-to-understand reference guide to the legal authorities which serve as the basis for the current real property policies applicable to GSA and Federal agencies to whom GSA real property management and operations have been delegated. An additional need was for the user of the document to be able to relate laws, Executive Orders and/or Federal Property Management Regulations (FPMR's) to a specific real property policy area. This General Reference Guide for Real Property Policy will serve these purposes while not providing any policy implications for these authorities.

This Guide consists of a listing, by subject area, of applicable laws, FPMR's and Executive Orders. The subject areas include: Delegation of Authority; Real Property Acquisition; Facility Management; Real Property Disposal; Design and Construction; Art-in-Architecture; Historic Preservation; Assignment and Utilization of Space; Safety and Environmental Management; Security; and Public Utilities. An index is included at the end of the guide for cross-reference purposes. This Guide is a listing only, and does not have any policy implications for these authorities.

This General Reference Guide is available on the Office of Governmentwide Policy Homepage at:

<http://policyworks.gov/realproperty>.

Any additional questions can be answered by contacting the Office of Real Property at (202) 501-0856.

This Reference Guide, and the summaries contained herein, are issued only for the convenience of its users and are not intended: (i) to be a complete listing of all laws, regulations or Executive Orders applicable to GSA or Federal real property policy; (ii) to be cited or relied upon as legal authority for any purpose whatsoever; (iii) to serve as the basis for any suit, claim, right or cause-of-action against GSA or any person; or (iv) to cover any changes in law or policy after the time of its initial issuance.





II. Delegation of Authority

A. Laws

1. Federal Property and Administrative Services Act of 1949, as amended, (40 U.S.C. §§486(d) and (e)) Authorizes the Administrator of General Services to delegate and to authorize successive redelegation of any authority or function transferred to or vested in the Administrator by this Act to any GSA official or to the head of any other Federal agency.

2. Public Buildings Act of 1959, as amended, (40 U.S.C. §614) Provides that 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 to alter any public building and to acquire such land as may be necessary to carry out such alteration upon request, be delegated to the appropriate agency where the estimated cost of the project does not exceed \$100,000, and may be delegated to the appropriate Federal agency where the Administrator determines that such delegation will promote efficiency and economy.

III. Real Property Acquisition

A. Laws

1. Architectural Barriers Act of 1968 (42 U.S.C. §§4151-4157) Establishes standards for accessibility by physically disabled persons and requires compliance with the standards in the design, construction and alteration of buildings and facilities leased, in whole or in part, by the Federal Government.

2. Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.) Requires each Federal agency conducting or supporting activities directly affecting a designated coastal zone to conduct or support those activities in a manner which is to the maximum extent practicable, consistent with approved State management programs.

3. Competition in Contracting Act of 1984 (31 U.S.C. §§3551-3556 and 41 U.S.C. §§251-260) Requires GSA to acquire supplies and services including leased space through the use of full and open competitive procedures.

4. Earthquake Hazards Reduction Act of 1977 (42 U.S.C. §§7701-7706) Requires leased buildings to meet seismic safety standards.

5. Energy Policy and Conservation Act (EPACT) (42 U.S.C. §§6201 et seq.) Requires Federal agencies to implement programs that reduce energy consumption in Federal facilities. This includes Federally leased space.


6. Federal Water Pollution Control Act of 1972 (Clean Water Act), as amended, (33 U.S.C. §§1251-1263, and elsewhere) Requires Federal agencies to develop a comprehensive program for the control of pollutants to water. Federal agencies must consider the environmental impact of their actions so as to avoid water pollution.

7. Federal Property and Administrative Services Act of 1949, as amended, (40 U.S.C. §§471 et seq.) Authorizes GSA to: acquire, by purchase, condemnation, or otherwise, real estate and interests therein; and to enter into leases of real property not exceeding 20 years in duration and to repair, alter and improve rented premises, to condemn interests in real estate, and to assign and reassign space in leased buildings to other Federal tenants.

8. Fire Administration Authorization Act of 1992 (15 U.S.C. §2227) Requires that an entire building be sprinklered or provide an equivalent level of life safety when Federal funds are used to lease 35,000 square feet or more of space in a building (under 1 or more leases) and some portion of the leased space is on or above the 6th floor. Also requires that all hazardous areas be sprinklered in all Government leases.



Real Property Acquisition



9. Federal Urban Land Use Act (40 U.S.C. §§531 et seq.) Requires GSA to consult with planning agencies and local elected officials and to the greatest extent practicable, coordinate Federal projects with development plans and objectives of the State, region, and locality where the project is to be located.

10. National Environmental Policy Act of 1969, as amended, (42 U.S.C. §§4321 et seq.) Requires Federal agencies to consider the effects of all actions on the environment, to consider alternatives that reduce impacts, and to prepare detailed statements for public and Federal agency review where significant impacts may occur. Real estate actions such as leasing are among the actions that must be reviewed.

11. National Historic Preservation Act of 1966, as amended, (16 U.S.C. §§470 et seq.) Requires Federal agencies to manage historic properties under their jurisdiction or control. Historic properties include buildings, structures, districts, sites, and objects included or eligible for inclusion in the National Register of Historic Places. Requires Federal agencies to consider the effects of their actions, including real estate actions, on such properties regardless of ownership.

12. Occupational Safety and Health Act of 1970 (29 U.S.C. §§651-678) Requires GSA to ensure that space leased and assigned to Federal agencies provides safe, healthful working conditions, including building features such as lighting, guard rails, indoor air quality, fire safety features, emergency elevator requirements, etc.

13. Public Buildings Act of 1959, as amended, (40 U.S.C. §§601-619) Authorizes GSA to: acquire, by purchase, condemnation, donation, exchange, or otherwise, any building and its site; alter any public building and to acquire such land as may be necessary to carry out such alteration; acquire by purchase, condemnation, donation, exchange, or otherwise such lands or interests in lands as necessary for use as sites for public buildings; and to make such building project surveys (11b reports) as may be requested by resolution of appropriate Congressional committees. Requires submittal of a prospectus to Congressional committees for proposed construction, alteration, purchase, or acquisition of a building to be used as a public building which involves a total expenditure in excess of \$1,810,000 (indexed for Fiscal Year 1998) and for lease alteration projects in excess of \$905,000 (indexed for Fiscal Year 1998). Places limits on GSA's ability to lease space for computers or courtrooms. Imposes certain rules for buildings constructed for lease to the United States, including the use of detailed construction specifications and the use of competitive procedures for lease construction projects.

Real Property Acquisition



14. Public Buildings Cooperative Use Act of 1976 (40 U.S.C. §§490(a)(16)-(19), 601a and 612a) Authorizes GSA to enter into leases of certain space in public buildings with persons, firms or organizations engaged in commercial, cultural, educational or recreational activities or to make such space available on an occasional (temporary) basis (or by lease) to persons, firms or organizations engaged in cultural, educational or recreational activities. This Act also encourages GSA to acquire and use buildings of historic, architectural and cultural significance.

15. Randolph-Sheppard Act, as amended, (20 U.S.C. §§107 et seq.) Requires, with certain exceptions, that blind persons licensed under the provisions of the Act be authorized to operate vending facilities on any Federal property, including leased buildings. Federal agencies must ensure suitable areas for vending facilities in buildings to be acquired.

16. Reorganization Plan No. 18 of 1950 (40 U.S.C. §490 note) Transferred to GSA all functions with respect to acquiring space in buildings by lease, and all functions with respect to assigning and reassigning space in buildings.

17. Rural Development Act of 1972 (42 U.S.C. §3122) Requires Federal agencies to give first priority to rural areas in locating offices and facilities.

18. Safe Drinking Water Act (42 U.S.C. §§300f et seq.) Establishes standards for drinking water quality and regulates activities affecting drinking water supplies.

19. Small Business Act, as amended, (15 U.S.C. §§631 et seq.) Requires Federal agencies to utilize small and small disadvantaged (economically or socially disadvantaged) business concerns and to ensure such concerns have the maximum practical opportunity to participate as subcontractors in the performance of Federal contracts. Requires effort by Federal contractors to place subcontracts with small and small disadvantaged business concerns. The Act also requires publication of Federal procurement requirements and further requires large businesses to submit small business subcontracting plans.

20. Telecommunications Act of 1996 (47 U.S.C. §332 note) Authorizes, to the extent that it does not interfere with Federal agency programs or missions or security issues, Federal agencies to make available on a fair, reasonable and nondiscriminatory basis, property, rights-of-way, and easements under their control for the placement of new telecommunications services; and authorizes agencies to charge reasonable fees for the use of such property, right-of-way or easements.

21. Toxic Substance Control Act (15 U.S.C. §§2601 et seq.) Regulates specific chemical substances, including PCBs and asbestos, and requires labeling, notice and/or remediation if there is a danger to public safety.



Real Property Acquisition

22. Treasury, Postal Service and General Government Annual Appropriation Act (P.L. 101-136) November 3, 1989 Enables GSA to have permanent 30 year leasing authority on Government-owned land.

23. Treasury, Postal Service and General Government Annual Appropriation Act (P.L. 104-208) September 26, 1996, and (P.L. 104-134) April 26, 1996 Transfers functions of the former Pennsylvania Avenue Development Corporation to the General Services Administration.

24. Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, (42 U.S.C. §§4651-4655 and elsewhere) Requires Federal agencies to make every effort to acquire real property by negotiation by initially offering the appraised fair market value for property to be acquired. Requires that eminent domain acquisitions of land or space by formal condemnation proceedings and that the landowner be fairly compensated for any buildings or structures condemned including the fair rental value of Federal holdover tenants.

25. Federal Property Management Regulations, Subchapter D, Public Buildings and Space, Part 101-17, Assignment and Utilization of Space (41 CFR Subchapter D, Appendix, Temp. Reg. D-1) Prescribes the policies and procedures for the assignment, utilization and location of Government-owned or leased space under the authority of the Administrator of General Services.

26. Federal Property Management Regulations Subchapter D, Public Buildings and Space, Part 101-18, Acquisition of Real Property (41 CFR Part 101-18) Prescribes the policies and procedures governing the acquisition of interests in real property.

B. Executive Orders

1. Executive Order 11988 - Floodplain Management Requires Federal agencies to avoid contributing to development of floodplains unless there is no practicable alternative. Real estate actions are among the kinds of actions that can contribute to such development.

2. Executive Order 11990 - Protection of Wetlands Requires Federal agencies to avoid causing wetlands to be filled (e.g., through lease construction) unless there is no practicable alternative to doing so.

3. Executive Order 12072 - Federal Space Management Requires Federal agencies to give first consideration to the Centralized Community Business Area when locating Federal facilities in urban areas.

Real Property Acquisition

4. Executive Order 12699 - Seismic Safety of Federal and Federally Assisted or Regulated New Building Construction Requires new buildings, leased for Federal use, to meet seismic safety standards.

5. Executive Order 12902 - Energy Efficiency and Water Conservation at Federal Facilities Requires that appropriate consideration be given to building efficiencies in the leasing process.

6. Executive Order 12941 - Seismic Safety of Existing Federally Owned or Leased Buildings Requires buildings leased to the Federal Government meet certain seismic safety standards.

7. Executive Order 13006 - Locating Federal Facilities in Historic Properties in Our Nation's Central Cities Encourages Federal agencies to locate Federal facilities on historic properties in our Nation's central cities.





IV. Facility Management

A. Laws

1. American Indian Religious Freedom Act of 1978 (42 U.S.C. §§1996-1996a) Requires Federal agencies to review their policies and procedures with the aim of protecting Indian religious freedom, to refrain from prohibiting access to native religious and cultural objects or ceremonies, and to consult with Indian organizations concerning proposed Federal agency actions.

2. Archeological Resources Protection Act of 1979, as amended, (16 U.S.C. §§470aa-470mm) Prohibits any person from excavating or removing archeological resources (defined as sites or items of archeological interest) from Federal or Indian land without a permit from the appropriate Federal land manager.

3. Coastal Barrier Improvement Act of 1990 (16 U.S.C. §§3501 et seq.) Restricts Federal expenditures and financial assistance to projects which have the effect of encouraging development of coastal barriers. However, permits such expenditures in certain exceptions.

4. Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.) Requires each Federal agency activity within or outside a designated coastal zone that affects any land or water use or natural resource of a designated coastal zone to be consistent with the relevant State's management program.

5. Davis-Bacon Act (40 U.S.C. §276) Requires the payment of minimum wages for laborers and mechanics employed under Government contracts for the construction, alteration or repair of public buildings or public works. Wages are established by the Department of Labor and are based on the prevailing wage rate in the locality in which the contract is to be performed.

6. Edgar Amendment (40 U.S.C. §490c) Prohibits GSA, with certain exceptions, from contracting for guard, elevator operator, messenger, and custodial services, if any permanent veterans preference employee of GSA would be terminated as a result of the procurement of such services.

7. Energy Policy and Conservation Act (EPACT) (42 U.S.C. §§6201 et seq.) Requires Federal agencies to implement programs that reduce energy consumption in Federal facilities.

8. Federal Property and Administrative Services Act of 1949, as amended, (40 U.S.C. §§471 et seq.) Provides GSA with the authority to procure and supply real and personal property and non-personal services. Specifically, the Act authorizes the Administrator of General Services to maintain, operate, and protect buildings, property or grounds, including the construction, repair, preservation, demolition, furnishing, and equipping of such buildings (40 U.S.C. §490). In addition, the Act authorizes GSA to enter into leases of real property not exceeding 20 years in duration.



9. Federal Urban Land Use Act (40 U.S.C. §§531 et seq.) Requires that, before a change of use of any real property situated in an urban area as a site for a public building, GSA must comply with general local government regulations and to consider all objections on the grounds that the change or use would conflict with zoning regulations or planning objectives.

10. Fire Administration Authorization Act of 1992 (15 U.S.C. §2227) Requires that an entire building be sprinklered or provide an equivalent level of life safety for Federally owned buildings and when Federal funds are used to lease 35,000 square feet or more of space in a building (under 1 or more leases) and some portion of the leased space is on or above the 6th floor. Also requires that all hazardous areas in all Federally controlled space (owned or leased) be sprinklered.

11. Health Service Programs (5 U.S.C. §7901) Authorizes Federal agencies to establish health care facilities.

12. Javits-Wagner-O'Day Act (41 U.S.C. §§46-48c) Establishes the Committee for Purchase from the Blind and Other Severely Disabled which regulates the procurement of specified commodities and services from authorized non-profit agencies for the blind and severely disabled.

13. National Environmental Policy Act of 1969, as amended, (42 U.S.C §§4321 et seq.) Requires Federal agencies to consider the effects of all actions on the human environment, to consider alternatives that reduce impacts, and to prepare detailed statements for public and Federal agency review where significant impacts may occur. Facility management can result in environmental impacts that must be reviewed.

14. National Historic Preservation Act of 1966, as amended, (16 U.S.C. §§470 et seq.) Requires Federal agencies to manage historic properties under their jurisdiction or control. Historic properties include buildings, structures, districts, sites, and objects included or eligible for inclusion in the National Register of Historic Places. Requires Federal agencies to consider the effects of their actions, including ongoing facility management, on such properties regardless of ownership.

15. Native American Graves Protection and Repatriation Act (23 U.S.C. §§3001 et seq.) Clarifies the ownership rights to Native American remains and artifacts found on Federal or Indian land. Establishes rules for the disposition and control of cultural items and establishes penalties for illegally trafficking in Native American remains and cultural items. Requires Federal agencies that have custody and control over such remains or items to inventory them and notify the affected Indian or cultural groups for possible repatriation.



Facility Management

16. Public Buildings Act of 1959, as amended, (40 U.S.C. §§ 601-619) Provides that only the Administrator of General Services may construct public buildings, including the repair and alteration of such buildings. Establishes requirements for the acquisition, alteration, and construction of public buildings. A 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, and for the use of one or more Federal agencies or mixed ownership corporations.

17. Public Buildings Amendments of 1972, as amended, (40 U.S.C. §§490(f), (a)(18) and (j)) Establishes a fund (Federal Buildings Fund) in the United States Treasury into which Federal agency rent and certain other moneys are deposited. Moneys deposited into the fund are available, subject to Congressional appropriation, for real property management and related activities.

18. Public Buildings Cooperative Use Act of 1976 (40 U.S.C. §§490(a)(16)-(19), 601a and 612a) Authorizes the Administrator of General Services to enter into leases for certain space (pedestrian access levels, rooftops, and courtyards) in public buildings with persons, firms or organizations engaged in commercial, cultural, educational or recreational activities or to make such space available on an occasional (temporary) basis (or by lease) to persons, firms or organizations engaged in cultural, educational or recreational activities where the Administrator deems the activities to be in the public interest and where the activities will not disrupt the operation of the building. Under this authority, receipts from leases or rentals are credited against appropriations for building operations. The Act also authorizes the Administrator to furnish utilities, maintenance, repair, and other services to persons, firms or organizations leasing space.

19. Randolph-Sheppard Act, as amended, (20 U.S.C. §§107 et seq.) Requires that blind persons licensed under the provisions of the Act be authorized to operate vending facilities on any Federal property including leased buildings. Federal agencies must ensure suitable areas for vending facilities in buildings to be acquired.

20. Service Contract Act of 1965 (41 U.S.C. §§351-358) Requires the payment of minimum wages for service employees employed under service contracts to which the Government is a party. Wages are established by the Department of Labor and are based on the prevailing wage rate in the locality in which the contract is to be performed.

Facility Management

21. Small Business Act, as amended, (15 U.S.C. §§631 et seq.) Requires that a fair proportion of all Federal contracts be awarded to small and small disadvantaged (economically or socially disadvantaged) business concerns.

22. Solid Waste Disposal Act as amended by the Resource Conservation and Recovery Act of 1976 (42 U.S.C. §§6901 et seq.) and Hazardous and Solid Waste Amendments of 1984 (P.L. 98-616) Regulates hazardous and solid waste activities and underground storage tanks (UST's). GSA must assure that any UST's are in compliance with Federal, State and local laws, including the removal or remediation of any contamination prior to real property disposal.

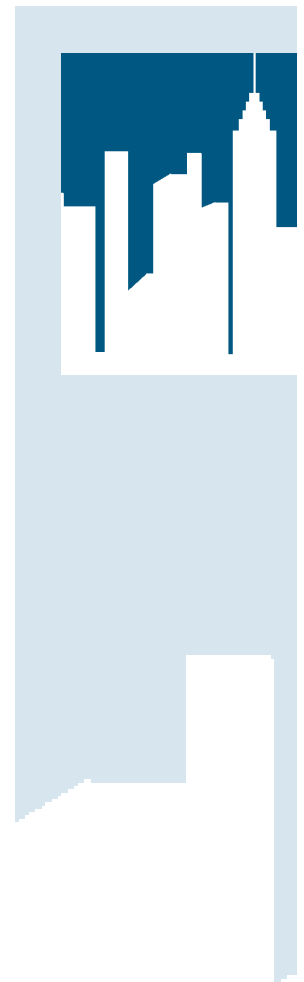
23. Telecommunications Act of 1996 (47 U.S.C. §332 note) Authorizes, to the extent that it does not interfere with Federal agency programs or missions or security issues, Federal agencies to make available on a fair, reasonable and nondiscriminatory basis, property, rights-of-way, and easements under their control for the placement of new telecommunications services; and authorizes agencies to charge reasonable fees for the use of such property, right-of-way or easements.

24. Treasury, Postal Service, and General Government Annual Appropriation Act (P.L. 104-52) November 19, 1995 Requires that the head of each Federal agency shall promulgate regulations that prohibit the sale of tobacco products in vending machines in or around Federal buildings, and the distribution of free samples of tobacco products in or around Federal buildings.

25. Treasury, Postal Service, and General Government Annual Appropriation Act (40 U.S.C. §490 (h-l)) September 30, 1996 Authorizes the Administrator of General Services to establish, acquire space for, and equip flexiplace work telecommuting centers for use by employees of Federal agencies, State and local governments, and the private sector. Non-Federal employees may use the center to the extent that it is not being fully used by Federal employees.

26. Tribal Amendment (40 U.S.C. §490b) Authorizes the provision of space, services and equipment for child care services in Federal facilities without charge for rent or services.

27. Federal Property Management Regulations, Amendment A-52, September 1994, Subpart 101-6.6, Fire Protection (Firesafety) Engineering Requires that an equivalent level of life safety evaluation be performed by a qualified fire protection engineer in buildings covered under the Fire Administration Authorization Act of 1992. After this evaluation is determined to be acceptable, a record should be maintained of the evaluation and appropriate copies given to fire departments or other local authorities for use in developing prefire plans.





Facility Management

28. Federal Property Management Regulations, Subchapter D, Public Buildings and Space, Part 101-19, Construction and Alteration of Public Buildings (41 CFR Part 101-19) Prescribes the policies and procedures for the alteration of public buildings, including standards for the alterations of buildings to ensure, whenever possible, that physically disabled persons will have ready access to and use of such buildings.

29. Federal Property Management Regulations, Subchapter D, Public Buildings and Space, Part 101-20, Management of Buildings and Grounds (41 CFR Part 101-20) Prescribes the policies and procedures for the management, operations, protection, and maintenance of Government-owned and leased properties under the assignment responsibility of GSA.

30. Federal Property Management Regulations, Subchapter H, Utilization and Disposal, Part 101-42, Utilization and Disposal of Hazardous Materials and Certain Categories of Property (41 CFR Part 101-42) Prescribes the special policies and procedures governing the utilization, donation, sale, exchange, or other disposition of hazardous materials, dangerous property, and other categories of property with special utilization and disposal requirements.

B. Executive Orders

1. Executive Order 11988 - Floodplain Management Requires Federal agencies to avoid contributing to development of floodplains unless there is no practicable alternative. Facility management activities that could contribute to such development must be reviewed under this authority.

2. Executive Order 11990 - Protection of Wetlands Requires Federal agencies to avoid causing wetlands to be filled (e.g., through landscaping as part of facility management) unless there is no practicable alternative to doing so.

3. Executive Order 12856 - Federal Compliance With Right-To-Know Laws and Pollution Prevention Requirements Requires Federal agencies that manage facilities to reduce the amount of toxic chemicals entering any waste stream through source reduction, and requires that agencies report any introduction of toxic chemicals into the waste stream to the public.

4. Executive Order 12871 - Labor Management Partnerships Establishes labor-management partnerships throughout the Executive branch for unskilled, skilled, and technical/professional employees.

5. Executive Order 12873 - Federal Acquisition, Recycling, and Waste Prevention Requires each Executive agency to incorporate waste prevention and recycling in its daily operations including the requirement to use printing and writing papers with set minimum content standard of post-consumer materials.

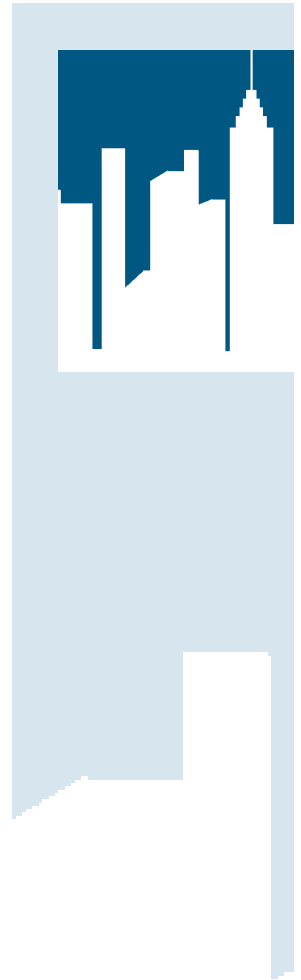
Facility Management

6. Executive Order 12898 - Environmental Justice Requires Federal agencies to take all practicable measures to avoid disproportionately high and adverse environmental impacts on low-income and minority populations.

7. Executive Order 12902 - Energy Efficiency and Water Conservation at Federal Facilities Requires that appropriate consideration be given to efficient buildings in the design and construction process. Increases Federal energy reduction goals to 30 percent by the year 2005, measured relative to 1985 energy use.

8. Executive Order 13007 - Indian Sacred Sites Requires Federal agencies that manage land, to the extent practicable, to avoid impeding the access of American Indians to traditional sacred sites, and to avoid physical impact to such sites.

9. Executive Order 13058 - Protecting Federal Employees and the Public From Exposure to Tobacco Smoke in the Federal Workplace Prohibits, with limited exceptions, the smoking of tobacco products in all interior space owned, rented, or leased by the Executive branch of the Federal Government, and in any outdoor areas under Executive branch control in front of air intake ducts.





V. Real Property Disposal

A. Laws

1. American Indian Religious Freedom Act of 1978 (42 U.S.C. §§1996-1996a) Requires Federal agencies to review their policies and procedures with the aim of protecting Indian religious freedom, to refrain from prohibiting access to native religious and cultural objects or ceremonies, and to consult with Indian organizations concerning proposed Federal agency actions.
2. Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.) Requires each Federal agency conducting or supporting activities directly affecting a designated coastal zone to conduct or support those activities in a manner which is, to the maximum extent practicable, consistent with approved State management programs.
3. Comprehensive Drug Abuse and Prevention and Control Act (21 U.S.C. §881) Provides for the forfeiture to the United States of any real property which is used or intended to be used in illegal drug activities and provides for the disposal of such real property.
4. Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended by the Superfund Amendments and Reauthorization Act of 1986 (SARA), and the Community Environmental Response Facilitation Act (CERFA) (42 U.S.C. §§9601 et seq.) Regulates the disposal of contaminated real property, requires full disclosure of all known hazardous substance activity, requires the identification of uncontaminated parcels, and specifies covenants to be provided in most deeds for disposal of Federal real property.
5. Defense Authorization Amendments and Base Closure and Realignment Act, as amended, (P.L. 100-526 and P.L. 101-510, 10 U.S.C. §2687); Base Closure Community Development and Homeless Assistance Act of 1994 (P.L. 103-421, 10 U.S.C. §2687 note) Mandates that the Administrator of General Services delegate his authority under the Act to the Department of Defense (DOD); however, GSA has oversight responsibility and provides technical assistance. These laws set forth the process for recommending the closure of military bases and the requirements for the disposal of real property located at these installations. In addition, these laws modify the process for McKinney Act screening and outreach by requiring specific actions by the disposal agency, local redevelopment authorities, and other entities involved in the disposal of military bases to ensure potential reuses, including homeless needs, are considered in community reuse plans.
6. Disposal of Lands Acquired by Devise (40 U.S.C. §304) Authorizes GSA to take custody and dispose of, as excess property, any real property acquired by the United States by devise.



7. Endangered Species Act of 1973 (16 U.S.C. §§1531 et seq.) Requires Federal agency consultation with the Department of Interior, where endangered or threatened species are likely to be impacted, to ensure that Federal agency actions do not jeopardize endangered or threatened species.

8. Farmlands Protection Act of 1981 (7 U.S.C. §§4201 et seq.) Requires Federal agencies to take into account the adverse impact of its programs on the preservation of farmland and, as appropriate, consider alternatives which could lessen such adverse effects.

9. Federal Property and Administrative Services Act of 1949, as amended, (40 U.S.C. §§471 et seq.) Authorizes GSA to dispose of surplus property by sale, exchange, lease, permit, or transfer, for cash, credit, or other property, upon such terms and conditions as deemed appropriate. Pursuant to the provisions of the Act, Federal real property may be transferred to other Federal agencies to promote maximum utilization of real property; conveyed for public uses such as education, health, park and recreation, correction, etc.; or sold by negotiated or public sale. Requires that explanatory statements of negotiated sales be transmitted to the appropriate Congressional committee.

10. Federal Urban Land Use Act (40 U.S.C. §§531 et seq.) Requires GSA to give reasonable notice of prospective sales of real property located within an urban area to the unit of local government having jurisdiction over zoning and land-use regulations in the geographic area within which the property is located. This will afford the local government the opportunity to zone the property in accordance with local comprehensive planning.

11. Federal Water Pollution Control Act of 1972 (Clean Water Act), as amended, (33 U.S.C. §§1251-1263, and elsewhere) Requires Federal agencies to develop a comprehensive program for the control of pollutants to water. Federal agencies must consider the environmental impact of their actions to avoid water pollution.

12. Gifts for Reduction of the Public Debt (31 U.S.C. §3113) Authorizes GSA to accept for the Government a gift of real property made on the condition that it be sold and the proceeds from the sale be used to reduce the public debt. Proceeds from such sale are to be deposited into a specific Treasury account.

13. National Environmental Policy Act of 1969, as amended, (42 U.S.C. §§4321) Requires Federal agencies to consider the effects of all actions on the human environment, to consider alternatives that reduce impacts, and to prepare detailed statements for public and Federal agency review where significant impacts may occur. Real property disposal actions are among those that must be reviewed.

Real Property Disposal



14. National Historic Preservation Act of 1966, as amended, (16 U.S.C. §§470 et seq.) Requires Federal agencies to manage historic properties under their jurisdiction or control. Historic properties include buildings, structures, districts, sites, and objects included or eligible for inclusion in the National Register of Historic Places. Requires Federal agencies to consider the effects of their actions, including real property disposal actions, on such properties regardless of ownership.

15. Property for Wildlife Conservation Act (16 U.S.C. §§667b-d) Allows surplus Federal real property to be conveyed to State agencies for wildlife conservation purposes (other than migratory birds) without reimbursement.

16. Property Transferred in Connection with Debts (40 U.S.C. §301) Governs the acceptance and sale of real property conveyed to the United States in payment of debts excepting the internal-revenue laws.

17. Reconveyance of Real Estate on Payment of Debt (40 U.S.C. §306) Authorizes GSA to release or otherwise convey real estate to a debtor from whom it was taken upon receipt of full payment of the debt to the United States excepting the internal-revenue laws.

18. Residential Lead-Based Paint Hazard Reduction Act of 1992 (42 USC §§4822 et seq., and §§4851 et seq.) Requires the inspection and abatement and/or notice of possible presence of lead-based paint hazards in the disposition of Federally owned housing.

19. Safe Drinking Water Act (42 U.S.C. §§300f et seq.) Establishes standards for drinking water quality and regulates activities affecting drinking water supplies.

20. Solid Waste Disposal Act as amended by the Resource Conservation and Recovery Act of 1976 (42 U.S.C. §§6901 et seq.) and Hazardous and Solid Waste Amendments of 1984 (P.L. 98-616) Regulates hazardous and solid waste activities and underground storage tanks (UST's). GSA must assure that any UST's are in compliance with Federal, State and local laws, including the removal or remediation of any contamination prior to real property disposal.

21. Stewart B. McKinney Homeless Assistance Act of 1987, as amended, (42 U.S.C. §11411) Provides for the use of excess and surplus Federal real property to assist the homeless. Specifies procedures, timeframes and requires coordination with the Department of Housing and Urban Development regarding suitable properties, and with the Department of Health and Human Services regarding review and approval of applications to lease or acquire property pursuant to these provisions.

Real Property Disposal



22. Surplus Property Act of 1944, Airport and Airways Improvement Act of 1946, Federal Aviation Act of 1958, Federal Airport Act, and the Airport and Airway Development Act of 1982 (revised and recodified at Subtitle VII, Aviation Programs, 49 U.S.C. §47151) Authorizes GSA to convey surplus Federal real property to States, political subdivisions, or tax-supported institutions for public airport purposes.

23. Toxic Substance Control Act (15 U.S.C. §§2601 et seq.) Regulates specific chemical substances, including PCBs and asbestos, and requires labels, notices, and/or remediation if there is a danger to public safety.

24. Wild and Scenic Rivers Act (16 U.S.C. §§1271 et seq.) Requires Federal agencies to include consideration of potential impacts on wild and scenic rivers in all planning.

25. Federal Property Management Regulations, Subchapter H, Utilization and Disposal, Part 101-47, Utilization and Disposal of Real Property (41 CFR Part 101-47) Prescribes the policies and procedures for the utilization and disposal of excess and surplus Federal real property and related personal property.

B. Executive Orders

1. Executive Order 12512 - Federal Real Property Management Directs GSA to provide Governmentwide policy oversight and guidance for Federal real property management; to establish standards and procedures for Federal agencies' review of their real property holdings; to conduct utilization surveys; and to provide leadership in the development of property management information systems.

2. Executive Order 12898 - Environmental Justice Requires Federal agencies to take all practicable measures to avoid disproportionately high and adverse environmental impacts on low-income and minority populations.



VI. Design and Construction

A. Laws

1. American Indian Religious Freedom Act of 1978 (42 U.S.C. §§1996-1996a)
Requires Federal agencies to review their policies and procedures with the aim of protecting Indian religious freedom, to refrain from prohibiting access to native religious and cultural objects or ceremonies, and to consult with Indian organizations concerning proposed Federal agency actions.

2. Americans with Disabilities Act of 1990 (P.L. 101-336, 104 Stat. 327)
Provides, among other things, accessibility requirements on employment, State and local government services, buildings and facilities.

3. Archeological and Historic Preservation Act of 1974, as amended, (16 U.S.C. §§469a-1 - 469c-2) Requires any Federal agency, whenever it finds that its actions in connection with any Federal construction project may cause irreparable loss or destruction of significant scientific, prehistoric, historic, or archaeological data, to notify the Secretary of the Department of Interior, and authorizes the agency to use project funds to undertake the recovery, protection and preservation of such data, or to request the Secretary of the Department of Interior to undertake such recovery, protection or preservation.

4. Architectural Barriers Act of 1968 (ABA) (42 U.S.C. §§4151-4157) Establishes standards for accessibility by physically disabled persons and requires compliance with the standards in the design, construction and alteration of buildings and facilities owned or leased, in whole or in part, by the Federal Government. The ABA includes certain record keeping and reporting requirements.

5. Earthquake Hazards Reduction Act of 1977 (42 U.S.C. §§7701-7706)
Requires compliance with Federally established standards for the reduction of seismic hazards in Federally owned or leased buildings (e.g., during repair and alteration). These standards were adopted by Executive Order 12941 - Seismic Safety of Existing Federally Owned or Leased Buildings.

6. Energy Policy and Conservation Act (EPACT) (42 U.S.C. §§6201 et seq.)
Requires Federal agencies to implement programs that reduce energy consumption in Federal facilities.

7. National Environmental Policy Act of 1969, as amended, (42 U.S.C. §4321 et seq.) Requires Federal agencies to consider the effects of all actions (such as design and construction) on the human environment, to consider alternatives that reduce impacts, and to prepare detailed statements for public and Federal agency review where significant impacts may occur.



8. National Historic Preservation Act of 1966, as amended, (16 U.S.C. §§470 et seq.) Requires Federal agencies to manage historic properties under their jurisdiction or control. Historic properties include buildings, structures, districts, sites, and objects included in or eligible for the National Register of Historic Places. Requires Federal agencies to consider the effects of their actions, including design and construction, on such properties regardless of ownership.

9. Native American Graves Protection and Repatriation Act (23 U.S.C. §§3001 et seq.) Provides, among other things, that if Native American human remains or other cultural items are found on Federal or Indian land during a construction project, work be halted in the vicinity of the discovery for at least 30 days while efforts are made to consult with the relevant tribe(s) and preserve the items. Regulations at 43 CFR 10 require Federal agencies to consult with tribes during project planning, and to implement plans of action for treating Native American cultural items.

10. Public Buildings Act of 1959, as amended, (40 U.S.C. §§601-619) Provides that only the Administrator of General Services may construct public buildings, including the repair and alteration of such public buildings. Establishes requirements for the acquisition, alteration, and construction of public buildings, including design review responsibilities. Provides the authority for the Administrator to delegate his authority to other Federal agencies. Establishes requirements applicable to buildings constructed or altered by GSA and other Federal agencies relating to compliance with nationally recognized building codes and State and local zoning laws. Requires submittal of a prospectus to Congressional committees for proposed construction, alteration, purchase, or acquisition of a building to be used as a public building which involves a total expenditure in excess of \$1,810,000 (indexed for Fiscal Year 1998).

11. Public Buildings Amendments of 1988 (P.L. 100-678, 102 Stat. 4049, specifically 40 U.S.C. §619) Provides, among other things, the Administrator of General Services with authority to determine the extent to which a building constructed by GSA complies with one of the nationally recognized model building codes.

12. Small Business Act (15 U.S.C. §631 et seq.) Requires a positive effort by Federal contractors to place subcontracts with small and small disadvantaged (economically or socially disadvantaged) concerns. The Act also requires publication of Federal procurement requirements and further requires large businesses to submit small business subcontracting plans.

13. Visual Artists Act of 1990 (17 U.S.C. §§101, 106A et seq.) Protects the reputations of certain visual artists and the works of visual art they create.



Design and Construction

14. Federal Property Management Regulations, Subchapter D, Public Buildings and Space, Part 101-19, Construction and Alteration of Public Buildings (41 CFR Part 101-19) Prescribes the policies and procedures for the construction and alteration of public buildings under the authority of the Administrator of General Services.

B. Executive Orders

1. Executive Order 11988 - Floodplain Management Requires Federal agencies to avoid contributing to development of floodplains unless there is no practicable alternative to doing so. Design and Construction actions are among the kinds of actions that can contribute to such development.

2. Executive Order 11990 - Protection of Wetlands Requires Federal agencies to avoid causing wetlands to be filled unless there is no practicable alternative to doing so. Design and Construction actions are among the kinds of actions that can contribute to such development.

3. Executive Order 12072 - Federal Space Management Requires Federal agencies to give first consideration to the Centralized Community Business Area (CBA) when locating Federal facilities in urban areas.

4. Executive Order 12770 - Metric Usage in Federal Programs Mandates, with certain exceptions, the metric system of measurement to be implemented in Design and Construction on all new projects starting January 1, 1994, or later.

5. Executive Order 12898 - Environmental Justice Requires Federal agencies to take all practicable measures to avoid disproportionately high and adverse environmental impacts on low-income and minority populations. Such impacts could result from a GSA design and construction project.

6. Executive Order 12902 - Energy Efficiency and Water Conservation in Federal Facilities Requires that appropriate consideration be given to efficient buildings in the design and construction process. Increases Federal energy reduction goals to 30 percent by the year 2005, measured relative to 1985 energy use.

7. Executive Order 13006 - Locating Federal Facilities in Historic Properties in Our Nation's Central Cities Encourages Federal agencies to locate Federal facilities on historic properties in our Nation's central cities.

8. Executive Order 13007 - Indian Sacred Sites Requires Federal agencies that manage land, to the extent practicable, to avoid impeding the access of American Indians to traditional sacred sites, and to avoid physical impact to such sites.

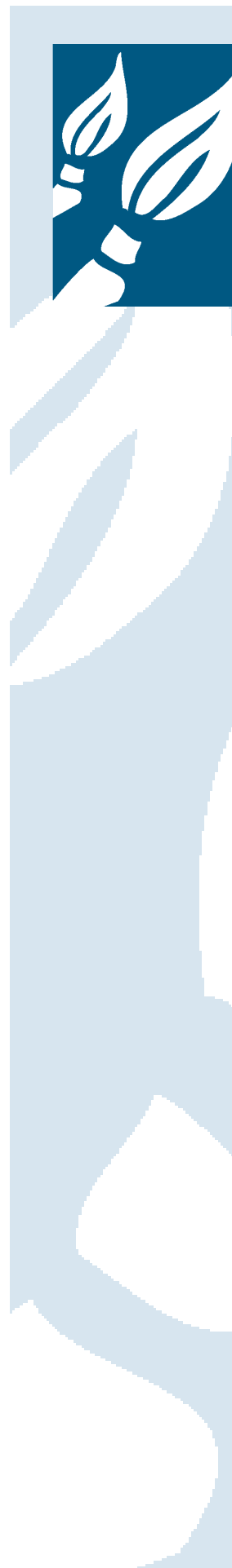
VII. Art-in-Architecture

A. Laws

1. Public Buildings Act of 1959, as amended, (40 U.S.C. §611(d)) Requires that the Administrator of General Services shall give due consideration to excellence of architecture and design.

2. Public Buildings Cooperative Use Act of 1976 (40 U.S.C. §601a) Requires that the Administrator shall encourage the location of cultural facilities and activities within public buildings, and shall provide and maintain space, which encourage public access to, around, into, and through public buildings so that such activities complement and supplement cultural resources in the neighborhood of public buildings. The phrase cultural activities includes fine arts exhibits.

3. Visual Artists Act of 1990 (17 U.S.C. §§101, 106A et seq.) Protects the reputations of certain visual artists and the works of visual art they create.





VIII. Historic Preservation

A. Laws

1. American Indian Religious Freedom Act of 1978 (42 U.S.C. §§1996-1996a) Requires Federal agencies to review their policies and procedures with the aim of protecting Indian religious freedom, to refrain from prohibiting access to native religious and cultural objects or ceremonies, and to consult with Indian organizations concerning proposed Federal agency actions.

2. Archeological Resources Protection Act of 1979, as amended, (16 U.S.C. §§470aa-470mm) Requires any person to apply to a Federal land manager for a permit to excavate and remove archaeological resources (i.e. pottery, weapons, tools, structures or portions of structures, or skeletal human remains) located on public or Indian lands.

3. National Historic Preservation Act of 1966, as amended, (16 U.S.C. §§470 et seq.) Requires that GSA consider the effects of its actions on all historic properties and districts. In certain circumstances, the Act requires consultation with State Historic Preservation Officers, the National Advisory Council on Historic Preservation and other interested parties prior to the commencement of Federal agency projects (e.g., building construction or repair and alteration projects).

4. Native American Graves Protection and Repatriation Act (23 U.S.C. §§3001 et seq.) Clarifies the ownership rights to Native American remains and artifacts found on Federal or Tribal land. Requires Federal agencies that have custody and control over such remains or items to inventory them and notify the affected Indian or cultural groups for possible repatriation.

5. Public Buildings Cooperative Use Act of 1976 (40 U.S.C. §§490(a)(16)-(19), 601a and 612a) Authorizes the Administrator of General Services to enter into leases of certain space in public buildings. This Act encourages GSA to acquire and use buildings of historical, architectural and cultural significance.

B. Executive Orders

1. Executive Order 12898 - Environmental Justice Requires Federal agencies to take all practicable measures to avoid disproportionately high and adverse environmental impacts on low-income and minority populations.

2. Executive Order 13006 - Locating Federal Facilities in Historic Properties in our Nation's Central Cities Encourages Federal agencies to locate Federal facilities on historic properties in our Nation's central cities.



3. Executive Order 13007 - Indian Sacred Sites Requires Federal agencies that manage land, to the extent practicable, to avoid impeding the access of American Indians to traditional sacred sites, and to avoid physical impact to such sites.



IX. Assignment and Utilization of Space

A. Laws

1. Federal Property and Administrative Services Act of 1949, as amended, (40 U.S.C. §§471 et seq.) Authorizes the Administrator of General Services to assign and reassign space in Government-owned and leased buildings to Federal agencies and authorizes the Administrator to charge, or exempt agencies from, rent rates which approximate commercial charges for comparable space and services, and to deposit moneys collected in a Federal Buildings Fund established in the Treasury of the United States.

2. Health Service Programs (5 U.S.C. §7901) Authorizes Federal agencies to establish health care facilities.

3. Randolph-Sheppard Act, as amended, (20 U.S.C. §§107 et seq.) With certain exceptions, the Act requires that blind persons licensed under the provisions of the Act be authorized to operate vending facilities on any Federal property, including leased buildings. The Act imposes a positive obligation on GSA to acquire space in buildings which have suitable sites for vending facilities.

4. Rural Development Act of 1972 (42 U.S.C. §3122) Requires Federal agencies to give first consideration to rural areas in locating offices and facilities.

5. Telecommunications Act of 1996 (47 U.S.C. §332 note) Authorizes, to the extent that it does not interfere with Federal agency programs or missions or security issues, Federal agencies to make available on a fair, reasonable and nondiscriminatory basis, property, rights-of-way, and easements under their control for the placement of new telecommunications services; and authorizes agencies to charge reasonable fees for the use of such property, right-of-way or easements.

6. Trible Amendment (40 U.S.C. §490b) Authorizes the provision of space, services and equipment for child care services in Federal facilities without charge for rent or services.

7. Federal Property Management Regulations, Subchapter D, Public Buildings and Space, Part 101-17, Assignment and Utilization of Space (41 CFR Subchapter D, Appendix, Temp. Reg. D-1) Prescribes the policies and procedures for the assignment, utilization and location of Government-owned or leased space under the authority of the Administrator of General Services.



B. Executive Orders

1. Executive Order 12072 - Federal Space Management Requires Federal agencies to give first consideration to the Centralized Community Business Area (CBA) when locating Federal facilities in urban areas.

2. Executive Order 12411 - Government Work Space Management Reforms Requires the heads of Federal Executive agencies to establish programs to produce and maintain an inventory of work space and related furnishings, reduce the amount of work space used or held to essential minimums, and report to the Administrator of General Services any holdings not necessary for the mission of the agency. Federal agencies are also responsible for judicious management of funds used for furniture and other office related accouterments. Delegates to the Administrator authority to conduct surveys and establish agencywide objectives for each Executive agency in developing their work space management planning programs.

3. Executive Order 12512 - Federal Real Property Management Directs GSA to provide Governmentwide policy oversight and guidance for Federal real property management; to establish standards and procedures for Federal agencies' review of their real property holdings; to conduct utilization surveys; and to provide leadership in the development of property management information systems.

4. Executive Order 13006 - Locating Federal Facilities in Historic Properties in our Nation's Central Cities Encourages Federal agencies to locate Federal facilities on historic properties in our Nation's central cities.



X. Safety and Environmental Management

A. Laws

1. American Indian Religious Freedom Act of 1978 (42 U.S.C. §§1996-1996a) Requires Federal agencies with statutory or administrative responsibility for the management of Federal lands to accommodate Indian access to and ceremonial use of Indian sacred sites.

2. Archeological and Historic Preservation Act of 1974, as amended, (16 U.S.C. §§469a1 - 469c-2) Requires that when any Federal agency finds that its actions in connection with any Federal construction project, Federally licensed project, or other project may cause irreparable loss or destruction of significant scientific, prehistoric, historic, or archaeological data, to notify the Secretary of the Department of Interior.

3. Archeological Resources Protection Act of 1979, as amended, (16 U.S.C. §§470aa-470mm) Requires any person to apply to a Federal land manager for a permit to excavate and remove archaeological resources (i.e. pottery, weapons, tools, structures or portions of structures, or skeletal human remains) located on public or Indian lands.

4. Architectural Barriers Act of 1968 (ABA) (42 U.S.C. §§4151-4157) Establishes standards for accessibility by physically disabled persons and requires compliance with the standards in the design, construction and alteration of buildings and facilities owned or leased, in whole or in part, by the Federal Government. The ABA includes certain recording keeping and reporting requirements.

5. Clean Air Act of 1963 (42 U.S.C. §§7401 et seq.) Requires each Federal department, agency, and instrumentality of the United States to comply with all Federal, State, interstate, and local requirements regarding the control and abatement of air pollution in the same manner and to the same extent as any non-governmental entity.

6. Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended by the Superfund Amendments and Reauthorization Act of 1986 (SARA), and the Community Environmental Response Facilitation Act (CERFA) (42 U.S.C. §§9601 et seq.) Requires each Federal department, agency, and instrumentality of the United States to respond to releases or threats of release of hazardous substances, pollutants or contaminants by taking actions to abate a release and contamination. Establishes a compensation and liability scheme for clean-ups.

7. Earthquake Hazards Reduction Act of 1977 (42 U.S.C. §§ 7701-7706) Requires compliance with Federally established standards for the reduction of seismic hazards in Federally owned or leased buildings (e.g., during repair and alteration). These standards were adopted by Executive Order 12941 - Seismic Safety of Existing Federally Owned or Leased Buildings.



8. Energy Policy and Conservation Act (EPACT) (42 U.S.C. §§6201 et seq.)
Requires measures for energy conservation and improved energy efficiency.

9. Fire Administration Authorization Act of 1992 (15 U.S.C. §2227) Requires that an entire building be sprinklered or provide an equivalent level of life safety for Federally owned buildings and when Federal funds are used to lease 35,000 square feet or more of space in a building (under 1 or more leases) and some portion of the leased space is on or above the 6th floor. Also requires that all hazardous areas in all Federally controlled space (owned or leased) be sprinklered in all Government leases.

10. National Environmental Policy Act of 1969, as amended, (42 U.S.C. §§4321 et seq.) Requires an assessment of the environmental impact of each major Federal action significantly affecting the environment. This may include the preparation of environmental documentation for major acquisition or construction projects, repair and alterations projects, or other major actions.

11. National Historic Preservation Act of 1966, as amended, (16 U.S.C. §§470 et seq.) Requires all Federal agencies to preserve historic properties which are owned or controlled by such agency. Prior to acquiring, constructing or leasing buildings, each Federal agency shall use, to the maximum extent feasible, historic properties available to the agency.

12. Native American Graves Protection and Repatriation Act (23 U.S.C. §§3001 et seq.) Clarifies the ownership rights to Native American remains and artifacts found on Federal or Tribal land. Requires Federal agencies that have custody and control over such remains or items to inventory them and notify the affected Indian or cultural groups for possible repatriation.

13. Occupational Safety and Health Act of 1970 (29 U.S.C. §§651-678)
Requires all Federal agencies to provide safe, healthful working places and conditions, including building features such as lighting, guard rails, indoor air quality, fire safety features, emergency elevator requirements, etc.

14. Solid Waste Disposal Act as amended by the Resource Conservation and Recovery Act of 1976 (42 U.S.C. §§6901 et seq.) and Hazardous and Solid Waste Amendments of 1984 (P.L. 98-616) Regulates hazardous and solid waste activities including underground storage tanks (42 U.S.C. §§6991 et. seq.) All Federal departments, agencies, and instrumentalities must be in compliance with Federal, State and local law. This Act regulates generators, transporters, and treatment, storage and disposal facilities in their treatment of hazardous waste.



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15. Toxic Substance Control Act (15 U.S.C. §§2601 et seq.) Regulates specific chemical substances, including PCBs, lead, and asbestos. Regulates the manufacturing, processing, and disposal of such substances.

16. Federal Property Management Regulations, Amendment A-52, September 1994, Subpart 101-6.6, Fire Protection (Firesafety) Engineering Requires that an equivalent level of life safety evaluation be performed by a qualified fire protection engineer in buildings covered under the Fire Administration Authorization Act of 1992. After this evaluation is determined to be acceptable, a record should be maintained of the evaluation and appropriate copies given to fire departments or other local authorities for use in developing prefire plans.

17. Federal Property Management Regulations, Subchapter D, Public Buildings and Space, Part 101-19, Construction and Alteration of Public Buildings (41 CFR Part 101-19) Prescribes policies and procedures for the alteration of public buildings, including standards for the alterations of buildings to ensure, whenever possible, that physically disabled persons will have ready access to and use of such buildings.

18. Federal Property Management Regulations, Subchapter D, Public Buildings and Space, Part 101-20, Management of Buildings and Grounds (41 CFR Part 101-20) Prescribes the policies and procedures for the management, operations, protection, and maintenance of Government-owned and leased properties under the assignment responsibility of GSA.

19. Federal Property Management Regulations, Subchapter H, Utilization and Disposal, Part 101-42, Utilization and Disposal of Hazardous Materials and Certain Categories of Property (41 CFR Part 101-42) Prescribes the special policies and procedures governing the utilization, donation, sale, exchange, or other disposition of hazardous materials, dangerous property, and other categories of property with special utilization and disposal requirements.

B. Executive Orders

1. Executive Order 11514 - Protection and Enhancement of Environmental Quality Places additional responsibilities on Federal agencies to ensure their activities comply with the National Environmental Policy Act requirements.

2. Executive Order 11988 - Floodplain Management Requires Federal agencies to evaluate the impact of their activity to floodplains in order to protect against flood loss.

Safety and Environmental Management

3. Executive Order 11990 - Protection of Wetlands Requires Federal agencies to evaluate the impact of their activity to floodplains in order to protect against flood loss.

4. Executive Order 12196 - Occupational Safety and Health Programs for Federal Employees Requires the head of each Federal agency to establish and maintain an effective and comprehensive occupational safety and health program. Requires Federal agencies to furnish safe and healthy places and conditions of employment.

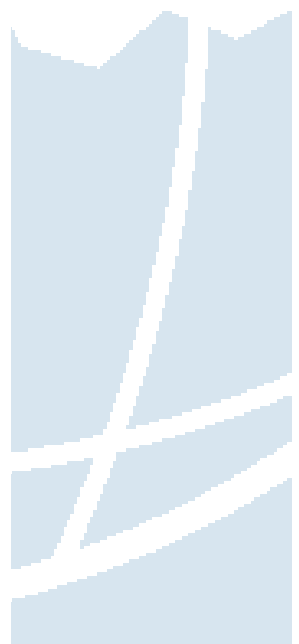
5. Executive Order 12856 - Federal Compliance With Right-To-Know Laws and Pollution Prevention Requirements Requires Federal agencies that manage facilities to reduce the amount of toxic chemicals entering any waste stream through source reduction, and requires that agencies report any introduction of toxic chemicals into the waste stream to the public.

6. Executive Order 12898 - Environmental Justice Requires Federal agencies to take all practicable measures to avoid disproportionately high and adverse environmental impacts on low-income and minority populations.

7. Executive Order 12902 - Energy Efficiency and Water Conservation in Federal Facilities Requires each Federal agency to develop plans and goals to reduce energy consumption.

8. Executive Order 12941 - Seismic Safety of Existing Federally Owned or Leased Buildings In Furtherance of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. §§7701-7706) Requires Federal departments and agencies to meet the Standards of Seismic Safety for Existing Federally Owned or Leased Buildings in order to assess and enhance the seismic safety of existing buildings constructed for or leased by the Federal Government which were designed and constructed without adequate seismic design and construction standards.

9. Executive Order 13007 - Indian Sacred Sites Requires Federal agencies that manage land, to the extent practicable, to avoid impeding the access of American Indians to traditional sacred sites, and to avoid physical impact to such sites.



XI. Security



A. Laws

1. Assimilative Crimes Act (18 U.S.C. §13) Provides that if an individual commits an act which is not a violation of Federal law, but is a violation of the laws of a State, district, territory, or possession in which the Federal jurisdiction is located, and the Federal jurisdiction is exclusive or concurrent, the individual is considered to have committed a Federal offense.

2. Edgar Amendment (40 U.S.C. §490c) Prohibits GSA, with certain exceptions, from contracting for guard, elevator operator, messenger, and custodial services if any permanent veterans preference employee of GSA would be terminated as a result of the procurement of such services.

3. Federal Property and Administrative Services Act of 1949, as amended, (40 U.S.C. §§471 et seq.) Authorizes the Administrator of General Services to furnish arms and ammunition for the protection force maintained by GSA. Authorizes officers and employees of GSA having investigatory powers to administer oaths.

4. Protection of Public Property Act (40 U.S.C. §§318-318d) Authorizes the Administrator of General Services to:

a) appoint special police for the policing of property under the charge and control for GSA.

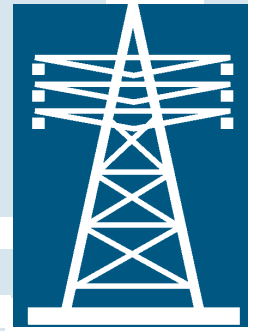
b) make rules and regulations to govern GSA controlled property and impose penalties for the violation of such rules.

c) to detail special police to other agencies for protection of property under that agency's control and extend GSA rules and regulations to that property.

d) utilize the facilities and services of existing Federal law enforcement, and, with consent, that of State and local law enforcement agencies.

e) appoint nonuniformed special policemen in order to protect property under GSA's charge and control.

XII. Public Utilities



A. Laws

1. Clean Air Act of 1963 (42 U.S.C. §§7401 et seq.) Requires the utilization in Federal air control programs of all available and appropriate facilities and resources within the Federal Government for the prevention and abatement of air pollution.

2. Energy Policy and Conservation Act (EPACT) (42 U.S.C. §§6201 et seq.) Requires Federal agencies to implement programs that reduce energy consumption in Federal Facilities.

3. Federal Power Act of 1920, as amended, (16 U.S.C. §§791 et seq.) Regulates power industry and appoints the Federal Power Commission.

4. Federal Property and Administrative Services Act of 1949, as amended, (40 U.S.C. §§471 et seq.) Authorizes GSA to manage public utility services and directs the Administrator to represent Federal agencies in negotiations with public utilities and in proceedings involving public utilities before Federal and State regulatory bodies.

5. National Environmental Policy Act of 1969, as amended, (42 U.S.C. §§4321 et seq.) Requires consideration of environmental factors in the decision-making process for major Federal actions.

6. Natural Gas Policy Act of 1978 (15 U.S.C. §§3301 et seq.) Regulates natural gas supplies, pricing and related issues.

7. Powerplant and Industrial Fuel Use Act of 1978, as amended, (P.L. 95-620, 92 Stat. 3289) Provides, among other things, for decreasing petroleum importation and increasing the capability to use indigenous energy resources.

8. Public Utility Holding Company Act of 1935, as amended, (15 U.S.C. §§79a et seq.) Sets rules and standards for the ownership of publicly regulated utilities by unregulated corporations.

9. Public Utility Regulatory Policy Act of 1978, as amended, (P.L. 95-617, 92 Stat. 3117) Provides for the conservation, distribution, and development of electric, hydro-electric, natural gas and crude oil energy resources.

10. Small Business Act, as amended, (15 U.S.C. §§631 et seq.) Requires an effort by Federal contractors to place subcontracts with small and small disadvantaged business (economically and socially disadvantaged) concerns.

B. Executive Orders

1. Executive Order 12902 - Energy Efficiency and Water Conservation at Federal Facilities Requires, among other things, each Federal agency to develop energy consumption reduction goals.



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American Indian Religious Freedom Act of 1978 (42 U.S.C. §§1996-1996a), FM p. 8, RPD p. 14, D&C p. 18, HP p. 22, and SEM p. 26

Americans with Disabilities Act of 1990 (P.L. 101-336, 104 Stat. 327), D&C p. 18

Archeological and Historic Preservation Act of 1974, as amended, (16 U.S.C. §§469a-1-469c-2), D&C p. 18, and SEM p. 26

Archeological Resources Protection Act of 1979, as amended, (16 U.S.C. §§470aa-470mm), FM p. 8, HP p. 22, and SEM p. 26

Architectural Barriers Act of 1968 (42 U.S.C. §§4151-4157), RPA p. 3, D&C p. 18, and SEM p. 26

Assimilative Crimes Act (18 U.S.C. §13), S p. 30

Base Closure Community Development and Homeless Assistance Act of 1994 (P.L. 103-421, 10 U.S.C. §2687 note), RPD p. 14

Clean Air Act of 1963 (42 U.S.C. §§7401 et seq.), SEM p. 26, and PU p. 31

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Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.), RPA p. 3, FM p. 8, and RPD p. 14

Competition in Contracting Act of 1984 (31 U.S.C. §§3551-3556 and 41 U.S.C. §§251-260), RPA p. 3

Comprehensive Drug Abuse and Prevention and Control Act (21 U.S.C. §881), RPD p. 14

Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended by the Superfund Amendments and Reauthorization Act of 1986 (SARA), and the Community Environmental Response Facilitation Act (CERFA) (42 U.S.C. §§9601 et seq.), RPD p. 14, and SEM p. 26

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