

able buildings of historic, architectural, or cultural significance.

To this end, the Federal Government shall utilize and maintain, wherever operationally appropriate and economically prudent, historic properties and districts, especially those located in our central business areas. When implementing these policies, the Federal Government shall institute practices and procedures that are sensible, understandable, and compatible with current authority and that impose the least burden on, and provide the maximum benefit to, society.

**SEC. 2. Encouraging the Location of Federal Facilities on Historic Properties in Our Central Cities.** When operationally appropriate and economically prudent, and subject to the requirements of section 601 of title VI of the Rural Development Act of 1972, as amended (42 U.S.C. 3122) [now 7 U.S.C. 2204b-1], and Executive Order No. 12072, when locating Federal facilities, Federal agencies shall give first consideration to historic properties within historic districts. If no such property is suitable, then Federal agencies shall consider other developed or undeveloped sites within historic districts. Federal agencies shall then consider historic properties outside of historic districts, if no suitable site within a district exists. Any rehabilitation or construction that is undertaken pursuant to this order must be architecturally compatible with the character of the surrounding historic district or properties.

**SEC. 3. Identifying and Removing Regulatory Barriers.** Federal agencies with responsibilities for leasing, acquiring, locating, maintaining, or managing Federal facilities or with responsibilities for the planning for, or managing of, historic resources shall take steps to reform, streamline, and otherwise minimize regulations, policies, and procedures that impede the Federal Government's ability to establish or maintain a presence in historic districts or to acquire historic properties to satisfy Federal space needs, unless such regulations, policies, and procedures are designed to protect human health and safety or the environment. Federal agencies are encouraged to seek the assistance of the Advisory Council on Historic Preservation when taking these steps.

**SEC. 4. Improving Preservation Partnerships.** In carrying out the authorities of the National Historic Preservation Act, the Secretary of the Interior, the Advisory Council on Historic Preservation, and each Federal agency shall seek appropriate partnerships with States, local governments, Indian tribes, and appropriate private organizations with the goal of enhancing participation of these parties in the National Historic Preservation Program. Such partnerships should embody the principles of administrative flexibility, reduced paperwork, and increased service to the public.

**SEC. 5. Judicial Review.** This order is not intended to create, nor does it create, any right or benefit, substantive or procedural, enforceable at law by a party against the United States, its agencies or instrumentalities, its officers or employees, or any other person.

WILLIAM J. CLINTON.

### § 3307. Congressional approval of proposed projects

(a) **RESOLUTIONS REQUIRED BEFORE APPROPRIATIONS MAY BE MADE.**—The following appropriations may be made only if the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives adopt resolutions approving the purpose for which the appropriation is made:

(1) An appropriation to construct, alter, or acquire any building to be used as a public building which involves a total expenditure in excess of \$1,500,000, so that the equitable distribution of public buildings throughout the United States with due regard for the com-

parative urgency of need for the buildings, except as provided in section 3305(b) of this title, is ensured.

(2) An appropriation to lease any space at an average annual rental in excess of \$1,500,000 for use for public purposes.

(3) An appropriation to alter any building, or part of the building, which is under lease by the Federal Government for use for a public purpose if the cost of the alteration will exceed \$750,000.

(b) **TRANSMISSION TO CONGRESS OF PROSPECTUS OF PROPOSED PROJECT.**—To secure consideration for the approval referred to in subsection (a), the Administrator of General Services shall transmit to Congress a prospectus of the proposed facility, including—

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

(2) the location of the building or space to be leased and an estimate of the maximum cost to the Government of the facility to be constructed, altered, or 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 those buildings that enhance the architectural, historical, social, cultural, and economic environment of the locality;

(4) with respect to any project for the construction, alteration, 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 a building identified by the Administrator under section 3303(c) of this title as suitable for the public building needs of the Government;

(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, or acquired, or the space to be leased; and

(7) with respect to any prospectus for the construction, alteration, or acquisition of any building or space to be leased, an estimate of the future energy performance of the building or space and a specific description of the use of energy efficient and renewable energy systems, including photovoltaic systems, in carrying out the project.

(c) **INCREASE OF ESTIMATED MAXIMUM COST.**—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 any percentage increase, as determined by the Administrator, in construction or alteration costs from the date the prospectus is transmitted to Congress. The increase authorized by this

subsection may not exceed 10 percent of the estimated maximum cost.

(d) **RESCISSION OF APPROVAL.**—If an appropriation is not made within one year after the date a project for construction, alteration, or acquisition is approved under subsection (a), the Committee on Environment and Public Works of the Senate or the Committee on Transportation and Infrastructure of the House of Representatives by resolution may rescind its approval before an appropriation is made.

(e) **EMERGENCY LEASES BY THE ADMINISTRATOR.**—This section does not prevent the Administrator from entering into emergency leases during any period declared by the President to require emergency leasing authority. An emergency lease may not be for more than 180 days without approval of a prospectus for the lease in accordance with subsection (a).

(f) **MINIMUM PERFORMANCE REQUIREMENTS FOR LEASED SPACE.**—With respect to space to be leased, the Administrator shall include, to the maximum extent practicable, minimum performance requirements requiring energy efficiency and the use of renewable energy.

(g) **LIMITATION ON LEASING CERTAIN SPACE.**—

(1) **IN GENERAL.**—The Administrator may not lease space to accommodate any of the following if the average rental cost of leasing the space will exceed \$1,500,000:

(A) Computer and telecommunications operations.

(B) Secure or sensitive activities related to the national defense or security, except when it would be inappropriate to locate those activities in a public building or other facility identified with the Government.

(C) A permanent courtroom, judicial chamber, or administrative office for any United States court.

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

(A) decides, for reasons set forth in writing, that leasing the space is necessary to meet requirements which cannot be met in public buildings; and

(B) submits the reasons to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(h) **DOLLAR AMOUNT ADJUSTMENT.**—The Administrator annually may adjust any dollar amount referred to in this section to reflect a percentage increase or decrease in construction costs during the prior calendar year, as determined by the composite index of construction costs of the Department of Commerce. Any adjustment shall be expeditiously reported to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1161; Pub. L. 110–140, title III, § 323(a), (b), Dec. 19, 2007, 121 Stat. 1589, 1590.)

## HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
3307(a) .....	40:606(a) (1st–3d sentences).	Pub. L. 86–249, § 7(a)–(d), Sept. 9, 1959, 73 Stat. 480; Pub. L. 92–313, § 2(4), June 16, 1972, 86 Stat. 217; Pub. L. 94–541, title I, § 103(1), (2), Oct. 18, 1976, 90 Stat. 2505; Pub. L. 100–678, §§ 2, 3(a), Nov. 17, 1988, 102 Stat. 4049; Pub. L. 103–437, § 14(b)(1), Nov. 2, 1994, 108 Stat. 4590.
3307(b) .....	40:606(a) (last sentence).	
3307(c) .....	40:606(b).	
3307(d) .....	40:606(c).	
3307(e) .....	40:606(d).	
3307(f) .....	40:606(e).	Pub. L. 86–249, § 7(e), as added Pub. L. 100–678, § 3(b), Nov. 17, 1988, 102 Stat. 4049.
3307(g) .....	40:606(f) (related to this section).	Pub. L. 86–249, § 7(f) (related to this section), Sept. 9, 1959, as added Pub. L. 100–678, § 4, Nov. 17, 1988, 102 Stat. 4050.

In this section, the words “Transportation and Infrastructure” are substituted for “Public Works and Transportation” in section 7 of the Public Buildings Act of 1959 (Public Law 86–249, 73 Stat. 480) because of section 1(a)(9) of the Act of June 3, 1995 (Public Law 104–14, 2:21 note prec.). The word “purchase” is omitted as being included in “acquire”.

In subsection (c), the words “if any” and “as the case may be” are omitted as unnecessary.

In subsection (d), the words “at any time thereafter” are omitted as unnecessary.

In subsection (f)(2)(A), the word “first” is omitted as unnecessary.

## AMENDMENTS

2007—Subsec. (b)(7). Pub. L. 110–140, § 323(a), added par. (7).

Subsecs. (f) to (h). Pub. L. 110–140, § 323(b), added subsec. (f) and redesignated former subsecs. (f) and (g) as (g) and (h), respectively.

## EFFECTIVE DATE OF 2007 AMENDMENT

Amendment by Pub. L. 110–140 effective on the date that is 1 day after Dec. 19, 2007, see section 1601 of Pub. L. 110–140, set out as an Effective Date note under section 1824 of Title 2, The Congress.

**§ 3308. Architectural or engineering services**

(a) **EMPLOYMENT BY ADMINISTRATOR.**—When the Administrator of General Services decides it to be necessary, the Administrator may employ, by contract or otherwise, without regard to chapters 33 and 51 and subchapter III of chapter 53 of title 5, civil service rules and regulations, or section 6101(b) to (d) of title 41, the services of established architectural or engineering corporations, firms, or individuals, to the extent the Administrator may require those services for any public building authorized to be constructed or altered under this chapter.

(b) **EMPLOYMENT ON PERMANENT BASIS NOT PERMITTED.**—A corporation, firm, or individual shall not be employed under authority of subsection (a) on a permanent basis.

(c) **RESPONSIBILITY OF ADMINISTRATOR.**—Notwithstanding any other provision of this section, the Administrator is responsible for all construction authorized by this chapter, including the interpretation of construction contracts, approval of material and workmanship supplied under a construction contract, approval of changes in the construction contract, certifi-