

Federal Property Management Regulations

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objections by Federal agencies and State and local entities in the review process and the recommended disposition of the issues involved will be included in the final text of the environmental statement.

(4) Copies of the final environmental statement will be transmitted to the Environmental Protection Agency and to those persons who submitted substantive comments on the draft statement or requested copies of the final statement. Unless waived by EPA, no irreversible or irretrievable action shall be taken on a project until 30 calendar days after submission of the final statement to EPA.

(g) Through the appropriate planning agencies, Health System Agencies and State Health Planning and Development Agencies authorized to perform comprehensive health planning, pursuant to the National Health Planning and Resources Development Act of 1974, shall be provided adequate opportunity to review Federal projects for construction and/or equipment involving capital expenditures exceeding \$200,000 for modernization, conversion, and expansion of Federal inpatient care facilities that alter the bed capacity or modify the primary function of the facility, as well as plans for provision of major new medical services. Projects to renovate or install mechanical systems, air-conditioning systems, or other similar internal system modifications are excluded. The comments of such agencies or a certification that the agencies were provided a reasonable time to comment and failed to do so shall accompany the plan and budget requests submitted by the Federal agency to the Office of Management and Budget.

(h) Planning agencies should advise GSA of projects which may present potential areas of joint cooperation by contacting the PBS Regional Commissioner for the region in which the project is located.

(Sec. 205(c), 63 Stat. 390; (40 U.S.C. 486(c)))

[39 FR 23214, June 27, 1974, as amended at 42 FR 16779, Mar. 30, 1977; 45 FR 37206, June 2, 1980]

§ 101-19.101 Application of socioeconomic considerations.

This section provides an effective systematic arrangement to insure the availability of low- and moderate-income housing for Federal employees without discrimination because of race, color, religion, or national origin and to influence the improvement in social and economic conditions in the area of Federal buildings.

§ 101-19.101-1 Location of buildings.

(a) GSA, in all its determinations regarding the location of federally constructed buildings and the acquisition of leased buildings, will consider to the maximum possible extent the availability of low- and moderate-income housing for employees without discrimination because of race, color, religion, or national origin and will affirmatively further the purposes of title VIII of the Civil Rights Act of 1968.

(b) Final decisions of the Administrator of General Services will be based on the determination that such decisions will improve the management and administration of governmental activities and services and will foster the programs and policies of the Federal Government.

§ 101-19.101-2 Agreement with Secretary of Housing and Urban Development.

(a) The Administrator of General Services has entered into an agreement with the Secretary of Housing and Urban Development to utilize the Department of Housing and Urban Development (HUD) to investigate, determine, and report to GSA findings on the availability of low- and moderate-income housing on a nondiscriminatory basis with respect to proposed locations for a federally constructed building or major lease action having a significant socioeconomic impact on a community.

(b) HUD shall advise GSA and other Federal agencies with respect to actions which would increase the availability of low- and moderate-income housing on a nondiscriminatory basis, after a site has been selected for a federally constructed building or a lease executed for space and shall assist in

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increasing the availability of such housing through its own programs.

(c) The text of the HUD-GSA agreement is located at §101-19.4801.

§ 101-19.101-3 Consultation with HUD.

(a) In the initial selection of a city or delineation of a general area for location of public buildings or leased buildings, GSA will provide the earliest possible notice to HUD of information with respect to such decisions. Regional offices of HUD, as identified by the Secretary of Housing and Urban Development, and local planning and housing authorities will be consulted concerning the present and planned availability of low- and moderate-income housing on a nondiscriminatory basis in the area where the project is to be located during the project development investigation.

(b) Regional office representatives of HUD, as designated by the Secretary of Housing and Urban Development, will participate in site investigations for the purpose of providing a report to GSA on the availability of low- and moderate-income housing on a nondiscriminatory basis in the area of the investigation.

(c) The HUD Regional Administrator will transmit to the Regional Commissioner, PBS, his evaluation of the sites being considered. In any case in which a proposed site is deemed inadequate on one or more grounds; i.e., supply of low- and moderate-income housing on a non-discriminatory basis, non-discrimination in the sale and rental of housing on the basis of race, color, religion, or national origin, or availability of transportation from housing to site, the HUD Regional Administrator shall include an outline of corrective actions which, in his judgment, will be required to overcome the inadequacies noted.

(d) The following actions are subject to the provisions of the HUD/GSA Memorandum of Understanding:

(1) All project development investigations.

(2) Site selections for public buildings (or leased space in buildings to be erected by the lessor) in which 100 or more low- and moderate-income employees are expected to be employed in the new building.

(3) GSA requests HUD review in actions of special importance not covered by paragraph (d)(2) of this section.

(e) The Regional Commissioner, PBS, shall promptly notify the HUD Regional Administrator after reaching a decision on the sites to be recommended for a facility and their priority. In the event any of the preferred sites are identified by HUD as inadequate on one or more of the grounds set forth in paragraph (c) of this section, the HUD Regional Administrator shall so advise the Assistant Secretary for Equal Opportunity. The Assistant Secretary will notify the Commissioner, Public Buildings Service, GSA, of HUD's concerns within 5 workdays after notification by the HUD Regional Administrator and agree on the time required to properly present HUD's view.

(f) GSA will provide a written explanation when, after headquarters' review, a location is selected which HUD reported inadequate with respect to one or more of the grounds set forth in paragraph (c) of this section, in accordance with the HUD-GSA Memorandum of Understanding.

§ 101-19.101-4 Affirmative action plan.

(a) Prior to the announcement of a site selected contrary to the recommendation of HUD, the involved Federal agency, GSA, HUD, and the community in which the proposed site is located will utilize the items indicated in the report of the HUD Regional Administrator as a basis for developing a written Affirmative Action Plan. The Affirmative Action Plan will insure that an adequate supply of low- and moderate-income housing will be available on a nondiscriminatory basis, and that there is adequate transportation from housing to the site before the building or space is to be occupied or within a period of 6 months thereafter. Such a plan will also contain appropriate provisions designed affirmatively to further nondiscrimination in the sale and rental of housing on the basis of race, color, religion, or national origin. The Affirmative Action Plan will be prepared in accordance with section 9(g) of the HUD-GSA Memorandum of Understanding, and will include the following points: