FEDERAL PROTECTIVE SERVICE GUARD CONTRACTING REFORM

Pub. L. 110–356, Oct. 8, 2008, 122 Stat. 3996, provided that:

''SECTION 1. SHORT TITLE.

''This Act may be cited as the 'Federal Protective Service Guard Contracting Reform Act of 2008'.

''SEC. 2. FEDERAL PROTECTIVE SERVICE CONTRACTS.

''(a) PROHIBITION ON AWARD OF CONTRACTS TO ANY BUSINESS CONCERN OWNED, CONTROLLED, OR OPERATED BY AN INDIVIDUAL CONVICTED OF A FELONY.—

''(1) IN GENERAL.—The Secretary of Homeland Security, acting through the Assistant Secretary of U.S. Immigration and Customs Enforcement—

''(A) shall promulgate regulations establishing guidelines for the prohibition of contract awards for the provision of guard services under the contract security guard program of the Federal Protective Service to any business concern that is owned, controlled, or operated by an individual who has been convicted of a felony; and

''(B) may consider permanent or interim prohibitions when promulgating the regulations.

''(2) CONTENTS.—The regulations under this subsection shall—

''(A) identify which serious felonies may prohibit a contractor from being awarded a contract;

''(B) require contractors to provide information regarding any relevant felony convictions when submitting bids or proposals; and

''(C) provide guidelines for the contracting officer to assess present responsibility, mitigating factors, and the risk associated with the previous conviction, and allow the contracting officer to award a contract under certain circumstances.

''(b) REGULATIONS.—Not later than 6 months after the date of the enactment of this Act [Oct. 8, 2008], the Secretary shall issue regulations to carry out this section.

''SEC. 3. REPORT ON GOVERNMENT-WIDE APPLICABILITY.

''Not later than 18 months after the date of enactment of the [probably should be ''this''] Act, the Administrator for Federal Procurement Policy shall submit a report on establishing similar guidelines government-wide to the Committee on Homeland Security and Governmental Affairs and the Committee on Oversight and Government Reform of the House of Representatives.''

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PART A—GENERAL

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SUBCHAPTER I—OVERSIGHT AND REGULATION OF PUBLIC BUILDINGS

§ 3101. Public buildings under control of Administrator of General Services

All public buildings outside of the District of Columbia and outside of military reservations purchased or erected out of any appropriation under the control of the Administrator of General Services, and the sites of the public buildings, are under the exclusive jurisdiction and control, and in the custody of, the Administrator. The Administrator may take possession of the buildings and assign and reassign rooms in the buildings to federal officials, clerks, and employees that the Administrator believes should be furnished with offices or rooms in the buildings.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1143.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
3101	40:285.	July 1, 1898, ch. 546, § 1 (6th complete par. on p. 614), 30 Stat. 614.

The word ''subtreasuries'' in the 6th complete paragraph on p. 614 of section 1 of the Act of July 1, 1898 (ch. 546, 30 Stat. 614), is omitted because section 1 (words in par. under heading ''Independent Treasury'') of the Act of May 29, 1914 (ch. 214, 41 Stat. 654) discontinued subtreasuries. The word ''post-offices'' in section 1 is omitted because section 1 of Executive Order No. 6166 (eff. June 10, 1933) transferred administration of post office buildings to the Post Office Department. The words ''courthouses, customhouses, appraiser's stores, barge offices, and other'' are omitted as unnecessary. The words ''or are in course of construction'' are omitted as obsolete. The words ''Administrator of General Services'' are substituted for ''Treasury Department'' and ''Secretary of the Treasury'' [subsequently changed to ''Federal Works Agency'' and ''Federal Works Administrator'' because of sections 301 and 303, respectively, of Reorganization Plan No. I of 1939 (eff. July 1, 1939, 53 Stat. 1426, 1427)] because of section 103(a) of the Federal Property and Administrative Services Act of 1949 (ch. 288, 63 Stat. 380), which is restated as section 303(c) [303(b)] of the revised title.

[1] Section catchline amended by Pub. L. 111–8 without corresponding amendment of chapter analysis.

[2] Editorially supplied. Section 3177 added by Pub. L. 109–58 without corresponding amendment of chapter analysis.

PROHIBITION OF CIGARETTE SALES TO MINORS IN FEDERAL BUILDINGS AND LANDS

Pub. L. 104–52, title VI, § 636, Nov. 19, 1995, 109 Stat. 507, known as the ''Prohibition of Cigarette Sales to Minors in Federal Buildings and Lands Act'', required the Administrator of General Services and the head of each Federal agency to promulgate regulations, to be reported to Congress, prohibiting the sale of tobacco products in vending machines or distribution of free samples of tobacco products located in or around any Federal building under the jurisdiction of the Administrator or agency head, and provided that the appropriate congressional committees would promulgate regulations prohibiting tobacco sales in vending machines in certain congressional buildings.

§ 3102. Naming or designating buildings

The Administrator of General Services may name or otherwise designate any building under the custody and control of the General Services Administration, regardless of whether it was previously named by statute.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1143.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
3102	40:298d.	June 16, 1949, ch. 218, title IV, § 410, 63 Stat. 200; Pub. L. 85–542, July 18, 1958, 72 Stat. 399.

The words ''notwithstanding any other provision of law'' and ''rename'' are omitted as unnecessary.

§ 3103. Admission of guide dogs or other service animals accompanying individuals with disabilities

(a) IN GENERAL.—Guide dogs or other service animals accompanying individuals with disabilities and especially trained and educated for that purpose shall be admitted to any building or other property owned or controlled by the Federal Government on the same terms and conditions, and subject to the same regulations, as generally govern the admission of the public to the property. The animals are not permitted to run free or roam in a building or on the property and must be in guiding harness or on leash and under the control of the individual at all times while in a building or on the property.

(b) REGULATIONS.—The head of each department or other agency of the Government may prescribe regulations the individual considers necessary in the public interest to carry out this section as it applies to any building or other property subject to the individual's jurisdiction.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1143.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
3103(a)	40:291 (1st sentence).	Dec. 10, 1941, ch. 563, 55 Stat. 796.
3103(b)	40:291 (last sentence).	

In subsection (a), the words ''Seeing-eye dogs or other'' are omitted as unnecessary. The words ''or other service animals'' are added, and the words ''individuals with disabilities'' are substituted for ''blind masters'', because of section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and Part 39 of Title 28 of the

Code of Federal Regulations, which expanded the coverage of the source provision to all service animals and to all individuals with disabilities.

§ 3104. Furniture for new buildings

Furniture for all new public buildings shall be acquired in accordance with plans and specifications approved by the Administrator of General Services.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1143.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
3104	40:283.	May 27, 1908, ch. 200 1 [sic] (7th complete par. on p. 327), 35 Stat. 327.

The words ''Administrator of General Services'' are substituted for ''Supervising Architect of the Treasury'' [subsequently changed to ''Secretary of the Treasury'' because of section 1 of Executive Order No. 6166 (eff. June 10, 1933) and to ''Federal Works Administrator'' because of section 301 of Reorganization Plan No. I of 1939 (eff. July 1, 1939, 53 Stat. 1426)] because of section 103(a) of the Federal Property and Administrative Services Act of 1949 (ch. 288, 63 Stat. 380), which is restated as section 303(c) [303(b)] of the revised title.

§ 3105. Buildings not to be draped in mourning

No building owned, or used for public purposes, by the Federal Government shall be draped in mourning nor may public money be used for that purpose.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1143.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
3105	40:286.	Mar. 3, 1893, ch. 211, § 3, 27 Stat. 715.

The words ''On and after March 3, 1893'' are omitted as obsolete.

SUBCHAPTER II—ACQUIRING LAND

§ 3111. Approval of sufficiency of title prior to acquisition

(a) APPROVAL OF ATTORNEY GENERAL REQUIRED.—Public money may not be expended to purchase land or any interest in land unless the Attorney General gives prior written approval of the sufficiency of the title to the land for the purpose for which the Federal Government is acquiring the property.

(b) DELEGATION.—

(1) IN GENERAL.—The Attorney General may delegate the responsibility under this section to other departments and agencies of the Government, subject to general supervision by the Attorney General and in accordance with regulations the Attorney General prescribes.

(2) REQUEST FOR OPINION OF ATTORNEY GENERAL.—A department or agency of the Government that has been delegated the responsibility to approve land titles under this section may request the Attorney General to render an opinion as to the validity of the title to any real property or interest in the property, or may request the advice or assistance of the Attorney General in connection with determinations as to the sufficiency of titles.

(c) PAYMENT OF EXPENSES FOR PROCURING CERTIFICATES OF TITLE.—Except where otherwise authorized by law or provided by contract, the expenses of procuring certificates of titles or other evidences of title as the Attorney General may require may be paid out of the appropriations for the acquisition of land or out of the appropriations made for the contingencies of the acquiring department or agency of the Government.

(d) NONAPPLICATION.—This section does not affect any provision of law in effect on September 1, 1970, that is applicable to the acquisition of land or interests in land by the Tennessee Valley Authority.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1144.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
3111(a)	40:255 (1st par.).	R.S. § 355 (1st–5th pars.); June 28, 1930, ch. 710, 46 Stat. 828; Feb. 1, 1940, ch. 18, 54 Stat. 19; Oct. 9, 1940, ch. 793, 54 Stat. 1083; Pub. L. 91–393, § 1, Sept. 1, 1970, 84 Stat. 835.
3111(b)	40:255 (2d, 3d pars.).	
3111(c)	40:255 (4th par.).	
3111(d)	40:255 (5th par.).	

In subsection (d), the words ''in any manner'' are omitted as unnecessary.

§ 3112. Federal jurisdiction

(a) EXCLUSIVE JURISDICTION NOT REQUIRED.—It is not required that the Federal Government obtain exclusive jurisdiction in the United States over land or an interest in land it acquires.

(b) ACQUISITION AND ACCEPTANCE OF JURISDICTION.—When the head of a department, agency, or independent establishment of the Government, or other authorized officer of the department, agency, or independent establishment, considers it desirable, that individual may accept or secure, from the State in which land or an interest in land that is under the immediate jurisdiction, custody, or control of the individual is situated, consent to, or cession of, any jurisdiction over the land or interest not previously obtained. The individual shall indicate acceptance of jurisdiction on behalf of the Government by filing a notice of acceptance with the Governor of the State or in another manner prescribed by the laws of the State where the land is situated.

(c) PRESUMPTION.—It is conclusively presumed that jurisdiction has not been accepted until the Government accepts jurisdiction over land as provided in this section.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1144.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
3112(a)	40:255 (last par. 1st sentence words before semicolon).	R.S. § 355 (last par.); June 28, 1930, ch. 710, 46 Stat. 828; Feb. 1, 1940, ch. 18, 54 Stat. 19; Oct. 9, 1940, ch. 793, 54 Stat. 1083.
3112(b)	40:255 (last par. 1st sentence words after semicolon).	
3112(c)	40:255 (last par. last sentence).	

Subsection (a) is substituted for 40:255 (last par. 1st sentence words before semicolon) to eliminate unnecessary words.

In subsection (b), the words ''exclusive or partial'' are omitted as unnecessary.

§ 3113. Acquisition by condemnation

An officer of the Federal Government authorized to acquire real estate for the erection of a public building or for other public uses may acquire the real estate for the Government by condemnation, under judicial process, when the officer believes that it is necessary or advantageous to the Government to do so. The Attorney General, on application of the officer, shall have condemnation proceedings begun within 30 days from receipt of the application at the Department of Justice.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1144.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
3113	40:257.	Aug. 1, 1888, ch. 728, §1, 25 Stat. 357; June 25, 1948, ch. 646, §6, 62 Stat. 986.

The words ''the Secretary of the Treasury or any other'' are omitted as unnecessary. The reference to section 258 is omitted because 40:258 is superseded by rule 71A of the Federal Rules of Civil Procedure (28 App.: U.S.C.).

§ 3114. Declaration of taking

(a) FILING AND CONTENT.—In any proceeding in any court of the United States outside of the District of Columbia brought by and in the name of the United States and under the authority of the Federal Government to acquire land, or an easement or right of way in land, for the public use, the petitioner may file, with the petition or at any time before judgment, a declaration of taking signed by the authority empowered by law to acquire the land described in the petition, declaring that the land is taken for the use of the Government. The declaration of taking shall contain or have annexed to it—

(1) a statement of the authority under which, and the public use for which, the land is taken;

(2) a description of the land taken that is sufficient to identify the land;

(3) a statement of the estate or interest in the land taken for public use;

(4) a plan showing the land taken; and

(5) a statement of the amount of money estimated by the acquiring authority to be just compensation for the land taken.

(b) VESTING OF TITLE.—On filing the declaration of taking and depositing in the court, to the use of the persons entitled to the compensation, the amount of the estimated compensation stated in the declaration—

(1) title to the estate or interest specified in the declaration vests in the Government;

(2) the land is condemned and taken for the use of the Government; and

(3) the right to just compensation for the land vests in the persons entitled to the compensation.

(c) COMPENSATION.—

(1) DETERMINATION AND AWARD.—Compensation shall be determined and awarded in the proceeding and established by judgment. The judgment shall include interest, in accordance with section 3116 of this title, on the amount finally awarded as the value of the property as of the date of taking and shall be awarded from that date to the date of payment. Interest shall not be allowed on as much of the compensation as has been paid into the court. Amounts paid into the court shall not be charged with commissions or poundage.

(2) ORDER TO PAY.—On application of the parties in interest, the court may order that any part of the money deposited in the court be paid immediately for or on account of the compensation to be awarded in the proceeding.

(3) DEFICIENCY JUDGMENT.—If the compensation finally awarded is more than the amount of money received by any person entitled to compensation, the court shall enter judgment against the Government for the amount of the deficiency.

(d) AUTHORITY OF COURT.—On the filing of a declaration of taking, the court—

(1) may fix the time within which, and the terms on which, the parties in possession shall be required to surrender possession to the petitioner; and

(2) may make just and equitable orders in respect of encumbrances, liens, rents, taxes, assessments, insurance, and other charges.

(e) VESTING NOT PREVENTED OR DELAYED.—An appeal or a bond or undertaking given in a proceeding does not prevent or delay the vesting of title to land in the Government.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1145.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
3114(a)	40:258a (1st par.).	Feb. 26, 1931, ch. 307, §1, 46 Stat. 1421; Pub. L. 99–656, §1(1), Nov. 14, 1986, 100 Stat. 3668.
3114(b)	40:258a (2d par. 1st sentence words before 1st semicolon).	
3114(c)(1)	40:258a (2d par. 1st sentence words after 1st semicolon, last sentence).	
3114(c)(2), (3).	40:258a (3d par.).	
3114(d)	40:258a (last par.).	
3114(e)	40:258b.	Feb. 26, 1931, ch. 307, §2, 46 Stat. 1422.

In subsection (a), before clause (1), the words ''which has been or may be'' are omitted as unnecessary.

In subsection (b)(1), the words ''said lands in fee simple absolute, or such less'' are omitted as unnecessary.

In subsection (b)(2), the words ''deemed to be'' are omitted as unnecessary.

§ 3115. Irrevocable commitment of Federal Government to pay ultimate award when fixed

(a) REQUIREMENT FOR IRREVOCABLE COMMITMENT.—Action under section 3114 of this title irrevocably committing the Federal Government to the payment of the ultimate award shall not be taken unless the head of the executive department or agency or bureau of the Government empowered to acquire the land believes

that the ultimate award probably will be within any limits Congress prescribes on the price to be paid.

(b) AUTHORIZED PURPOSES OF EXPENDITURES AFTER IRREVOCABLE COMMITMENT MADE.—When the Government has taken or may take title to real property during a condemnation proceeding and in advance of final judgment in the proceeding and has become irrevocably committed to pay the amount ultimately to be awarded as compensation, and the Attorney General believes that title to the property has been vested in the Government or that all persons having an interest in the property have been made parties to the proceeding and will be bound by the final judgment, the Government may expend amounts appropriated for that purpose to demolish existing structures on the property and to erect public buildings or public works on the property.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1146.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
3115(a)	40:258c.	Feb. 26, 1931, ch. 307, § 3, 46 Stat. 1422.
3115(b)	40:258e.	Feb. 26, 1931, ch. 307, § 5, 46 Stat. 1422; Pub. L. 91–393, § 4, Sept. 1, 1970, 84 Stat. 835.

In subsection (b), the words ''possession of'' are omitted as unnecessary.

§ 3116. Interest as part of just compensation

(a) CALCULATION.—The district court shall calculate interest required to be paid under this subchapter as follows:

(1) PERIOD OF NOT MORE THAN ONE YEAR.—Where the period for which interest is owed is not more than one year, interest shall be calculated from the date of taking at an annual rate equal to the weekly average one-year constant maturity Treasury yield, as published by the Board of Governors of the Federal Reserve System, for the calendar week preceding the date of taking.

(2) PERIOD OF MORE THAN ONE YEAR.—Where the period for which interest is owed is more than one year, interest for the first year shall be calculated in accordance with paragraph (1) and interest for each additional year shall be calculated on the amount by which the award of compensation is more than the deposit referred to in section 3114 of this title, plus accrued interest, at an annual rate equal to the weekly average one-year constant maturity Treasury yield, as published by the Board of Governors of the Federal Reserve System, for the calendar week preceding the beginning of each additional year.

(b) DISTRIBUTION OF NOTICE OF RATES.—The Director of the Administrative Office of the United States Courts shall distribute to all federal courts notice of the rates described in paragraphs (1) and (2) of subsection (a).

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1146.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
3116(a)	40:258e–1 (less last sentence).	Feb. 26, 1931, ch. 307, § 6, as added Pub. L. 99–656, § 1(2), Nov. 14, 1986, 100 Stat. 3668; Pub. L. 106–554, § 1(a)(7) [§ 307(a)], Dec. 21, 2000, 114 Stat. 2763A–635.
3116(b)	40:258e–1 (last sentence).	

§ 3117. Exclusion of certain property by stipulation of Attorney General

In any condemnation proceeding brought by or on behalf of the Federal Government, the Attorney General may stipulate or agree on behalf of the Government to exclude any part of the property, or any interest in the property, taken by or on behalf of the Government by a declaration of taking or otherwise.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1147.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
3117	40:258f.	Oct. 21, 1942, ch. 618, 56 Stat. 797.

The words ''that may have been, or may be'' are omitted as unnecessary.

§ 3118. Right of taking as addition to existing rights

The right to take possession and title in advance of final judgment in condemnation proceedings as provided by section 3114 of this title is in addition to any right, power, or authority conferred by the laws of the United States or of a State, territory, or possession of the United States under which the proceeding may be conducted, and does not abrogate, limit, or modify that right, power, or authority.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1147.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
3118	40:258d.	Feb. 26, 1931, ch. 307, § 4, 46 Stat. 1422.

The words ''State, territory, or possession of the United States'' are substituted for ''State or Territory'' for consistency in the revised title and with other titles of the United States Code.

SUBCHAPTER III—BONDS

§ 3131. Bonds of contractors of public buildings or works

(a) DEFINITION.—In this subchapter, the term ''contractor'' means a person awarded a contract described in subsection (b).

(b) TYPE OF BONDS REQUIRED.—Before any contract of more than $100,000 is awarded for the construction, alteration, or repair of any public building or public work of the Federal Government, a person must furnish to the Government the following bonds, which become binding when the contract is awarded:

(1) PERFORMANCE BOND.—A performance bond with a surety satisfactory to the officer

awarding the contract, and in an amount the officer considers adequate, for the protection of the Government.

(2) PAYMENT BOND.—A payment bond with a surety satisfactory to the officer for the protection of all persons supplying labor and material in carrying out the work provided for in the contract for the use of each person. The amount of the payment bond shall equal the total amount payable by the terms of the contract unless the officer awarding the contract determines, in a writing supported by specific findings, that a payment bond in that amount is impractical, in which case the contracting officer shall set the amount of the payment bond. The amount of the payment bond shall not be less than the amount of the performance bond.

(c) COVERAGE FOR TAXES IN PERFORMANCE BOND.—

(1) IN GENERAL.—Every performance bond required under this section specifically shall provide coverage for taxes the Government imposes which are collected, deducted, or withheld from wages the contractor pays in carrying out the contract with respect to which the bond is furnished.

(2) NOTICE.—The Government shall give the surety on the bond written notice, with respect to any unpaid taxes attributable to any period, within 90 days after the date when the contractor files a return for the period, except that notice must be given no later than 180 days from the date when a return for the period was required to be filed under the Internal Revenue Code of 1986 (26 U.S.C. 1 et seq.).

(3) CIVIL ACTION.—The Government may not bring a civil action on the bond for the taxes—

(A) unless notice is given as provided in this subsection; and

(B) more than one year after the day on which notice is given.

(d) WAIVER OF BONDS FOR CONTRACTS PERFORMED IN FOREIGN COUNTRIES.—A contracting officer may waive the requirement of a performance bond and payment bond for work under a contract that is to be performed in a foreign country if the officer finds that it is impracticable for the contractor to furnish the bonds.

(e) AUTHORITY TO REQUIRE ADDITIONAL BONDS.—This section does not limit the authority of a contracting officer to require a performance bond or other security in addition to those, or in cases other than the cases, specified in subsection (b).

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1147; Pub. L. 109–284, § 6(8), Sept. 27, 2006, 120 Stat. 1213.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
3131(a)	40:270a(a) (words before cl. (1) related to definition).	Aug. 24, 1935, ch. 642, § 1(a)–(c), 49 Stat. 793; Pub. L. 95–585, Nov. 2, 1978, 92 Stat. 2484; Pub. L. 103–355, title IV, § 4104(b)(1)(B), Oct. 13, 1994, 108 Stat. 3342; Pub. L. 106–49, § 2(a), Aug. 17, 1999, 113 Stat. 231.
	40:270d.	Aug. 24, 1935, ch. 642, § 4, 49 Stat. 794.
3131(b)	40:270a(a) (words before cl. (1) related to furnishing bond), (1), (2).	

HISTORICAL AND REVISION NOTES—CONTINUED

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
	40:270d–1.	Aug. 24, 1935, ch. 642, § 5, as added Pub. L. 103–355, title IV, § 4104(b)(1)(A), Oct. 13, 1994, 108 Stat. 3341.
3131(c)	40:270a(d).	Aug. 24, 1935, ch. 642, § 1(d), as added Pub. L. 89–719, title I, § 105(b), Nov. 2, 1966, 80 Stat. 1139.
3131(d)	40:270a(b).	
3131(e)	40:270a(c).	

In subsection (a), the text of 40:270d is omitted because of 1:1.

In subsections (b) and (c), the words ''or sureties'' are omitted because of 1:1.

REFERENCES IN TEXT

The Internal Revenue Code of 1986, referred to in subsec. (c)(2), is classified to Title 26, Internal Revenue Code.

AMENDMENTS

2006—Subsec. (e). Pub. L. 109–284 substituted ''To'' for ''to'' in heading.

§ 3132. Alternatives to payment bonds provided by Federal Acquisition Regulation

(a) IN GENERAL.—The Federal Acquisition Regulation shall provide alternatives to payment bonds as payment protections for suppliers of labor and materials under contracts referred to in section 3131(a) of this title that are more than $25,000 and not more than $100,000.

(b) RESPONSIBILITIES OF CONTRACTING OFFICER.—The contracting officer for a contract shall—

(1) select, from among the payment protections provided for in the Federal Acquisition Regulation pursuant to subsection (a), one or more payment protections which the offeror awarded the contract is to submit to the Federal Government for the protection of suppliers of labor and materials for the contract; and

(2) specify in the solicitation of offers for the contract the payment protections selected.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1148.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
3132	40:270a note.	Pub. L. 103–355, title IV, § 4104(b)(2), Oct. 13, 1994, 108 Stat. 3342.

§ 3133. Rights of persons furnishing labor or material

(a) RIGHT OF PERSON FURNISHING LABOR OR MATERIAL TO COPY OF BOND.—The department secretary or agency head of the contracting agency shall furnish a certified copy of a payment bond and the contract for which it was given to any person applying for a copy who submits an affidavit that the person has supplied labor or material for work described in the contract and payment for the work has not been made or that the person is being sued on the bond. The copy is prima facie evidence of the contents, execution, and delivery of the original. Applicants shall pay any fees the department secretary or agency head of the contracting agency fixes to cover the cost of preparing the certified copy.

(b) RIGHT TO BRING A CIVIL ACTION.—

(1) IN GENERAL.—Every person that has furnished labor or material in carrying out work provided for in a contract for which a payment bond is furnished under section 3131 of this title and that has not been paid in full within 90 days after the day on which the person did or performed the last of the labor or furnished or supplied the material for which the claim is made may bring a civil action on the payment bond for the amount unpaid at the time the civil action is brought and may prosecute the action to final execution and judgment for the amount due.

(2) PERSON HAVING DIRECT CONTRACTUAL RELATIONSHIP WITH A SUBCONTRACTOR.—A person having a direct contractual relationship with a subcontractor but no contractual relationship, express or implied, with the contractor furnishing the payment bond may bring a civil action on the payment bond on giving written notice to the contractor within 90 days from the date on which the person did or performed the last of the labor or furnished or supplied the last of the material for which the claim is made. The action must state with substantial accuracy the amount claimed and the name of the party to whom the material was furnished or supplied or for whom the labor was done or performed. The notice shall be served—

(A) by any means that provides written, third-party verification of delivery to the contractor at any place the contractor maintains an office or conducts business or at the contractor's residence; or

(B) in any manner in which the United States marshal of the district in which the public improvement is situated by law may serve summons.

(3) VENUE.—A civil action brought under this subsection must be brought—

(A) in the name of the United States for the use of the person bringing the action; and

(B) in the United States District Court for any district in which the contract was to be performed and executed, regardless of the amount in controversy.

(4) PERIOD IN WHICH ACTION MUST BE BROUGHT.—An action brought under this subsection must be brought no later than one year after the day on which the last of the labor was performed or material was supplied by the person bringing the action.

(5) LIABILITY OF FEDERAL GOVERNMENT.—The Government is not liable for the payment of any costs or expenses of any civil action brought under this subsection.

(c) WAIVER OF RIGHT TO CIVIL ACTION.—A waiver of the right to bring a civil action on a payment bond required under this subchapter is void unless the waiver is—

(1) in writing;

(2) signed by the person whose right is waived; and

(3) executed after the person whose right is waived has furnished labor or material for use in the performance of the contract.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1148; Pub. L. 109–284, § 6(9), (10), Sept. 27, 2006, 120 Stat. 1213.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
3133(a)	40:270c.	Aug. 24, 1935, ch. 642, § 3, 49 Stat. 794; Pub. L. 86–135, § 2, Aug. 4, 1959, 73 Stat. 279; Pub. L. 98–269, Apr. 18, 1984, 98 Stat. 156.
3133(b)(1), (2).	40:270b(a).	Aug. 24, 1935, ch. 642, § 2(a), (b), 49 Stat. 794; Pub. L. 86–135, § 1, Aug. 4, 1959, 73 Stat. 279; Pub. L. 106–49, § 2(b), Aug. 17, 1999, 113 Stat. 231.
3133(b)(3)–(5).	40:270b(b).	
3133(c)	40:270b(c).	Aug. 24, 1935, ch. 642, § 2(c), as added Pub. L. 106–49, § 2(c), Aug. 17, 1999, 113 Stat. 231.

In subsection (b)(1), the words ''may bring a civil action'' are substituted for ''shall have the right to sue'' for consistency in the revised title and with other titles of the United States Code. The words ''or sums'' are omitted because of 1:1.

In subsection (b)(2), the words ''to the contractor at any place he maintains an office or conducts his business, or his residence, or in any manner in which the United States marshal of the district in which the public improvement is situated is authorized by law to serve summons'' are restated to reflect the probable intent of Congress. See H. Rept. 106–277, Part 1, 106th Cong., 1st Sess., pp. 4, 7.

In subsection (c), the words ''bring a civil action'' are substituted for ''sue'' for consistency in the revised title and with other titles of the United States Code.

AMENDMENTS

2006—Subsec. (b). Pub. L. 109–284, § 6(9), substituted ''To'' for ''to'' in heading.

Subsec. (c). Pub. L. 109–284, § 6(10), inserted heading.

§ 3134. Waivers for certain contracts

(a) MILITARY.—The Secretary of the Army, the Secretary of the Navy, the Secretary of the Air Force, or the Secretary of Transportation may waive this subchapter with respect to cost-plus-a-fixed fee and other cost-type contracts for the construction, alteration, or repair of any public building or public work of the Federal Government and with respect to contracts for manufacturing, producing, furnishing, constructing, altering, repairing, processing, or assembling vessels, aircraft, munitions, materiel, or supplies for the Army, Navy, Air Force, or Coast Guard, respectively, regardless of the terms of the contracts as to payment or title.

(b) TRANSPORTATION.—The Secretary of Transportation may waive this subchapter with respect to contracts for the construction, alteration, or repair of vessels when the contract is made under sections 1535 and 1536 of title 31, subtitle V of title 46, or the Merchant Ship Sales Act of 1946 (50 App. U.S.C. 1735 et seq.), regardless of the terms of the contracts as to payment or title.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1149; Pub. L. 109–304, § 17(g)(2), Oct. 6, 2006, 120 Stat. 1709.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
3134(a)	40:270e.	Apr. 29, 1941, ch. 81, § 1, 55 Stat. 147; June 3, 1955, ch. 129, 69 Stat. 83.

HISTORICAL AND REVISION NOTES—CONTINUED

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
3134(b)	40:270f.	Apr. 29, 1941, ch. 81, § 2, as added Pub. L. 91–469, § 39, Oct. 21, 1970, 84 Stat. 1036; Pub. L. 97–31, § 12(12), Aug. 6, 1981, 95 Stat. 154.

In subsection (a), the words ''Secretary of Transportation'' are substituted for ''Secretary of Commerce'' because of 49:108. The words ''the manufacturing, producing, furnishing, construction, alteration, repair, processing, or assembling of'' and ''of any kind or nature'' are omitted as unnecessary.

In subsection (b), the words ''of any kind or nature'' are omitted as unnecessary. The words ''sections 1535 and 1536 of title 31'' are substituted for ''the Act of June 30, 1932 (47 Stat. 382, 417–418), as amended [31 U.S.C. 686, 686b]'' because of section 4(b) of the Act of September 13, 1982 (Public Law 97–258, 96 Stat. 1067), the first section of which enacted Title 31, United States Code.

REFERENCES IN TEXT

The Merchant Ship Sales Act of 1946, referred to in subsec. (b), is act Mar. 8, 1946, ch. 82, 60 Stat. 41, as amended, which is classified to sections 1735 to 1746 of Title 50, Appendix, War and National Defense. For complete classification of this Act to the Code, see Short Title note set out under section 1735 of Title 50, Appendix, and Tables.

AMENDMENTS

2006—Subsec. (b). Pub. L. 109–304 substituted ''subtitle V of title 46'' for ''the Merchant Marine Act, 1936 (46 App. U.S.C. 1101 et seq.)''.

TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

SUBCHAPTER IV—WAGE RATE REQUIREMENTS

§ 3141. Definitions

In this subchapter, the following definitions apply:

(1) FEDERAL GOVERNMENT.—The term ''Federal Government'' has the same meaning that the term ''United States'' had in the Act of March 3, 1931 (ch. 411, 46 Stat. 1494) (known as the Davis-Bacon Act).

(2) WAGES, SCALE OF WAGES, WAGE RATES, MINIMUM WAGES, AND PREVAILING WAGES.—The terms ''wages'', ''scale of wages'', ''wage rates'', ''minimum wages'', and ''prevailing wages'' include—

(A) the basic hourly rate of pay; and

(B) for medical or hospital care, pensions on retirement or death, compensation for injuries or illness resulting from occupational activity, or insurance to provide any of the forgoing, for unemployment benefits, life insurance, disability and sickness insurance, or accident insurance, for vacation and holiday pay, for defraying the costs of apprenticeship or other similar programs, or for other bona fide fringe benefits, but only where the contractor or subcontractor is not required by other federal, state, or local law to provide any of those benefits, the amount of—

(i) the rate of contribution irrevocably made by a contractor or subcontractor to a trustee or to a third person under a fund, plan, or program; and

(ii) the rate of costs to the contractor or subcontractor that may be reasonably anticipated in providing benefits to laborers and mechanics pursuant to an enforceable commitment to carry out a financially responsible plan or program which was communicated in writing to the laborers and mechanics affected.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1150; Pub. L. 109–284, § 6(11), Sept. 27, 2006, 120 Stat. 1213.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
3141(1)	(no source).	
3141(2)	40:276a(b) (1st par. words before proviso).	Mar. 3, 1931, ch. 411, § 1(b) (1st par. words before proviso), as added Pub. L. 88–349, § 1, July 2, 1964, 78 Stat. 239.

Clause (1) is added for clarity.

REFERENCES IN TEXT

The Davis-Bacon Act, referred to in par. (1), is act of Mar. 3, 1931, ch. 411, 46 Stat. 1494, as amended, which was classified generally to sections 276a to 276a–5 of former Title 40, Public Buildings, Property, and Works, and was repealed and reenacted as sections 3141–3144, 3146, and 3147 of this title by Pub. L. 107–217, §§ 1, 6(b), Aug. 21, 2002, 116 Stat. 1062, 1304. For complete classification of this Act to the Code, see Tables.

AMENDMENTS

2006—Par. (1). Pub. L. 109–284 substituted ''1494)'' for ''1494''.

§ 3142. Rate of wages for laborers and mechanics

(a) APPLICATION.—The advertised specifications for every contract in excess of $2,000, to which the Federal Government or the District of Columbia is a party, for construction, alteration, or repair, including painting and decorating, of public buildings and public works of the Government or the District of Columbia that are located in a State or the District of Columbia and which requires or involves the employment of mechanics or laborers shall contain a provision stating the minimum wages to be paid various classes of laborers and mechanics.

(b) BASED ON PREVAILING WAGE.—The minimum wages shall be based on the wages the Secretary of Labor determines to be prevailing for the corresponding classes of laborers and mechanics employed on projects of a character similar to the contract work in the civil subdivision of the State in which the work is to be performed, or in the District of Columbia if the work is to be performed there.

(c) STIPULATIONS REQUIRED IN CONTRACT.—Every contract based upon the specifications referred to in subsection (a) must contain stipulations that—

(1) the contractor or subcontractor shall pay all mechanics and laborers employed directly

on the site of the work, unconditionally and at least once a week, and without subsequent deduction or rebate on any account, the full amounts accrued at time of payment, computed at wage rates not less than those stated in the advertised specifications, regardless of any contractual relationship which may be alleged to exist between the contractor or subcontractor and the laborers and mechanics;

(2) the contractor will post the scale of wages to be paid in a prominent and easily accessible place at the site of the work; and

(3) there may be withheld from the contractor so much of accrued payments as the contracting officer considers necessary to pay to laborers and mechanics employed by the contractor or any subcontractor on the work the difference between the rates of wages required by the contract to be paid laborers and mechanics on the work and the rates of wages received by the laborers and mechanics and not refunded to the contractor or subcontractors or their agents.

(d) DISCHARGE OF OBLIGATION.—The obligation of a contractor or subcontractor to make payment in accordance with the prevailing wage determinations of the Secretary of Labor, under this subchapter and other laws incorporating this subchapter by reference, may be discharged by making payments in cash, by making contributions described in section 3141(2)(B)(i) of this title, by assuming an enforceable commitment to bear the costs of a plan or program referred to in section 3141(2)(B)(ii) of this title, or by any combination of payment, contribution, and assumption, where the aggregate of the payments, contributions, and costs is not less than the basic hourly rate of pay plus the amount referred to in section 3141(2)(B) of this title.

(e) OVERTIME PAY.—In determining the overtime pay to which a laborer or mechanic is entitled under any federal law, the regular or basic hourly rate of pay (or other alternative rate on which premium rate of overtime compensation is computed) of the laborer or mechanic is deemed to be the rate computed under section 3141(2)(A) of this title, except that where the amount of payments, contributions, or costs incurred with respect to the laborer or mechanic exceeds the applicable prevailing wage, the regular or basic hourly rate of pay (or other alternative rate) is the amount of payments, contributions, or costs actually incurred with respect to the laborer or mechanic minus the greater of the amount of contributions or costs of the types described in section 3141(2)(B) of this title actually incurred with respect to the laborer or mechanic or the amount determined under section 3141(2)(B) of this title but not actually paid.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1150; Pub. L. 109–284, § 6(12), (13), Sept. 27, 2006, 120 Stat. 1213.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
3142(a), (b)	40:276a(a) (words before 1st semicolon).	Mar. 3, 1931, ch. 411, § 1(a), 46 Stat. 1494; Aug. 30, 1935, ch. 825, 49 Stat. 1011; June 15, 1940, ch. 373, § 1, 54 Stat. 399; Pub. L. 86–624, § 26, July 12, 1960, 74 Stat. 418; Pub. L. 88–349, § 1, July 2, 1964, 78 Stat. 238.
3142(c)	40:276a(a) (words after 1st semicolon).	
3142(d)	40:276a(b) (1st par. proviso).	Mar. 3, 1931, ch. 411, § 1(b) (1st par. proviso, last par.), as added Pub. L. 88–349, § 1, July 2, 1964, 78 Stat. 239.
3142(e)	40:276a(b) (last par.).	

In subsection (a), the words ''a State'' are substituted for ''the geographical limits of the States of the Union'' for consistency in the revised title and with other titles of the United States Code and to eliminate unnecessary words.

In subsection (b), the words ''city, town, village, or other'' are omitted as unnecessary.

In subsection (d), the words ''of a type'' are omitted as unnecessary. The words ''basic hourly rate of pay'' are substituted for ''rate of pay described in paragraph (1)'' for clarity.

AMENDMENTS

2006—Subsec. (d). Pub. L. 109–284, § 6(12), inserted ''of this title'' after ''amount referred to in section 3141(2)(B)''.

Subsec. (e). Pub. L. 109–284, § 6(13), inserted ''of this title'' after ''determined under section 3141(2)(B)''.

§ 3143. Termination of work on failure to pay agreed wages

Every contract within the scope of this subchapter shall contain a provision that if the contracting officer finds that any laborer or mechanic employed by the contractor or any subcontractor directly on the site of the work covered by the contract has been or is being paid a rate of wages less than the rate of wages required by the contract to be paid, the Federal Government by written notice to the contractor may terminate the contractor's right to proceed with the work or the part of the work as to which there has been a failure to pay the required wages. The Government may have the work completed, by contract or otherwise, and the contractor and the contractor's sureties shall be liable to the Government for any excess costs the Government incurs.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1151.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
3143	40:276a–1.	Mar. 3, 1931, ch. 411, § 2, 46 Stat. 1494; Aug. 30, 1935, ch. 825, 49 Stat. 1012.

The words ''The Government may have the work completed'' are substituted for ''and to prosecute the work to completion . . . thereby'' for clarity.

§ 3144. Authority of Comptroller General to pay wages and list contractors violating contracts

(a) PAYMENT OF WAGES.—

(1) IN GENERAL.—The Comptroller General shall pay directly to laborers and mechanics

from any accrued payments withheld under the terms of a contract any wages found to be due laborers and mechanics under this subchapter.

(2) RIGHT OF ACTION.—If the accrued payments withheld under the terms of the contract are insufficient to reimburse all the laborers and mechanics who have not been paid the wages required under this subchapter, the laborers and mechanics have the same right to bring a civil action and intervene against the contractor and the contractor's sureties as is conferred by law on persons furnishing labor or materials. In those proceedings it is not a defense that the laborers and mechanics accepted or agreed to accept less than the required rate of wages or voluntarily made refunds.

(b) LIST OF CONTRACTORS VIOLATING CONTRACTS.—

(1) IN GENERAL.—The Comptroller General shall distribute to all departments of the Federal Government a list of the names of persons whom the Comptroller General has found to have disregarded their obligations to employees and subcontractors.

(2) RESTRICTION ON AWARDING CONTRACTS.—No contract shall be awarded to persons appearing on the list or to any firm, corporation, partnership, or association in which the persons have an interest until three years have elapsed from the date of publication of the list.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1152.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
3144(a)(1)	40:276a–2(a) (1st sentence words before semicolon).	Mar. 3, 1931, ch. 411, §3, 46 Stat. 1494; Aug. 30, 1935, ch. 825, 49 Stat. 1012.
3144(a)(2)	40:276a–2(b).	
3144(b)	40:276a–2(a) (1st sentence words after semicolon, last sentence).	

In subsection (b), the words ''or firms'' are omitted as being included in ''persons''.

§ 3145. Regulations governing contractors and subcontractors

(a) IN GENERAL.—The Secretary of Labor shall prescribe reasonable regulations for contractors and subcontractors engaged in constructing, carrying out, completing, or repairing public buildings, public works, or buildings or works that at least partly are financed by a loan or grant from the Federal Government. The regulations shall include a provision that each contractor and subcontractor each week must furnish a statement on the wages paid each employee during the prior week.

(b) APPLICATION.—Section 1001 of title 18 applies to the statements.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1152.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
3145(a)	40:276c (1st sentence).	June 13, 1934, ch. 482, §2, 48 Stat. 948; May 24, 1949, ch. 139, §134, 63 Stat. 108; Pub. L. 85–800, §12, Aug. 28, 1958, 72 Stat. 967.
3145(b)	40:276c (last sentence).	

§ 3146. Effect on other federal laws

This subchapter does not supersede or impair any authority otherwise granted by federal law to provide for the establishment of specific wage rates.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1152.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
3146	40:276a–3.	Mar. 3, 1931, ch. 411, §4, 46 Stat. 1494; Aug. 30, 1935, ch. 825, 49 Stat. 1012.

§ 3147. Suspension of this subchapter during a national emergency

The President may suspend the provisions of this subchapter during a national emergency.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1153.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
3147	40:276a–5.	Mar. 3, 1931, ch. 411, §6, 46 Stat. 1494; Aug. 30, 1935, ch. 825, 49 Stat. 1013.

TERMINATION OF WAR AND EMERGENCIES

Joint Res. July 25, 1947, ch. 327, §3, 61 Stat. 451, provided that in the interpretation of former 40 U.S.C. 276a–5, the date July 25, 1947, was to be deemed to be the date of termination of any state of war theretofore declared by Congress and of the national emergencies proclaimed by the President on September 8, 1939, and May 27, 1941.

§ 3148. Application of this subchapter to certain contracts

This subchapter applies to a contract authorized by law that is made without regard to section 3709 of the Revised Statutes (41 U.S.C. 5), or on a cost-plus-a-fixed-fee basis or otherwise without advertising for proposals, if this subchapter otherwise would apply to the contract.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1153.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
3148	40:276a–7.	Mar. 23, 1941, ch. 26 (last proviso in 5th complete par. on p. 53), 55 Stat. 53; Aug. 21, 1941, ch. 395 (last proviso in 14th par. on p. 664), 55 Stat. 664.

The words ''this subchapter'' are substituted for ''such Act'' to correct the reference as stated in 40:276a–7.

SUBCHAPTER V—VOLUNTEER SERVICES

§ 3161. Purpose

It is the purpose of this subchapter to promote and provide opportunities for individuals who wish to volunteer their services to state or local governments, public agencies, or nonprofit charitable organizations in the construction, repair, or alteration (including painting and decorating) of public buildings and public works that at least partly are financed with federal financial assistance authorized under certain federal programs and that otherwise might not be possible without the use of volunteers.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1153.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
3161	40:276d.	Pub. L. 103–355, title VII, § 7302, Oct. 13, 1994, 108 Stat. 3382.

§ 3162. Waiver for individuals who perform volunteer services

(a) CRITERIA FOR RECEIVING WAIVER.—The requirement that certain laborers and mechanics be paid in accordance with the wage-setting provisions of subchapter IV of this chapter as set forth in the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), the Indian Health Care Improvement Act (25 U.S.C. 1601 et seq.), and the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.) does not apply to an individual—

(1) who volunteers to perform a service directly to a state or local government, a public agency, or a public or private nonprofit recipient of federal assistance—

(A) for civic, charitable, or humanitarian reasons;

(B) only for the personal purpose or pleasure of the individual;

(C) without promise, expectation, or receipt of compensation for services rendered, except as provided in subsection (b); and

(D) freely and without pressure or coercion, direct or implied, from any employer;

(2) whose contribution of service is not for the direct or indirect benefit of any contractor otherwise performing or seeking to perform work on the same project for which the individual is volunteering;

(3) who is not employed by and does not provide services to a contractor or subcontractor at any time on the federally assisted or insured project for which the individual is volunteering; and

(4) who otherwise is not employed by the same public agency or recipient of federal assistance to perform the same type of services as those for which the individual proposes to volunteer.

(b) PAYMENTS.—

(1) IN ACCORDANCE WITH REGULATIONS.—Volunteers described in subsection (a) who are performing services directly to a state or local government or public agency may receive payments of expenses, reasonable benefits, or a nominal fee only in accordance with regulations the Secretary of Labor prescribes. Volunteers who are performing services directly to a public or private nonprofit entity may not receive those payments.

(2) CRITERIA AND CONTENT OF REGULATIONS.—In prescribing the regulations, the Secretary shall consider criteria such as the total amount of payments made (relating to expenses, benefits, or fees) in the context of the economic realities. The regulations shall include provisions that provide that—

(A) a payment for an expense may be received by a volunteer for items such as uniform allowances, protective gear and clothing, reimbursement for approximate out-of-pocket expenses, or the cost or expense of meals and transportation;

(B) a reasonable benefit may include the inclusion of a volunteer in a group insurance plan (such as a liability, health, life, disability, or worker's compensation plan) or pension plan, or the awarding of a length of service award; and

(C) a nominal fee may not be used as a substitute for compensation and may not be connected to productivity.

(3) NOMINAL FEE.—The Secretary shall decide what constitutes a nominal fee for purposes of paragraph (2)(C). The decision shall be based on the context of the economic realities of the situation involved.

(c) ECONOMIC REALITY.—In determining whether an expense, benefit, or fee described in subsection (b) may be paid to volunteers in the context of the economic realities of the particular situation, the Secretary may not permit any expense, benefit, or fee that has the effect of undermining labor standards by creating downward pressure on prevailing wages in the local construction industry.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1153.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
3162(a)	40:276d–1(a).	Pub. L. 103–355, title VII, §§ 7303, 7304, Oct. 13, 1994, 108 Stat. 3382.
	40:276d–2. 40:276d–3.	Pub. L. 103–355, title VII, § 7305, Oct. 13, 1994, 108 Stat. 3384; Pub. L. 104–208, div. A, § 101(e) [title VII, § 709(a)(4)], Sept. 30, 1996, 110 Stat. 3009–312.
3162(b)	40:276d–1(b).	
3162(c)	40:276d–1(c).	

In subsection (a), the references to sections 254b and 254c of title 42 in 40:276d–3 are omitted. Sections 329 and 330 of the Public Health Service Act were omitted in the general amendment of subpart I of part D of title III of the Act (42:254b et seq.) by sections 2 and 3(a) of the Health Care Consolidation Act of 1996 (Public Law 104–299, 110 Stat. 3626), which enacted new sections 330 and 330A of the Public Health Service Act. Sections 330 and 330A do not refer to the Act of March 3, 1931 (ch. 411, 46 Stat. 1494).

In subsection (b)(1), the words ''Volunteers who are performing services directly to a public or private nonprofit entity may not receive those payments'' are added for clarity.

REFERENCES IN TEXT

The Indian Self-Determination and Education Assistance Act, referred to in subsec. (a), is Pub. L. 93–638, Jan. 4, 1975, 88 Stat. 2203, as amended, which is classified principally to subchapter II (§ 450 et seq.) of chapter 14 of Title 25, Indians. For complete classification of this Act to the Code, see Short Title note set out under section 450 of Title 25 and Tables.

The Indian Health Care Improvement Act, referred to in subsec. (a), is Pub. L. 94–437, Sept. 30, 1976, 90 Stat. 1400, as amended, which is classified principally to chapter 18 (§ 1601 et seq.) of Title 25, Indians. For complete classification of this Act to the Code, see Short Title note set out under section 1601 of Title 25 and Tables.

The Housing and Community Development Act of 1974, referred to in subsec. (a), is Pub. L. 93–383, Aug. 22, 1974, 88 Stat. 633, as amended. For complete classification of this Act to the Code, see Short Title note set out under section 5301 of Title 42 and Tables.

SUBCHAPTER VI—MISCELLANEOUS

§ 3171. Contract authority when appropriation is for less than full amount

Unless specifically directed otherwise, the Administrator of General Services may make a contract within the full limit of the cost fixed by Congress for the acquisition of land for sites, or for the enlargement of sites, for public buildings, or for the erection, remodeling, extension, alteration, and repairs of public buildings, even though an appropriation is made for only part of the amount necessary to carry out legislation authorizing that purpose.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1154.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
3171	40:261.	May 30, 1908, ch. 228, § 34, 35 Stat. 545.

The words ''On and after May 30, 1908'' are omitted as obsolete. The words ''Administrator of General Services'' are substituted for ''Secretary of the Treasury'' [subsequently changed to ''Federal Works Administrator'' because of section 303 of Reorganization Plan No. I of 1939 (eff. July 1, 1939, 53 Stat. 1427)] because of section 103(a) of the Federal Property and Administrative Services Act of 1949 (ch. 288, 63 Stat. 380), which is restated as section 303(c) [303(b)] of the revised title.

§ 3172. Extension of state workers' compensation laws to buildings, works, and property of the Federal Government

(a) AUTHORIZATION OF EXTENSION.—The state authority charged with enforcing and requiring compliance with the state workers' compensation laws and with the orders, decisions, and awards of the authority may apply the laws to all land and premises in the State which the Federal Government owns or holds by deed or act of cession, and to all projects, buildings, constructions, improvements, and property in the State and belonging to the Government, in the same way and to the same extent as if the premises were under the exclusive jurisdiction of the State in which the land, premises, projects, buildings, constructions, improvements, or property are located.

(b) LIMITATION ON RELINQUISHING JURISDICTION.—The Government under this section does not relinquish its jurisdiction for any other purpose.

(c) NONAPPLICATION.—This section does not modify or amend subchapter I of chapter 81 of title 5.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1154.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
3172(a)	40:290 (1st par., last par. words before 1st proviso).	June 25, 1936, ch. 822, 49 Stat. 1938.
3172(b)	40:290 (last par. 1st proviso).	
3172(c)	40:290 (last par. last proviso).	

In subsection (a), the words ''by purchase or otherwise'' and 40:290(last par. words before 1st proviso) are omitted as unnecessary.

Subsection (b) is substituted for 40:290(last par. 1st proviso) to eliminate unnecessary words.

In subsection (c), the words ''subchapter I of chapter 81 of title 5'' are substituted for ''the United States Employees' Compensation Act as amended from time to time (Act of September 7, 1916, 39 Stat. 742, U.S.C., title 5 and supplement, sec. 751 et seq.)'' because of section 7(b) of the Act of September 6, 1966 (Public Law 89–554, 80 Stat. 631), the first section of which enacted Title 5, United States Code.

§ 3173. Working capital fund for General Services Administration

(a) ESTABLISHMENT AND PURPOSE.—There is a working capital fund for the necessary expenses of administrative support services including accounting, budget, personnel, legal support and other related services; and the maintenance and operation of printing and reproduction facilities in support of the functions of the General Services Administration, other Federal agencies, and other entities; and other such administrative and management services that the Administrator of GSA deems appropriate and advantageous (subject to prior notice to the Office of Management and Budget).

(b) COMPOSITION.—

(1) IN GENERAL.—Amounts received shall be credited to and merged with the Fund, to remain available until expended, for operating costs and capital outlays of the Fund: *Provided*, That entities for which such services are performed shall be charged at rates which will return in full all costs of providing such services.

(2) COST AND CAPITAL REQUIREMENTS.—The Administrator shall determine the cost and capital requirements of the Fund for each fiscal year and shall develop a plan concerning such requirements in consultation with the Chief Financial Officer of the General Services Administration. Any change to the cost and capital requirements of the Fund for a fiscal year shall be approved by the Administrator. The Administrator shall establish rates to be charged to entities for which services are performed, in accordance with the plan.

(c) DEPOSIT OF EXCESS AMOUNTS IN THE TREASURY.—At the close of each fiscal year, after making provision for anticipated operating needs reflected in the cost and capital plan developed under subsection (b), the uncommitted

balance of any funds remaining in the Fund shall be transferred to the general fund of the Treasury as miscellaneous receipts.

(d) TRANSFER AND USE OF AMOUNTS FOR MAJOR EQUIPMENT ACQUISITIONS.—

(1) IN GENERAL.—Subject to subparagraph (2), unobligated balances of amounts appropriated or otherwise made available to the General Services Administration for operating expenses and salaries and expenses may be transferred and merged into the ''Major equipment acquisitions and development activity'' of the working capital fund of the General Services Administration for agency-wide acquisition of capital equipment, automated data processing systems and financial management and management information systems: *Provided*, That acquisitions are limited to those needed to implement the Chief Financial Officers Act of 1990 (Public Law 101–576, 104 Stat. 2838) and related laws or regulations.

(2) REQUIREMENTS AND AVAILABILITY.—

(A) TIME FOR TRANSFER.—Transfer of an amount under this section must be done no later than the end of the fifth fiscal year after the fiscal year for which the amount is appropriated or otherwise made available.

(B) APPROVAL FOR USE.—An amount transferred under this section may be used only with the advance approval of the Committees on Appropriations of the House of Representatives and the Senate.

(C) AVAILABILITY.—An amount transferred under this section remains available until expended.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1155; Pub. L. 111–8, div. D, title V, § 518(a), (b), (c)(2), Mar. 11, 2009, 123 Stat. 664, 665.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
3173(a), (b)	40:293 (words before proviso).	May 3, 1945, ch. 106, title I, 101 (2d complete par. on p. 115), 59 Stat. 115.
3173(c)	40:293 (proviso).	

In subsection (b)(2), the words ''Administrator of General Services'' are substituted for ''Federal Works Agency'' and ''Public Buildings Administration'' because of section 103(a) of the Federal Property and Administrative Services Act of 1949 (ch. 288, 63 Stat. 380), which is restated as section 303(c) [303(b)] of the revised title.

REFERENCES IN TEXT

The Chief Financial Officers Act of 1990, referred to in subsec. (d)(1), is Pub. L. 101–576, Nov. 15, 1990, 104 Stat. 2838. For complete classification of this Act to the Code, see Short Title of 1990 Amendment note set out under section 501 of Title 31, Money and Finance, and Tables.

AMENDMENTS

2009—Pub. L. 111–8, § 518(c)(2), substituted ''Working capital fund for General Services Administration'' for ''Working capital fund for blueprinting, photostating, and duplicating services in General Services Administration'' in section catchline.

Subsecs. (a) to (c). Pub. L. 111–8, § 518(a), amended subsecs. (a) to (c) generally. Prior to amendment, subsecs. (a) to (c) related to establishment and purpose of a working capital fund, components of the fund, and deposit of excess amounts in the Treasury.

Subsec. (d). Pub. L. 111–8, § 518(b), added subsec. (d).

§ 3174. Operation of public utility communications services serving governmental activities

The Administrator of General Services may provide and operate public utility communications services serving any governmental activity when the services are economical and in the interest of the Federal Government. This section does not apply to communications systems for handling messages of a confidential or secret nature, the operation of cryptographic equipment or transmission of secret, security, or coded messages, or buildings operated or occupied by the United States Postal Service, except on request of the department or agency concerned.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1155.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
3174	40:295.	June 14, 1946, ch. 404, § 7, 60 Stat. 258.

The words ''Administrator of General Services'' are substituted for ''Commissioner of Public Buildings'' because of section 103(a) of the Federal Property and Administrative Services Act of 1949 (ch. 288, 63 Stat. 380), which is restated as section 303(c) [303(b)] of the revised title. The words ''in and outside the District of Columbia'' are omitted as unnecessary. The words ''United States Postal Service'' are substituted for ''Post Office Department'' because of section 6(*o*) of the Postal Reorganization Act (Public Law 91–375, 84 Stat. 783).

§ 3175. Acceptance of gifts of property

The Administrator of General Services, and the United States Postal Service where that office is concerned, may accept on behalf of the Federal Government unconditional gifts of property in aid of any project or function within their respective jurisdictions.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1155.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
3175	40:298a.	June 16, 1949, ch. 218, title IV, § 404, 63 Stat. 199.

The words ''Administrator of General Services'' are substituted for ''Federal Works Administrator'' because of section 103(a) of the Federal Property and Administrative Services Act of 1949 (ch. 288, 63 Stat. 380), which is restated as section 303(c) [303(b)] of the revised title. The words ''United States Postal Service'' are substituted for ''Postmaster General'' because of section 6(*o*) of the Postal Reorganization Act (Public Law 91–375, 84 Stat. 783). The words ''real, personal, or other'' are omitted as unnecessary.

§ 3176. Administrator of General Services to furnish services in continental United States to international bodies

Sections 1535 and 1536 of title 31 are extended so that the Administrator of General Services, at the request of the Secretary of State, may furnish services in the continental United States, on a reimbursable basis, to any international body with which the Federal Government is affiliated.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1156.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
3176	40:298b.	June 16, 1949, ch. 218, title IV, § 405, 63 Stat. 199.

The words ''Sections 1535 and 1536 of title 31'' are substituted for ''section 601 of the Economy Act, approved June 30, 1932, as amended'' because of section 4(b) of the Act of September 13, 1982 (Public Law 97–258, 96 Stat. 1067), the first section of which enacted Title 31, United States Code. The words ''Administrator of General Services'' are substituted for ''Public Buildings Administration'' because of section 103(a) of the Federal Property and Administrative Services Act of 1949 (ch. 288, 63 Stat. 380), which is restated as section 303(c) [303(b)] of the revised title. The words ''Secretary of State'' are substituted for ''State Department'' because of 22:2651.

§ 3177. Use of photovoltaic energy in public buildings

(a) PHOTOVOLTAIC ENERGY COMMERCIALIZATION PROGRAM.—

(1) IN GENERAL.—The Administrator of General Services may establish a photovoltaic energy commercialization program for the procurement and installation of photovoltaic solar electric systems for electric production in new and existing public buildings.

(2) PURPOSES.—The purposes of the program shall be to accomplish the following:

(A) To accelerate the growth of a commercially viable photovoltaic industry to make this energy system available to the general public as an option which can reduce the national consumption of fossil fuel.

(B) To reduce the fossil fuel consumption and costs of the Federal Government.

(C) To attain the goal of installing solar energy systems in 20,000 Federal buildings by 2010, as contained in the Federal Government's Million Solar Roof Initiative of 1997.

(D) To stimulate the general use within the Federal Government of life-cycle costing and innovative procurement methods.

(E) To develop program performance data to support policy decisions on future incentive programs with respect to energy.

(3) ACQUISITION OF PHOTOVOLTAIC SOLAR ELECTRIC SYSTEMS.—

(A) IN GENERAL.—The program shall provide for the acquisition of photovoltaic solar electric systems and associated storage capability for use in public buildings.

(B) ACQUISITION LEVELS.—The acquisition of photovoltaic electric systems shall be at a level substantial enough to allow use of low-cost production techniques with at least 150 megawatts (peak) cumulative acquired during the 5 years of the program.

(4) ADMINISTRATION.—The Administrator shall administer the program and shall—

(A) issue such rules and regulations as may be appropriate to monitor and assess the performance and operation of photovoltaic solar electric systems installed pursuant to this subsection;

(B) develop innovative procurement strategies for the acquisition of such systems; and

(C) transmit to Congress an annual report on the results of the program.

(b) PHOTOVOLTAIC SYSTEMS EVALUATION PROGRAM.—

(1) IN GENERAL.—Not later than 60 days after the date of enactment of this section, the Administrator shall establish a photovoltaic solar energy systems evaluation program to evaluate such photovoltaic solar energy systems as are required in public buildings.

(2) PROGRAM REQUIREMENT.—In evaluating photovoltaic solar energy systems under the program, the Administrator shall ensure that such systems reflect the most advanced technology.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) PHOTOVOLTAIC ENERGY COMMERCIALIZATION PROGRAM.—There are authorized to be appropriated to carry out subsection (a) $50,000,000 for each of fiscal years 2006 through 2010. Such sums shall remain available until expended.

(2) PHOTOVOLTAIC SYSTEMS EVALUATION PROGRAM.—There are authorized to be appropriated to carry out subsection (b) $10,000,000 for each of fiscal years 2006 through 2010. Such sums shall remain available until expended.

(Added Pub. L. 109–58, title II, § 204(a), Aug. 8, 2005, 119 Stat. 653.)

REFERENCES IN TEXT

The date of enactment of this section, referred to in subsec. (b)(1), is the date of enactment of Pub. L. 109–58, which was approved Aug. 8, 2005.

CHAPTER 33—ACQUISITION, CONSTRUCTION, AND ALTERATION

Sec.
3301. Definitions and nonapplication.
3302. Prohibition on construction of buildings except by Administrator of General Services.
3303. Continuing investigation and survey of public buildings.
3304. Acquisition of buildings and sites.
3305. Construction and alteration of buildings.
3306. Accommodating federal agencies.
3307. Congressional approval of proposed projects.
3308. Architectural or engineering services.
3309. Buildings and sites in the District of Columbia.
3310. Special rules for leased buildings.
3311. State administration of criminal and health and safety laws.
3312. Compliance with nationally recognized codes.
3313. Use of energy efficient lighting fixtures and bulbs.
3314. Delegation.
3315. Report to Congress.
3316. Certain authority not affected.

AMENDMENTS

2007—Pub. L. 110–140, title III, § 323(c)(2), Dec. 19, 2007, 121 Stat. 1591, added items 3313 to 3316 and struck out former items 3313 ''Delegation'', 3314 ''Report to Congress'', and 3315 ''Certain authority not affected''.

§ 3301. Definitions and nonapplication

(a) DEFINITIONS.—In this chapter—

(1) ALTER.—The term ''alter'' includes—

(A) preliminary planning, engineering, architectural, legal, fiscal, and economic investigations and studies, surveys, designs,

plans, working drawings, specifications, procedures, and other similar actions necessary for the alteration of a public building; and

(B) repairing, remodeling, improving, or extending, or other changes in, a public building.

(2) CONSTRUCT.—The term ''construct'' includes preliminary planning, engineering, architectural, legal, fiscal, and economic investigations and studies, surveys, designs, plans, working drawings, specifications, procedures, and other similar actions necessary for the construction of a public building.

(3) EXECUTIVE AGENCY.—The term ''executive agency'' means an executive department or independent establishment in the executive branch of the Federal Government, including—

(A) any wholly owned Government corporation;

(B) the Central-Bank for Cooperatives and the regional banks for cooperatives;

(C) federal land banks;

(D) federal intermediate credit banks;

(E) the Federal Deposit Insurance Corporation; and

(F) the Government National Mortgage Association.

(4) FEDERAL AGENCY.—The term ''federal agency'' means an executive agency or an establishment in the legislative or judicial branch of the Government (except the Senate, the House of Representatives, and the Architect of the Capitol and any activities under the direction of the Architect).

(5) PUBLIC BUILDING.—The term ''public building''—

(A) means a building, whether for single or multitenant occupancy, and its grounds, approaches, and appurtenances, which is generally suitable for use as office or storage space or both by one or more federal agencies or mixed-ownership Government corporations;

(B) includes—

(i) federal office buildings;

(ii) post offices;

(iii) customhouses;

(iv) courthouses;

(v) appraisers stores;

(vi) border inspection facilities;

(vii) warehouses;

(viii) record centers;

(ix) relocation facilities;

(x) telecommuting centers;

(xi) similar federal facilities; and

(xii) any other buildings or construction projects the inclusion of which the President considers to be justified in the public interest; but

(C) does not include a building or construction project described in subparagraphs (A) and (B)—

(i) that is on the public domain (including that reserved for national forests and other purposes);

(ii) that is on property of the Government in foreign countries;

(iii) that is on Indian and native Eskimo property held in trust by the Government;

(iv) that is on land used in connection with federal programs for agricultural, recreational, and conservation purposes, including research in connection with the programs;

(v) that is on or used in connection with river, harbor, flood control, reclamation or power projects, for chemical manufacturing or development projects, or for nuclear production, research, or development projects;

(vi) that is on or used in connection with housing and residential projects;

(vii) that is on military installations (including any fort, camp, post, naval training station, airfield, proving ground, military supply depot, military school, or any similar facility of the Department of Defense);

(viii) that is on installations of the Department of Veterans Affairs used for hospital or domiciliary purposes; or

(ix) the exclusion of which the President considers to be justified in the public interest.

(6) UNITED STATES.—The term ''United States'' includes the States of the United States, the District of Columbia, Puerto Rico, and the territories and possessions of the United States.

(b) NONAPPLICATION.—This chapter does not apply to the construction of any public building to which section 241(g) of the Immigration and Nationality Act (8 U.S.C. 1231(g)) or section 1 of the Act of June 26, 1930 (19 U.S.C. 68) applies.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1156.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
3301(a)(1)	40:612(2), (5), (6).	Pub. L. 86–249, §13, Sept. 9, 1959, 73 Stat. 482; Pub. L. 90–448, title VIII, §807(f), Aug. 1, 1968, 82 Stat. 544; Pub. L. 101–73, title VII, §744(g), Aug. 9, 1989, 103 Stat. 438; Pub. L. 102–54, §13(*o*), June 13, 1991, 105 Stat. 278; Pub. L. 104–208, div. A, title I, §101(f) [title IV, §407(b)], Sept. 30, 1996, 110 Stat. 3009–338.
	40:612a(1).	Pub. L. 94–541, title I, §105(1), (2), Oct. 18, 1976, 90 Stat. 2507.
3301(a)(2)	40:612(6).	
3301(a)(3)	40:612(4).	
3301(a)(4)	40:612(3).	
	40:612a(2).	
3301(a)(5)	40:612(1).	
	40:612a(2).	
3301(a)(6)	40:612(7).	
3301(b)	40:613.	Pub. L. 86–249, §14, Sept. 9, 1959, 73 Stat. 483.

In subsection (a), the text of 40:612(2) and 612a(1) is omitted because the complete name of the Administrator of General Services is used the first time the term appears in a section. In clause (5)(A), the words ''mixed-ownership Government corporation'' are substituted for ''mixed ownership corporation'' for consistency with 31:9101. In clause (5)(B) and (C), the words ''from time to time hereafter'' are omitted as unnecessary. In clause (6), the words ''territories and'' are added for consistency in the revised title and with other titles of the United States Code.

In subsection (b), the text of 40:613(1)–(3) is omitted as obsolete. The reference is to section 241(g) of the Immigration and Nationality Act rather than to section

242(c) to reflect the amendment of sections 241 and 242 by sections 305(a)(3) and 306(a)(2) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104–208, div. C, 110 Stat. 3009–598, 3009–607).

§ 3302. Prohibition on construction of buildings except by Administrator of General Services

Only the Administrator of General Services may construct a public building. The Administrator shall construct a public building in accordance with this chapter.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1158.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
3302	40:601.	Pub. L. 86–249, §2, Sept. 9, 1959, 73 Stat. 479.

§ 3303. Continuing investigation and survey of public buildings

(a) CONDUCTED BY ADMINISTRATOR.—The Administrator of General Services shall—

(1) make a continuing investigation and survey of the public buildings needs of the Federal Government so that the Administrator may carry out the duties of the Administrator under this chapter; and

(2) submit to Congress prospectuses of proposed projects in accordance with section 3307(a) and (b) of this title.

(b) COOPERATION WITH FEDERAL AGENCIES.—

(1) DUTIES OF ADMINISTRATOR.—In carrying out the duties of the Administrator under this chapter, the Administrator—

(A) shall cooperate with all federal agencies in order to keep informed of their needs;

(B) shall advise each federal agency of the program with respect to the agency; and

(C) may request the cooperation and assistance of each federal agency in carrying out duties under this chapter.

(2) DUTY OF FEDERAL AGENCIES.—Each federal agency shall cooperate with, advise, and assist the Administrator in carrying out the duties of the Administrator under this chapter as determined necessary by the Administrator to carry out the purposes of this chapter.

(c) REQUEST FOR IDENTIFICATION OF EXISTING BUILDINGS OF HISTORICAL, ARCHITECTURAL, OR CULTURAL SIGNIFICANCE.—When the Administrator undertakes a survey of the public buildings needs of the Government within a geographical area, the Administrator shall request that, within 60 days, the Advisory Council on Historic Preservation established by title II of the National Historic Preservation Act (16 U.S.C. 470i et seq.) identify any existing buildings in the geographical area that—

(1) are of historical, architectural, or cultural significance (as defined in section 3306(a) of this title); and

(2) whether or not in need of repair, alteration, or addition, would be suitable for acquisition to meet the public buildings needs of the Government.

(d) STANDARD FOR CONSTRUCTION AND ACQUISITION OF PUBLIC BUILDINGS.—In carrying out the duties of the Administrator under this chapter, the Administrator shall provide for the construction and acquisition of public buildings equitably throughout the United States with due regard to the comparative urgency of the need for each particular building. In developing plans for new buildings, the Administrator shall give due consideration to excellence of architecture and design.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1158.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
3303(a)	40:611(a).	Pub. L. 86–249, §12(a), (b), (d), Sept. 9, 1959, 73 Stat. 482; Pub. L. 92–313, §2(2), (3), June 16, 1972, 86 Stat. 216; Pub. L. 94–541, title I, §103(3), Oct. 18, 1976, 90 Stat. 2506.
3303(b)	40:611(b).	
3303(c)	40:611(c).	Pub. L. 86–249, §12(c), as added Pub. L. 94–541, title I, §103(3), Oct. 18, 1976, 90 Stat. 2506.
3303(d)	40:611(d).	

In subsection (c)(1), the word ''historical'' is substituted for ''historic'' to conform to the defined term.

In subsection (c)(2), the word ''purchase'' is omitted as being included in ['']'acquisition''.

REFERENCES IN TEXT

The National Historic Preservation Act, referred to in subsec. (c), is Pub. L. 89–665, Oct. 15, 1966, 80 Stat. 915, as amended. Title II of the Act is classified generally to sections 470i to 470v of Title 16, Conservation. For complete classification of this Act to the Code, see section 470 of Title 16 and Tables.

§ 3304. Acquisition of buildings and sites

(a) IN GENERAL.—The Administrator of General Services may acquire, by purchase, condemnation, donation, exchange, or otherwise, any building and its site which the Administrator decides is necessary to carry out the duties of the Administrator under this chapter.

(b) ACQUISITION OF LAND OR INTEREST IN LAND FOR USE AS SITES.—The Administrator may acquire, by purchase, condemnation, donation, exchange, or otherwise, land or an interest in land the Administrator considers necessary for use as sites, or additions to sites, for public buildings authorized to be constructed or altered under this chapter.

(c) PUBLIC BUILDINGS USED FOR POST OFFICE PURPOSES.—When any part of a public building is to be used for post office purposes, the Administrator shall act jointly with the United States Postal Service in selecting the town or city where the building is to be constructed, and in selecting the site in the town or city for the building.

(d) SOLICITATION OF PROPOSALS FOR SALE, DONATION, OR EXCHANGE OF REAL PROPERTY.—When the Administrator is to acquire a site under subsection (b), the Administrator, if the Administrator considers it necessary, by public advertisement may solicit proposals for the sale, donation, or exchange of real property to the Federal Government to be used as the site. In selecting a site under subsection (b) the Administrator (with the concurrence of the United States Postal Service if any part of the public

building to be constructed on the site is to be used for post office purposes) may—

(1) select the site that the Administrator believes is the most advantageous to the Government, all factors considered; and

(2) acquire the site without regard to title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.).

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1158; Pub. L. 108–178, § 3(1), Dec. 15, 2003, 117 Stat. 2640.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
3304(a)	40:602.	Pub. L. 86–249, §§3, 5, Sept. 9, 1959, 73 Stat. 479.
3304(b)	40:604(a).	
3304(c)	40:604(b).	
3304(d)	40:604(c).	

In subsections (c) and (d), the words ''United States Postal Service'' are substituted for ''Postmaster General'' in subsections (b) and (c) of section 5 of the Public Buildings Act of 1959 (Public Law 86–249, 73 Stat. 479) because of section 4(a) of the Postal Reorganization Act (Public Law 91–375, 84 Stat. 773).

REFERENCES IN TEXT

The Federal Property and Administrative Services Act of 1949, referred to in subsec. (d)(2), is act June 30, 1949, ch. 288, 63 Stat. 377, as amended. Title III of the Act is classified generally to subchapter IV (§ 251 et seq.) of chapter 4 of Title 41, Public Contracts. For complete classification of this Act to the Code, see Tables.

AMENDMENTS

2003—Subsec. (b). Pub. L. 108–178 inserted '', by purchase, condemnation, donation, exchange, or otherwise,'' after ''The Administrator may acquire''.

EFFECTIVE DATE OF 2003 AMENDMENT

Amendment by Pub. L. 108–178 effective Aug. 21, 2002, see section 5 of Pub. L. 108–178, set out as a note under section 5334 of Title 5, Government Organization and Employees.

§ 3305. Construction and alteration of buildings

(a) CONSTRUCTION.—

(1) REPLACEMENT OF EXISTING BUILDINGS.—When the Administrator of General Services considers it to be in the best interest of the Federal Government to construct a new public building to take the place of an existing public building, the Administrator may demolish the existing building and use the site on which it is located for the site of the proposed public building. If the Administrator believes that it is more advantageous to construct the public building on a different site in the same city, the Administrator may exchange the building and site, or the site, for another site, or may sell the building and site in accordance with subtitle I of this title and title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.).

(2) SALE OR EXCHANGE OF SITES.—When the Administrator decides that a site acquired for the construction of a public building is not suitable for that purpose, the Administrator may exchange the site for another site, or may sell it in accordance with subtitle I of this title and title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.).

(3) COMMITTEE APPROVAL REQUIRED.—This subsection does not permit the Administrator to use any land as a site for a public building if the project has not been approved in accordance with section 3307 of this title.

(b) ALTERATION OF BUILDINGS.—

(1) AUTHORITY TO ALTER BUILDINGS AND ACQUIRE LAND.—The Administrator may—

(A) alter any public building; and

(B) acquire in accordance with section 3304(b)–(d) of this title land necessary to carry out the alteration.

(2) COMMITTEE APPROVAL NOT REQUIRED.—

(A) THRESHOLD AMOUNT.—Approval under section 3307 of this title is not required for any alteration and acquisition authorized by this subsection for which the estimated maximum cost does not exceed $1,500,000.

(B) DOLLAR AMOUNT ADJUSTMENT.—The Administrator annually may adjust the dollar amount referred to in subparagraph (A) 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.

(c) CONSTRUCTION OR ALTERATION BY CONTRACT.—The Administrator may carry out any construction or alteration authorized by this chapter by contract if the Administrator considers it to be most advantageous to the Government.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1159.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
3305(a)	40:605.	Pub. L. 86–249, §§6, 9, Sept. 9, 1959, 73 Stat. 479, 481.
3305(b)(1)	40:603(a).	Pub. L. 86–249, §4, Sept. 9, 1959, 73 Stat. 479; Pub. L. 92–313, §2(1), June 16, 1972, 86 Stat. 216; Pub. L. 100–678, §2, Nov. 17, 1988, 102 Stat. 4049.
3305(b)(2)(A)	40:603(b).	
3305(b)(2)(B)	40:606(f) (related to 40:603(b)).	Pub. L. 86–249, §7(f) (related to §4(b)), Sept. 9, 1959, as added Pub. L. 100–678, §4, Nov. 17, 1988, 102 Stat. 4050.
3305(c)	40:608.	

In subsection (a)(1) and (2), the words ''and title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.)'' are added to provide an accurate literal translation of the words ''this Act'', meaning the Federal Property and Administrative Services Act of 1949. See the revision note under section 111 of this title.

In subsection (b)(2)(B), the words ''Transportation and Infrastructure'' are substituted for ''Public Works and Transportation'' in section 7(f) 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.).

REFERENCES IN TEXT

The Federal Property and Administrative Services Act of 1949, referred to in subsec. (a)(1) and (2), is act June 30, 1949, ch. 288, 63 Stat. 377, as amended. Title III of the Act is classified generally to subchapter IV (§ 251

et seq.) of chapter 4 of Title 41, Public Contracts. For complete classification of this Act to the Code, see Tables.

§ 3306. Accommodating federal agencies

(a) DEFINITIONS.—In this section—

(1) COMMERCIAL ACTIVITIES.—The term ''commercial activities'' includes the operations of restaurants, food stores, craft stores, dry goods stores, financial institutions, and display facilities.

(2) CULTURAL ACTIVITIES.—The term ''cultural activities'' includes film, dramatic, dance, and musical presentations, and fine art exhibits, whether or not those activities are intended to make a profit.

(3) EDUCATIONAL ACTIVITIES.—The terms ''educational activities'' includes the operations of libraries, schools, day care centers, laboratories, and lecture and demonstration facilities.

(4) HISTORICAL, ARCHITECTURAL, OR CULTURAL SIGNIFICANCE.—The term ''historical, architectural, or cultural significance'' includes buildings listed or eligible to be listed on the National Register established under section 101 of the National Historic Preservation Act (16 U.S.C. 470a).

(5) RECREATIONAL ACTIVITIES.—The term ''recreational activities'' includes the operations of gymnasiums and related facilities.

(6) UNIT OF GENERAL LOCAL GOVERNMENT.—The term ''unit of general local government'' means a city, county, town, parish, village, or other general-purpose political subdivision of a State.

(b) DUTIES OF ADMINISTRATOR.—To carry out the duties of the Administrator of General Services under sections 581(h), 584(b), 3303(c), and 3307(b)(3) and (5) of this title and under any other authority with respect to constructing, operating, maintaining, altering, and otherwise managing or acquiring space necessary to accommodate federal agencies and to accomplish the purposes of sections 581(h), 584(b), 3303(c), and 3307(b)(3) and (5), the Administrator shall—

(1) acquire and utilize space in suitable buildings of historical, architectural, or cultural significance, unless use of the space would not prove feasible and prudent compared with available alternatives;

(2) encourage the location of commercial, cultural, educational, and recreational facilities and activities in public buildings;

(3) provide and maintain space, facilities, and activities, to the extent practicable, that encourage public access to, and stimulate public pedestrian traffic around, into, and through, public buildings, permitting cooperative improvements to and uses of the area between the building and the street, so that the activities complement and supplement commercial, cultural, educational, and recreational resources in the neighborhood of public buildings; and

(4) encourage the public use of public buildings for cultural, educational, and recreational activities.

(c) CONSULTATION AND SOLICITATION OF COMMENTS.—In carrying out the duties under subsection (b), the Administrator shall—

(1) consult with chief executive officers of the States, areawide agencies established pursuant to title II of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3331 et seq.) and section 6506 of title 31, and chief executive officers of those units of general local government in each area served by an existing or proposed public building; and

(2) solicit the comments of other community leaders and members of the general public as the Administrator considers appropriate.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1160.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
3306(a)(1)	40:612a(5).	Pub. L. 94–541, title I, §§102, 105(3)–(8), Oct. 18, 1976, 90 Stat. 2505, 2507.
3306(a)(2)	40:612a(6).	
3306(a)(3)	40:612a(7).	
3306(a)(4)	40:612a(4).	
3306(a)(5)	40:612a(8).	
3306(a)(6)	40:612a(3).	
3306(b)	40:601a(a).	
3306(c)	40:601a(b).	

In subsection (b)(1), the word ''historical'' is substituted for ''historic'' to conform to the defined term.

In subsection (c)(1), the words ''chief executive officers of the States'' are substituted for ''Governors'' for clarity and for consistency in the revised title and with other titles of the United States Code. The words ''section 6506 of title 31'' are substituted for ''title IV of the Intergovernmental Cooperation Act of 1968'' in section 102(b) of the Public Buildings Cooperative Use Act of 1976 (Public Law 94–541, 90 Stat. 2505) because of section 4(b) of the Act of September 13, 1982 (Public Law 97–258, 96 Stat. 1067), the first section of which enacted Title 31, United States Code.

REFERENCES IN TEXT

The Demonstration Cities and Metropolitan Development Act of 1966, referred to in subsec. (c)(1), is Pub. L. 89–754, Nov. 3, 1966, 80 Stat. 1255, as amended. Title II of the Act is classified generally to subchapter II (§3331 et seq.) of chapter 41 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 3331 of Title 42 and Tables.

EX. ORD. NO. 13006. LOCATING FEDERAL FACILITIES ON HISTORIC PROPERTIES IN OUR NATION'S CENTRAL CITIES

Ex. Ord. No. 13006, May 21, 1996, 61 F.R. 26071, provided:

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the National Historic Preservation Act (16 U.S.C. 470 *et seq.*) and the Public Buildings Cooperative Use Act of 1976 (90 Stat. 2505) [title I of Pub. L. 94–541, see Tables for classification], and in furtherance of and consistent with Executive Order No. 12072 of August 16, 1978 [40 U.S.C. 121 note], and Executive Order No. 11593 of May 13, 1971 [16 U.S.C. 470 note], it is hereby ordered as follows:

SECTION 1. *Statement of Policy*. Through the Administration's community empowerment initiatives, the Federal Government has undertaken various efforts to revitalize our central cities, which have historically served as the centers for growth and commerce in our metropolitan areas. Accordingly, the Administration hereby reaffirms the commitment set forth in Executive Order No. 12072 to strengthen our Nation's cities by encouraging the location of Federal facilities in our central cities. The Administration also reaffirms the commitments set forth in the National Historic Preservation Act to provide leadership in the preservation of historic resources, and in the Public Buildings Cooperative Use Act of 1976 to acquire and utilize space in suit-

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 comparative 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 to 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

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
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 3709 of the Revised Statutes (41 U.S.C. 5), 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-

cation of vouchers for payments due the contractor, and final settlement of the contract.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1163.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
3308(a)	40:609(a).	Pub. L. 86–249, § 10, Sept. 9, 1959, 73 Stat. 481.
3308(b)	40:609(b).	
3308(c)	40:609(c).	

In subsection (a), the words ''chapters 33 and 51 and subchapter III of chapter 53 of title 5'' are substituted for ''the Classification Act of 1949, as amended'' and the reference to civil service laws in section 10(a) of the Public Buildings Act of 1959 (Public Law 86–249, 73 Stat. 481) because of section 7(b) of the Act of September 6, 1966 (Public Law 89–554, 80 Stat. 631), the first section of which enacted Title 31, United States Code.

§ 3309. Buildings and sites in the District of Columbia

(a) IN GENERAL.—The purposes of this chapter shall be carried out in the District of Columbia as nearly as may be practicable in harmony with the plan of Peter Charles L'Enfant. Public buildings shall be constructed or altered to combine architectural beauty with practical utility.

(b) CLOSING OF STREETS AND ALLEYS.—When the Administrator of General Services decides that constructing or altering a public building under this chapter in the District of Columbia requires using contiguous squares as a site for the building, parts of streets that lie between the squares, and alleys that intersect the squares, may be closed and vacated if agreed to by the Administrator, the Council of the District of Columbia, and the National Capital Planning Commission. Those streets and alleys become part of the site.

(c) CONSULTATIONS PRIOR TO ACQUISITIONS.—

(1) WITH HOUSE OFFICE BUILDING COMMISSION.—The Administrator must consult with the House Office Building Commission created by the Act of March 4, 1907 (ch. 2918, 34 Stat. 1365), before the Administrator may acquire land located south of Independence Avenue, between Third Street SW and Eleventh Street SE, in the District of Columbia, for use as a site or an addition to a site.

(2) WITH ARCHITECT OF CAPITOL.—The Administrator must consult with the Architect of the Capitol before the Administrator may acquire land located in the area extending from the United States Capitol Grounds to Eleventh Street NE and SE and bounded by Independence Avenue on the south and G Street NE on the north, in the District of Columbia, for use as a site or an addition to a site.

(d) CONTRACTS FOR EVENTS IN STADIUM.—Notwithstanding the District of Columbia Stadium Act of 1957 (Public Law 85–300, 71 Stat. 619) or any other provision of law, the Armory Board may make contracts to conduct events in Robert F. Kennedy Stadium.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1163.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
3309(a)	40:607(a).	Pub. L. 86–249, § 8(a), (b), Sept. 9, 1959, 73 Stat. 481; Pub. L. 87–476, §§ 1, 2, June 8, 1962, 76 Stat. 92.
3309(b)	40:607(b).	
3309(c)	40:607(c).	Pub. L. 86–249, § 8(c), Sept. 9, 1959, as added Pub. L. 87–476, § 3, June 8, 1962, 76 Stat. 92.
3309(d)	40:607(d).	Pub. L. 86–249, § 8(d), Sept. 9, 1959, as added Pub. L. 93–72, July 10, 1973, 87 Stat. 169.

In subsection (b), the words ''Council of the District of Columbia'' are substituted for ''Board of Commissioners of the District of Columbia'' [subsequently changed to ''District of Columbia Council'' because of section 402(431) of Reorganization Plan No. 3 of 1967 (eff. Aug. 11, 1967, 81 Stat. 951)] in section 8(b) of the Public Buildings Act of 1959 (Public Law 86–249, 73 Stat. 481) because of sections 401 and 404(a) of the District of Columbia Home Rule Act (Public Law 93–198, 87 Stat. 785, 787).

Subsection (d) is substituted for 40:607(d) to eliminate obsolete words.

REFERENCES IN TEXT

The Act of March 4, 1907, referred to in subsec. (c)(1), is act Mar. 4, 1907, ch. 2918, 34 Stat. 1365, as amended, which is classified to section 2001 of Title 2, The Congress.

The District of Columbia Stadium Act of 1957, referred to in subsec. (d), is Pub. L. 85–300, Sept. 7, 1957, 71 Stat. 619, as amended, which is not classified to the Code.

§ 3310. Special rules for leased buildings

For any building to be constructed for lease to, and for predominant use by, the Federal Government, the Administrator of General Services—

(1) notwithstanding section 585(a)(1) of this title, shall not make any agreement or undertake any commitment which will result in the construction of the building until the Administrator has established detailed specification requirements for the building;

(2) may acquire a leasehold interest in the building only by the use of competitive procedures required by section 303 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253);

(3) shall include in the solicitation for any lease requiring a prospectus under section 3307 an evaluation factor considering the extent to which the offeror will promote energy efficiency and the use of renewable energy;

(4) shall inspect every building during construction to establish that the specifications established for the building are complied with;

(5) on completion of the building, shall evaluate the building to determine the extent of failure to comply with the specifications referred to in clause (1); and

(6) shall ensure that any contract entered into for the building shall contain provisions permitting a reduction of rent during any period when the building is not in compliance with the specifications.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1164; Pub. L. 110–140, title III, § 323(d), Dec. 19, 2007, 121 Stat. 1591.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
3310	40:618.	Pub. L. 86–249, § 20, as added Pub. L. 100–678, § 5, Nov. 17, 1988, 102 Stat. 4050.

AMENDMENTS

2007—Pars. (3) to (6). Pub. L. 110–140 added par. (3) and redesignated former pars. (3) to (5) as (4) to (6), 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.

§ 3311. State administration of criminal and health and safety laws

When the Administrator of General Services considers it desirable, the Administrator may assign to a State or a territory or possession of the United States any part of the authority of the Federal Government to administer criminal laws and health and safety laws with respect to land or an interest in land under the control of the Administrator and located in the State, territory, or possession. Assignment of authority under this section may be accomplished by filing with the chief executive officer of the State, territory, or possession a notice of assignment to take effect on acceptance, or in another manner as may be prescribed by the laws of the State, territory, or possession in which the land or interest is located.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1164.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
3311	40:617.	Pub. L. 86–249, § 19, as added Pub. L. 100–678, § 5, Nov. 17, 1988, 102 Stat. 4050.

The words ''Notwithstanding any other provision of law'' and ''commonwealth'' are omitted as unnecessary.

§ 3312. Compliance with nationally recognized codes

(a) APPLICATION.—

(1) IN GENERAL.—This section applies to any project for construction or alteration of a building for which amounts are first appropriated for a fiscal year beginning after September 30, 1989.

(2) NATIONAL SECURITY WAIVER.—This section does not apply to a building for which the Administrator of General Services or the head of the federal agency authorized to construct or alter the building decides that the application of this section to the building would adversely affect national security. A decision under this subsection is not subject to administrative or judicial review.

(b) BUILDING CODES.—Each building constructed or altered by the General Services Administration or any other federal agency shall be constructed or altered, to the maximum extent feasible as determined by the Administrator or the head of the federal agency, in compliance with one of the nationally recognized model building codes and with other applicable nationally recognized codes, including electrical codes, fire and life safety codes, and plumbing codes, as the Administrator decides is appropriate. In carrying out this subsection, the Administrator or the head of the federal agency shall use the latest edition of the nationally recognized codes.

(c) ZONING LAWS.—Each building constructed or altered by the Administration or any other federal agency shall be constructed or altered only after consideration of all requirements (except procedural requirements) of the following laws of a State or a political subdivision of a State, which would apply to the building if it were not a building constructed or altered by a federal agency:

(1) Zoning laws.

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

(d) COOPERATION WITH STATE AND LOCAL OFFICIALS.—

(1) STATE AND LOCAL GOVERNMENT CONSULTATION, REVIEW, AND INSPECTIONS.—To meet the requirements of subsections (b) and (c), the Administrator or the head of the federal agency authorized to construct or alter the building—

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

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

(C) shall permit inspection by the officials during construction or alteration of the building, in accordance with the customary schedule of inspections for construction or alteration of buildings in the locality, if the officials provide to the Administrator or the head of the federal agency—

(i) a copy of the schedule before construction of the building is begun; and

(ii) reasonable notice of their intention to conduct any inspection before conducting the inspection.

(2) LIMITATION ON RESPONSIBILITIES.—This section does not impose an obligation on any State or political subdivision to take any action under paragraph (1).

(e) STATE AND LOCAL GOVERNMENT RECOMMENDATIONS.—Appropriate officials of a State or political subdivision of a State may make recommendations to the Administrator or the head of the federal agency authorized to construct or alter a building concerning measures necessary to meet the requirements of subsections (b) and (c). The officials also may make recommendations to the Administrator or the head of the federal agency concerning measures which should be taken in the construction or alteration of the building to take into account local conditions. The Administrator or the head of the

agency shall give due consideration to the recommendations.

(f) EFFECT OF NONCOMPLIANCE.—An action may not be brought against the Federal Government and a fine or penalty may not be imposed against the Government for failure to meet the requirements of subsection (b), (c), or (d) or for failure to carry out any recommendation under subsection (e).

(g) LIMITATION ON LIABILITY.—The Government and its contractors shall not be required to pay any amount for any action a State or a political subdivision of a State takes to carry out this section, including reviewing plans, carrying out on-site inspections, issuing building permits, and making recommendations.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1165.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
3312(a)(1)	40:619(g).	Pub. L. 86–249, §21, as added Pub. L. 100–678, §6(a), Nov. 17, 1988, 102 Stat. 4051.
3312(a)(2)	40:619(h).	
3312(b)	40:619(a).	
3312(c)	40:619(b).	
3312(d)	40:619(c).	
3312(e)	40:619(d).	
3312(f)	40:619(e).	
3312(g)	40:619(f).	

§ 3313. Use of energy efficient lighting fixtures and bulbs

(a) CONSTRUCTION, ALTERATION, AND ACQUISITION OF PUBLIC BUILDINGS.—Each public building constructed, altered, or acquired by the Administrator of General Services shall be equipped, to the maximum extent feasible as determined by the Administrator, with lighting fixtures and bulbs that are energy efficient.

(b) MAINTENANCE OF PUBLIC BUILDINGS.—Each lighting fixture or bulb that is replaced by the Administrator in the normal course of maintenance of public buildings shall be replaced, to the maximum extent feasible, with a lighting fixture or bulb that is energy efficient.

(c) CONSIDERATIONS.—In making a determination under this section concerning the feasibility of installing a lighting fixture or bulb that is energy efficient, the Administrator shall consider—

(1) the life-cycle cost effectiveness of the fixture or bulb;

(2) the compatibility of the fixture or bulb with existing equipment;

(3) whether use of the fixture or bulb could result in interference with productivity;

(4) the aesthetics relating to use of the fixture or bulb; and

(5) such other factors as the Administrator determines appropriate.

(d) ENERGY STAR.—A lighting fixture or bulb shall be treated as being energy efficient for purposes of this section if—

(1) the fixture or bulb is certified under the Energy Star program established by section 324A of the Energy Policy and Conservation Act (42 U.S.C. 6294a);

(2) in the case of all light-emitting diode (LED) luminaires, lamps, and systems whose efficacy (lumens per watt) and Color Rendering Index (CRI) meet the Department of Energy requirements for minimum luminaire efficacy and CRI for the Energy Star certification, as verified by an independent third-party testing laboratory that the Administrator and the Secretary of Energy determine conducts its tests according to the procedures and recommendations of the Illuminating Engineering Society of North America, even if the luminaires, lamps, and systems have not received such certification; or

(3) the Administrator and the Secretary of Energy have otherwise determined that the fixture or bulb is energy efficient.

(e) ADDITIONAL ENERGY EFFICIENT LIGHTING DESIGNATIONS.—The Administrator of the Environmental Protection Agency and the Secretary of Energy shall give priority to establishing Energy Star performance criteria or Federal Energy Management Program designations for additional lighting product categories that are appropriate for use in public buildings.

(f) GUIDELINES.—The Administrator shall develop guidelines for the use of energy efficient lighting technologies that contain mercury in child care centers in public buildings.

(g) APPLICABILITY OF BUY AMERICAN ACT.—Acquisitions carried out pursuant to this section shall be subject to the requirements of the Buy American Act (41 U.S.C. 10c[1] et seq.).

(h) EFFECTIVE DATE.—The requirements of subsections (a) and (b) shall take effect 1 year after the date of enactment of this subsection.

(Added Pub. L. 110–140, title III, §323(c)(1)(B), Dec. 19, 2007, 121 Stat. 1590.)

REFERENCES IN TEXT

The Buy American Act, referred to in subsec. (g), is title III of act Mar. 3, 1933, ch. 212, 47 Stat. 1520, which is classified generally to sections 10a, 10b, and 10c of Title 41, Public Contracts. For complete classification of this Act to the Code, see Short Title note set out under section 10a of Title 41 and Tables.

The date of enactment of this subsection, referred to in subsec. (h), is the date of enactment of Pub. L. 110–140, which was approved Dec. 19, 2007.

PRIOR PROVISIONS

A prior section 3313 was renumbered section 3314 of this title.

EFFECTIVE DATE

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

§ 3314. Delegation

(a) WHEN ALLOWED.—The carrying out of the duties and powers of the Administrator of General Services under this chapter, in accordance with standards the Administrator prescribes—

(1) shall, except for the authority contained in section 3305(b) of this title, be delegated on request to the appropriate executive agency when the estimated cost of the project does not exceed $100,000; and

(2) may be delegated to the appropriate executive agency when the Administrator determines that delegation will promote efficiency and economy.

[1] So in original. See References in Text note below.

(b) NO EXEMPTION FROM OTHER PROVISIONS OF CHAPTER.—Delegation under subsection (a) does not exempt the person to whom the delegation is made, or the carrying out of the delegated duty or power, from any other provision of this chapter.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1166, § 3313; Pub. L. 109–304, § 17(g)(3), Oct. 6, 2006, 120 Stat. 1709; renumbered § 3314, Pub. L. 110–140, title III, § 323(c)(1)(A), Dec. 19, 2007, 121 Stat. 1590.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
3313(a)	40:614 (1st sentence).	Pub. L. 86–249, § 15, Sept. 9, 1959, 73 Stat. 483.
3313(b)	40:614 (last sentence).	

In subsection (a), before clause (1), the words ''duties and powers'' are substituted for ''responsibilities and authorities'' for consistency in the revised title and with other titles of the United States Code.

PRIOR PROVISIONS

A prior section 3314 was renumbered section 3315 of this title.

AMENDMENTS

2007—Pub. L. 110–140 renumbered section 3313 of this title as this section.

2006—Subsec. (a). Pub. L. 109–304 substituted ''The'' for ''Except for the authority contained in section 3305(b) of this title, the'' in introductory provisions and ''shall, except for the authority contained in section 3305(b) of this title,'' for ''shall'' in par. (1).

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.

§ 3315. Report to Congress

(a) REQUEST BY EITHER HOUSE OF CONGRESS OR ANY COMMITTEE.—Within a reasonable time after a request of either House of Congress or any committee of Congress, the Administrator of General Services shall submit a report showing the location, space, cost, and status of each public building the construction, alteration, or acquisition of which—

(1) is to be under authority of this chapter; and

(2) was uncompleted as of the date of the request, or as of another date the request may designate.

(b) REQUEST OF COMMITTEE ON PUBLIC WORKS AND ENVIRONMENT OR COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE.—The Administrator and the United States Postal Service shall make building project surveys requested by resolution by the Committee on Environment and Public Works of the Senate or the Committee on Transportation and Infrastructure of the House of Representatives, and within a reasonable time shall make a report on the survey to Congress. The report shall contain all other information required to be included in a prospectus of the proposed public building project under section 3307(b) of this title.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1166, § 3314; renumbered § 3315, Pub. L. 110–140, title III, § 323(c)(1)(A), Dec. 19, 2007, 121 Stat. 1590.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
3314(a)	40:610(a).	Pub. L. 86–249, § 11, Sept. 9, 1959, 73 Stat. 481; Pub. L. 96–470, title II, § 211, Oct. 19, 1980, 94 Stat. 2246; Pub. L. 103–437, § 14(b)(2), Nov. 2, 1994, 108 Stat. 4591.
3314(b)	40:610(b).	

In subsection (b), the words ''United States Postal Service'' are substituted for ''Postmaster General'' in section 11(b) of the Public Buildings Act of 1959 (Public Law 86–249, 73 Stat. 481) because of section 4(a) of the Postal Reorganization Act (Public Law 91–375, 84 Stat. 773). The words ''Transportation and Infrastructure'' are substituted for ''Public Works and Transportation'' in section 11(b) because of section 1(a)(9) of the Act of June 3, 1995 (Public Law 104–14, 2:21 note prec.).

PRIOR PROVISIONS

A prior section 3315 was renumbered section 3316 of this title.

AMENDMENTS

2007—Pub. L. 110–140 renumbered section 3314 of this title as this section.

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.

§ 3316. Certain authority not affected

This chapter does not limit or repeal the authority conferred by law on the United States Postal Service.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1167, § 3315; renumbered § 3316, Pub. L. 110–140, title III, § 323(c)(1)(A), Dec. 19, 2007, 121 Stat. 1590.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
3315	40:615.	Pub. L. 86–249, § 16, Sept. 9, 1959, 73 Stat. 483; Pub. L. 91–375, § 6(m)(3), Aug. 12, 1970, 84 Stat. 782.

The text of 40:615(1) is omitted as obsolete.

AMENDMENTS

2007—Pub. L. 110–140 renumbered section 3315 of this title as this section.

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.

CHAPTER 35—NON-FEDERAL PUBLIC WORKS

Sec.
3501. Definitions.
3502. Planned public works.
3503. Revolving fund.
3504. Surveys of public works planning.
3505. Forgiveness of outstanding advances.

§ 3501. Definitions

In this chapter, the following definitions apply:

(1) PUBLIC AGENCY.—The term ''public agency'' means a State or a public agency or political subdivision of a State.

(2) PUBLIC WORKS.—The term ''public works'' includes any public works other than housing.

(3) STATE.—The term ''State'' means a State of the United States, the District of Columbia, Puerto Rico, Guam, the Virgin Islands, the Northern Mariana Islands, the Federated States of Micronesia, the Marshall Islands, Palau, and any territory or possession of the United States.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1167.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
3501	40:460.	Aug. 2, 1954, ch. 649, title VII, § 703, 68 Stat. 641; Pub. L. 90–19, § 10(d), May 25, 1967, 81 Stat. 22; Pub. L. 93–383, title IV, § 401(c), Aug. 22, 1974, 88 Stat. 691.

In this section, the text of 40:460(2) is omitted as unnecessary because the complete name of the Secretary of Housing and Urban Development is used the first time the term appears in a section.

In clause (1), the words ''or 'public agencies' '' are omitted as unnecessary because of 1:1.

In clause (3), the words ''Guam, the Virgin Islands'' are added to clarify that the provisions of the source law apply to those jurisdictions. The words ''the Northern Mariana Islands, the Federated States of Micronesia, the Marshall Islands, Palau'' are substituted for ''the Trust Territory of the Pacific Islands'' because of the termination of the Trust Territory of the Pacific Islands. See 48:1681 note prec.

§ 3502. Planned public works

(a) ADVANCES TO ENSURE PLANNING.—Notwithstanding section 3324(a) and (b) of title 31, the Secretary of Housing and Urban Development may make advances to public agencies and Indian tribes—

(1) to encourage public agencies and Indian tribes to maintain at all times a current and adequate reserve of planned public works the construction of which can rapidly be commenced, particularly when the national or local economic situation makes that action desirable; and

(2) to help attain maximum economy and efficiency in the planning and construction of public works.

(b) USES OF ADVANCES.—A public agency or Indian tribe shall use an advance under subsection (a) to aid in financing the cost of feasibility studies, engineering and architectural surveys, designs, plans, working drawings, specifications, or other action preliminary to and in preparation for the construction of public works, and for construction in connection with the development of a medical center, a general plan for the development of the center.

(c) NO FUTURE COMMITMENT.—An advance under subsection (a) does not commit the Congress to appropriate amounts to assist in financing the construction of any public works planned with the aid of that advance. Outstanding advances to public agencies and Indian tribes in a State shall not exceed 12.5 percent of the aggregate then authorized to be appropriated to the revolving fund established under section 3503 of this title.

(d) REQUIREMENTS FOR ADVANCES.—An advance shall not be made under subsection (a) for an individual project (including a regional, metropolitan, or other areawide project) unless—

(1) the project is planned to be constructed within or over a reasonable period of time considering the nature of the project;

(2) the project conforms to an overall state, local, or regional plan approved by a competent state, local, or regional authority; and

(3) the public agency or Indian tribe formally contracts with the Federal Government to complete the plan preparation promptly and to repay part or all of the advance when due.

(e) REGULATIONS.—The Secretary may prescribe regulations to carry out this chapter.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1167.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
3502	40:462(a), (b), (d).	Aug. 2, 1954, ch. 649, title VII, § 702(a), (b), (d), 68 Stat. 641; Aug. 11, 1955, ch. 783, title I, § 112, 69 Stat. 641; Pub. L. 87–70, title V, § 502(1), (2), June 30, 1961, 75 Stat. 175; Pub. L. 88–560, title VI, § 602(a)–(c), (e), (f), Sept. 2, 1964, 78 Stat. 799; Pub. L. 90–19, § 10(a) (related to 40:462), May 25, 1967, 81 Stat. 22; Pub. L. 90–448, title VI, § 607, Aug. 1, 1968, 82 Stat. 534; Pub. L. 100–242, title V, § 524(1), Feb. 5, 1988, 101 Stat. 1939.

In subsection (a), the words ''section 3324(a) and (b) of title 31'' are substituted for ''section 3648 of the Revised Statutes, as amended'' in section 702(a) of the Housing Act of 1954 (ch. 649, 68 Stat. 641) because of section 4(b) of the Act of September 13, 1982 (Public Law 97–258, 96 Stat. 1067), the first section of which enacted Title 31, United States Code. The words ''municipalities and other'' are omitted as being included in ''public agencies''.

In subsection (c), the words ''in any way'' are omitted as unnecessary.

In subsection (e), the word ''rules'' is omitted as being included in ''regulations''.

§ 3503. Revolving fund

(a) ESTABLISHMENT.—There is a revolving fund established by the Secretary of Housing and Urban Development to provide amounts for advances under this chapter. The fund comprises amounts appropriated under this chapter and all repayments and other receipts received in connection with advances made under this chapter.

(b) AUTHORIZATIONS.—Not more than $70,000,000 may be appropriated to the revolving fund as necessary to carry out the purposes of this chapter.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1168.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
3503	40:462(e).	Aug. 2, 1954, ch. 649, title VII, § 702(e), 68 Stat. 641; Aug. 11, 1955, ch. 783, title I, § 112, 69 Stat. 641; Pub. L. 87–70, title V, § 502(3), (4), June 30, 1961, 75 Stat. 175; Pub. L. 88–560, title VI, § 602(a), Sept. 2, 1964, 78 Stat. 799; Pub. L. 89–117, title XI, § 1104, Aug. 10, 1965, 79 Stat. 503; Pub. L. 90–19, § 10(a) (related to 40:462), May 25, 1967, 81 Stat. 22.

In subsection (a), the words ''heretofore or hereafter'' are omitted as unnecessary. The text of 40:462(e)(2) is omitted as obsolete. Title V of the War Mobilization and Reconversion Act of 1944 (50 App.:1671) terminated on June 30, 1947. The Act of October 13, 1949 (40:451 et seq.) authorized the Housing and Home Finance Administrator to make certain loans and advances for the 2-year period immediately following October 13, 1951.

In subsection (b), the words ''in addition to amounts authorized to be appropriated for the purposes of this section before September 2, 1964'' are omitted as executed.

§ 3504. Surveys of public works planning

The Secretary of Housing and Urban Development may use during a fiscal year not more than $100,000 of the amount in the revolving fund established under section 3503 of this title to conduct surveys of the status and current volume of state and local public works planning and surveys of estimated requirements for state and local public works. In conducting a survey, the Secretary, may use or act through any department or agency of the Federal Government, with the consent of the department or agency.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1168.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
3504	40:462(f).	Aug. 2, 1954, ch. 649, title VII, § 702(f), as added Pub. L. 86–372, title VIII, § 801, Sept. 23, 1959, 73 Stat. 686; Pub. L. 88–560, title VI, § 602(d), Sept. 2, 1964, 78 Stat. 799; Pub. L. 90–19, § 10(a) (related to 40:462), May 25, 1967, 81 Stat. 22.

§ 3505. Forgiveness of outstanding advances

In accordance with accounting and other procedures the Secretary of Housing and Urban Development prescribes, each advance made by the Secretary under this chapter that had any principal amount outstanding on February 5, 1988, was forgiven. The terms and conditions of any contract, or any amendment to a contract, for that advance with respect to any promise to repay the advance were canceled.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1168.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
3505	40:462(g).	Aug. 2, 1954, ch. 649, title VII, § 702(g), as added Pub. L. 87–658, § 6, Sept. 14, 1962, 76 Stat. 544; Pub. L. 100–242, title V, § 524(2), Feb. 5, 1988, 101 Stat. 1939.

CHAPTER 37—CONTRACT WORK HOURS AND SAFETY STANDARDS

Sec.
3701. Definition and application.
3702. Work hours.
3703. Report of violations and withholding of amounts for unpaid wages and liquidated damages.
3704. Health and safety standards in building trades and construction industry.
3705. Safety programs.
3706. Limitations, variations, tolerances, and exemptions.
3707. Contractor certification or contract clause in acquisition of commercial items not required.
3708. Criminal penalties.

§ 3701. Definition and application

(a) DEFINITION.—In this chapter, the term ''Federal Government'' has the same meaning that the term ''United States'' had in the Contract Work Hours and Safety Standards Act (Public Law 87–581, 76 Stat. 357).

(b) APPLICATION.—

(1) CONTRACTS.—This chapter applies to—

(A) any contract that may require or involve the employment of laborers or mechanics on a public work of the Federal Government, a territory of the United States, or the District of Columbia; and

(B) any other contract that may require or involve the employment of laborers or mechanics if the contract is one—

(i) to which the Government, an agency or instrumentality of the Government, a territory, or the District of Columbia is a party;

(ii) which is made for or on behalf of the Government, an agency or instrumentality, a territory, or the District of Columbia; or

(iii) which is a contract for work financed at least in part by loans or grants from, or loans insured or guaranteed by, the Government or an agency or instrumentality under any federal law providing wage standards for the work.

(2) LABORERS AND MECHANICS.—This chapter applies to all laborers and mechanics employed by a contractor or subcontractor in the performance of any part of the work under the contract—

(A) including watchmen, guards, and workers performing services in connection with dredging or rock excavation in any river or harbor of the United States, a territory, or the District of Columbia; but

(B) not including an employee employed as a seaman.

(3) EXCEPTIONS.—

(A) THIS CHAPTER.—This chapter does not apply to—

(i) a contract for—

(I) transportation by land, air, or water;

(II) the transmission of intelligence; or

(III) the purchase of supplies or materials or articles ordinarily available in the open market;

(ii) any work required to be done in accordance with the provisions of the Walsh-Healey Act (41 U.S.C. 35 et seq.); and

(iii) a contract in an amount that is not greater than $100,000.

(B) SECTION 3702.—Section 3702 of this title does not apply to work where the assistance described in paragraph (1)(B)(iii) from the Government or an agency or instrumentality is only a loan guarantee or insurance.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1169; Pub. L. 109–284, § 6(14), Sept. 27, 2006, 120 Stat. 1213.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
3701(a)	(no source).	
3701(b)(1)	40:329(a) (1st sentence less proviso).	Pub. L. 87–581, title I, § 103(a), (b), Aug. 13, 1962, 76 Stat. 358.
3701(b)(2)	40:329(a) (last sentence).	
3701(b)(3)(A)(i), (ii).	40:329(b).	
3701(b)(3)(A)(iii).	40:329(c).	Pub. L. 87–581, title I, § 103(c), as added Pub. L. 103–355, title IV, § 4104(c)(1), Oct. 13, 1994, 108 Stat. 3342.
3701(b)(3)(B)	40:329(a) (1st sentence proviso).	

Subsection (a) is added for clarity.

In subsection (b)(1), before clause (A), the words ''except as otherwise provided'' are omitted as unnecessary.

In subsection (b)(2), before clause (A), the words ''Except as otherwise expressly provided'' are omitted as unnecessary.

In subsection (b)(3)(A)(ii), the words ''Walsh-Healey Act'' are substituted for ['']Walsh-Healey Public Contracts Act'' to use the correct short title of the Act.

REFERENCES IN TEXT

The Contract Work Hours and Safety Standards Act, referred to in subsec. (a), is title I of Pub. L. 87–581, Aug. 13, 1962, 76 Stat. 357, as amended, which was classified generally to subchapter II (§ 327 et seq.) of chapter 5 of former Title 40, Public Buildings, Property, and Works, prior to repeal and reenactment as this chapter by Pub. L. 107–217, §§ 1, 6(b), Aug. 21, 2002, 116 Stat. 1062, 1304. Section 101 of title I of Pub. L. 87–581 was classified to section 327 of former Title 40 and was repealed and not reenacted by Pub. L. 107–217. For complete classification of this Act to the Code, see Tables.

The Walsh-Healey Act, referred to in subsec. (b)(3)(A)(ii), is act June 30, 1936, ch. 881, 49 Stat. 2036, as amended, which is classified generally to sections 35 to 45 of Title 41, Public Contracts. For complete classification of this Act to the Code, see Short Title note set out under section 35 of Title 41 and Tables. See also section 262 of Title 29, Labor.

AMENDMENTS

2006—Subsec. (b)(3)(B). Pub. L. 109–284 substituted ''3702'' for ''3902'' in heading and text and ''paragraph (1)(B)(iii)'' for ''subsection (a)(2)(C)'' in text.

§ 3702. Work hours

(a) STANDARD WORKWEEK.—The wages of every laborer and mechanic employed by any contractor or subcontractor in the performance of work on a contract described in section 3701 of this title shall be computed on the basis of a standard workweek of 40 hours. Work in excess of the standard workweek is permitted subject to this section. For each workweek in which the laborer or mechanic is so employed, wages include compensation, at a rate not less than one and one-half times the basic rate of pay, for all hours worked in excess of 40 hours in the workweek.

(b) CONTRACT REQUIREMENTS.—A contract described in section 3701 of this title, and any obligation of the Federal Government, a territory of the United States, or the District of Columbia in connection with that contract, must provide that—

(1) a contractor or subcontractor contracting for any part of the contract work which may require or involve the employment of laborers or mechanics shall not require or permit any laborer or mechanic, in any workweek in which the laborer or mechanic is employed on that work, to work more than 40 hours in that workweek, except as provided in this chapter; and

(2) when a violation of clause (1) occurs, the contractor and any subcontractor responsible for the violation are liable—

(A) to the affected employee for the employee's unpaid wages; and

(B) to the Government, the District of Columbia, or a territory for liquidated damages as provided in the contract.

(c) LIQUIDATED DAMAGES.—Liquidated damages under subsection (b)(2)(B) shall be computed for each individual employed as a laborer or mechanic in violation of this chapter and shall be equal to $10 for each calendar day on which the individual was required or permitted to work in excess of the standard workweek without payment of the overtime wages required by this chapter.

(d) AMOUNTS WITHHELD TO SATISFY LIABILITIES.—Subject to section 3703 of this title, the governmental agency for which the contract work is done or which is providing financial assistance for the work may withhold, or have withheld, from money payable because of work performed by a contractor or subcontractor, amounts administratively determined to be necessary to satisfy the liabilities of the contractor or subcontractor for unpaid wages and liquidated damages as provided in this section.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1169; Pub. L. 109–284, § 6(15), Sept. 27, 2006, 120 Stat. 1213.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
3702(a)	40:328(a).	Pub. L. 87–581, title I, § 102, Aug. 13, 1962, 76 Stat. 357; Pub. L. 99–145, title XII, § 1241(a), Nov. 8, 1985, 99 Stat. 734.
3702(b)	40:328(b) (words before (1)), (1), (2) (1st sentence).	
3702(c)	40:328(b)(2) (2d sentence).	
3702(d)	40:328(b)(2) (last sentence).	

In subsection (a). the words ''Notwithstanding any other provision of law'' are omitted as unnecessary.

AMENDMENTS

2006—Subsec. (d). Pub. L. 109–284 substituted ''To'' for ''to'' in heading.

§ 3703. Report of violations and withholding of amounts for unpaid wages and liquidated damages

(a) REPORTS OF INSPECTORS.—An officer or individual designated as an inspector of the work to be performed under a contract described in section 3701 of this title, or to aid in the enforcement or fulfillment of the contract, on observation or after investigation immediately shall report to the proper officer of the Federal Government, a territory of the United States, or the District of Columbia all violations of this chapter occurring in the performance of the work, together with the name of each laborer or mechanic who was required or permitted to work in violation of this chapter and the day the violation occurred.

(b) WITHHOLDING AMOUNTS.—

(1) DETERMINING AMOUNT.—The amount of unpaid wages and liquidated damages owing under this chapter shall be determined administratively.

(2) AMOUNT DIRECTED TO BE WITHHELD.—The officer or individual whose duty it is to approve the payment of money by the Government, territory, or District of Columbia in connection with the performance of the contract work shall direct the amount of—

(A) liquidated damages to be withheld for the use and benefit of the Government, territory, or District; and

(B) unpaid wages to be withheld for the use and benefit of the laborers and mechanics who were not compensated as required under this chapter.

(3) PAYMENT.—The Comptroller General shall pay the amount administratively determined to be due directly to the laborers and mechanics from amounts withheld on account of underpayments of wages if the amount withheld is adequate. If the amount withheld is not adequate, the Comptroller General shall pay an equitable proportion of the amount due.

(c) RIGHT OF ACTION AND INTERVENTION AGAINST CONTRACTORS AND SURETIES.—If the accrued payments withheld under the terms of the contract are insufficient to reimburse all the laborers and mechanics who have not been paid the wages required under this chapter, the laborers and mechanics, in the case of a department or agency of the Government, have the same right of action and intervention against the contractor and the contractor's sureties as is conferred by law on persons furnishing labor or materials. In those proceedings it is not a defense that the laborers and mechanics accepted or agreed to accept less than the required rate of wages or voluntarily made refunds.

(d) REVIEW PROCESS.—

(1) TIME LIMIT FOR APPEAL.—Within 60 days after an amount is withheld as liquidated damages, any contractor or subcontractor aggrieved by the withholding may appeal to the head of the agency of the Government or territory for which the contract work is done or which is providing financial assistance for the work, or to the Mayor of the District of Columbia in the case of liquidated damages withheld for the use and benefit of the District.

(2) REVIEW BY AGENCY HEAD OR MAYOR.—The agency head or Mayor may review the administrative determination of liquidated damages. The agency head or Mayor may issue a final order affirming the determination or may recommend to the Secretary of Labor that an appropriate adjustment in liquidated damages be made, or that the contractor or subcontractor be relieved of liability for the liquidated damages, if it is found that the amount is incorrect or that the contractor or subcontractor violated this chapter inadvertently, notwithstanding the exercise of due care by the contractor or subcontractor and the agents of the contractor or subcontractor.

(3) REVIEW BY SECRETARY.—The Secretary shall review all pertinent facts in the matter and may conduct any investigation the Secretary considers necessary in order to affirm or reject the recommendation. The decision of the Secretary is final.

(4) JUDICIAL ACTION.—A contractor or subcontractor aggrieved by a final order for the withholding of liquidated damages may file a claim in the United States Court of Federal Claims within 60 days after the final order. A final order of the agency head, Mayor, or Secretary is conclusive with respect to findings of fact if supported by substantial evidence.

(e) APPLICABILITY OF OTHER LAWS.—

(1) REORGANIZATION PLAN.—Reorganization Plan Numbered 14 of 1950 (eff. May 24, 1950, 64 Stat. 1267) applies to this chapter.

(2) SECTION 3145.—Section 3145 of this title applies to contractors and subcontractors referred to in section 3145 who are engaged in the performance of contracts subject to this chapter.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1170.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
3703(a)	40:330(a) (1st sentence).	Pub. L. 87–581, title I, §104, Aug. 13, 1962, 76 Stat. 358; Pub. L. 97–164, title I, §160(a)(13), Apr. 2, 1982, 96 Stat. 48.
3703(b)	40:330(a) (2d, last sentences).	
3703(c)	40:330(b).	
3703(d)	40:330(c).	
3703(e)	40:330(d).	

In subsection (a), the words ''or possession'' are omitted for consistency in this chapter. The words ''or days'' are omitted because of 1:1.

In subsection (c), the word ''Mayor'' is substituted for ''Commissioners'' [meaning the Board of Commissioners of the District of Columbia] [subsequently changed to ''Commissioner'' (meaning the Commissioner of the District of Columbia) because of section 401 of Reorganization Plan No. 3 of 1967 (eff. Nov. 3, 1967, 81 Stat. 951)] because of section 421 of the District of Columbia Home Rule Act (Public Law 93–198, 87 Stat. 789).

In subsection (d)(4), the words ''United States Court of Federal Claims'' are substituted for ''United States Claims Court'' because of section 902(b)(1) of the Federal Courts Administration Act of 1992 (Public Law 102–572, 106 Stat. 4516).

REFERENCES IN TEXT

Reorganization Plan Numbered 14 of 1950, referred to in subsec. (e)(1), is Reorg. Plan No. 14 of 1950, eff. May 24, 1950, 15 F.R. 3176, 64 Stat. 1267, which is set out in the Appendix to Title 5, Government Organization and Employees.

§ 3704. Health and safety standards in building trades and construction industry

(a) CONDITION OF CONTRACTS.—

(1) IN GENERAL.—Each contract in an amount greater than $100,000 that is entered into under legislation subject to Reorganization Plan Numbered 14 of 1950 (eff. May 24, 1950, 64 Stat. 1267) and is for construction, alteration, and repair, including painting and decorating, must provide that no contractor or subcontractor contracting for any part of the contract work shall require any laborer or mechanic employed in the performance of the contract to work in surroundings or under working conditions that are unsanitary, hazardous, or dangerous to health or safety, as established under construction safety and health standards the Secretary of Labor prescribes by regulation based on proceedings pursuant to section 553 of title 5, provided that the proceedings include a hearing similar in nature to that authorized by section 553 of title 5.

(2) CONSULTATION.—In formulating standards under this section, the Secretary shall consult with the Advisory Committee created by subsection (d).

(b) COMPLIANCE.—

(1) ACTIONS TO GAIN COMPLIANCE.—The Secretary may make inspections, hold hearings, issue orders, and make decisions based on findings of fact as the Secretary considers necessary to gain compliance with this section and any health and safety standard the Secretary prescribes under subsection (a). For those purposes the Secretary and the United States district courts have the authority and jurisdiction provided by sections 4 and 5 of the Walsh-Healey Act (41 U.S.C. 38, 39).

(2) REMEDY WHEN NONCOMPLIANCE FOUND.—When the Secretary, after an opportunity for an adjudicatory hearing by the Secretary, establishes noncompliance under this section of any condition of a contract described in—

(A) section 3701(b)(1)(B)(i) or (ii) of this title, the governmental agency for which the contract work is done may cancel the contract and make other contracts for the completion of the contract work, charging any additional cost to the original contractor; or

(B) section 3701(b)(1)(B)(iii) of this title, the governmental agency which is providing the financial guarantee, assistance, or insurance for the contract work may withhold the guarantee, assistance, or insurance attributable to the performance of the contract.

(3) NONAPPLICABILITY.—Section 3703 of this title does not apply to the enforcement of this section.

(c) REPEATED VIOLATIONS.—

(1) TRANSMITTAL OF NAMES OF REPEAT VIOLATORS TO COMPTROLLER GENERAL.—When the Secretary, after an opportunity for an agency hearing, decides on the record that, by repeated willful or grossly negligent violations of this chapter, a contractor or subcontractor has demonstrated that subsection (b) is not effective to protect the safety and health of the employees of the contractor or subcontractor, the Secretary shall make a finding to that effect and, not sooner than 30 days after giving notice of the finding to all interested persons, shall transmit the name of the contractor or subcontractor to the Comptroller General.

(2) BAN ON AWARDING CONTRACTS.—The Comptroller General shall distribute each name transmitted under paragraph (1) to all agencies of the Federal Government. Unless the Secretary otherwise recommends, the contractor, subcontractor, or any person in which the contractor or subcontractor has a substantial interest may not be awarded a contract subject to this section until three years have elapsed from the date the name is transmitted to the Comptroller General. The Secretary shall terminate the ban if, before the end of the three-year period, the Secretary, after affording interested persons due notice and an opportunity for a hearing, is satisfied that a contractor or subcontractor whose name was transmitted to the Comptroller General will comply responsibly with the requirements of this section. The Comptroller General shall inform all Government agencies after being informed of the Secretary's action.

(3) JUDICIAL REVIEW.—A person aggrieved by the Secretary's action under this subsection or subsection (b) may file with the appropriate United States court of appeals a petition for review of the Secretary's action within 60 days after receiving notice of the Secretary's action. The clerk of the court immediately shall send a copy of the petition to the Secretary. The Secretary then shall file with the court the record on which the action is based. The findings of fact by the Secretary, if supported by substantial evidence, are final. The court may enter a decree enforcing, modifying, modifying and enforcing, or setting aside any part of, the order of the Secretary or the appropriate Government agency. The judgment of the court may be reviewed by the Supreme Court as provided in section 1254 of title 28.

(d) ADVISORY COMMITTEE ON CONSTRUCTION SAFETY AND HEALTH.—

(1) ESTABLISHMENT.—There is an Advisory Committee on Construction Safety and Health in the Department of Labor.

(2) COMPOSITION.—The Committee is composed of nine members appointed by the Secretary, without regard to chapter 33 of title 5, as follows:

(A) Three members shall be individuals representative of contractors to whom this section applies.

(B) Three members shall be individuals representative of employees primarily in the building trades and construction industry engaged in carrying out contracts to which this section applies.

(C) Three members shall be public representatives who shall be selected on the basis of their professional and technical competence and experience in the construction health and safety field.

(3) CHAIRMAN.—The Secretary shall appoint one member as Chairman.

(4) DUTIES.—The Committee shall advise the Secretary—

(A) in formulating construction safety and health standards and other regulations; and

(B) on policy matters arising in carrying out this section.

(5) EXPERTS AND CONSULTANTS.—The Secretary may appoint special advisory and technical experts or consultants as may be necessary to carry out the functions of the Committee.

(6) COMPENSATION AND EXPENSES.—Committee members are entitled to receive compensation at rates the Secretary fixes, but not more than $100 a day, including traveltime, when performing Committee business, and expenses under section 5703 of title 5.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1172; Pub. L. 109–284, § 6(16), (17), Sept. 27, 2006, 120 Stat. 1213.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
3704(a)	40:333(a).	Pub. L. 87–581, title I, § 107(a)–(e), as added Pub. L. 91–54, § 1, Aug. 9, 1969, 83 Stat. 96; Pub. L. 103–355, title IV, § 4104(c)(2), Oct. 13, 1994, 108 Stat. 3342.
3704(b)	40:333(b), (c).	
3704(c)	40:333(d).	
3704(d)	40:333(e).	

In subsection (a)(1), the words ''in an amount greater than $100,000'' are substituted for ''(other than a contract referred to in section 329(c) of this title)'' for clarity.

In subsection (b), the text of 40:333(c) is omitted as unnecessary because the district courts have jurisdiction on all civil actions involving a federal question since the requirement of a threshold amount in controversy was deleted. In paragraph (2)(B), the words ''guarantee'' and ''insurance'' are added for consistency in this section and with section 3701(b)(1)(B)(iii) of the revised title.

In subsection (c)(2), the words ''The Secretary shall end the ban'' are substituted for ''he [sic] shall terminate the application of the preceding sentence to such contractor or subcontractor (and to any person in which the contractor or subcontractor has a substantial interest)'' for clarity and to eliminate unnecessary words. The word ''thereafter'' is omitted as unnecessary.

In subsection (c)(3), the words ''as provided in section 2112 of title 28'', ''make and'', and ''upon certiorari or certification'' are omitted as unnecessary.

In subsection (d)(2), before clause (A), the words ''chapter 33 of title 5'' are substituted for ''the civil service laws'' because of section 7(b) of the Act of September 6, 1966 (Public Law 89–554, 80 Stat. 631), the first section of which enacted Title 5, United States Code.

In subsection (d)(6), the words ''expenses under section 5703 of title 5'' are substituted for 40:333(e)(3)(words after semicolon) to eliminate unnecessary words.

REFERENCES IN TEXT

Reorganization Plan Numbered 14 of 1950, referred to in subsec. (a)(1), is Reorg. Plan No. 14 of 1950, eff. May 24, 1950, 15 F.R. 3176, 64 Stat. 1267, which is set out in the Appendix to Title 5, Government Organization and Employees.

AMENDMENTS

2006—Subsec. (a)(1). Pub. L. 109–284, § 6(16), inserted ''of title 5'' after ''authorized by section 553''.

Subsec. (a)(2). Pub. L. 109–284, § 6(17), struck out ''of this section'' after ''subsection (d)''.

TERMINATION OF ADVISORY COMMITTEES

Advisory committees in existence on Jan. 5, 1973, to terminate not later than the expiration of the 2-year period following Jan. 5, 1973, unless, in the case of a committee established by the President or an officer of the Federal Government, such committee is renewed by appropriate action prior to the expiration of such 2-year period, or in the case of a committee established by the Congress, its duration is otherwise provided by law. Advisory committees established after Jan. 5, 1973, to terminate not later than the expiration of the 2-year period beginning on the date of their establishment, unless, in the case of a committee established by the President or an officer of the Federal Government, such committee is renewed by appropriate action prior to the expiration of such 2-year period, or in the case of a committee established by the Congress, its duration is otherwise provided by law. See section 14 of Pub. L. 92–463, Oct. 6, 1972, 86 Stat. 776, set out in the Appendix to Title 5, Government Organization and Employees.

§ 3705. Safety programs

The Secretary of Labor shall—

(1) provide for the establishment and supervision of programs for the education and training of employers and employees in the recognition, avoidance, and prevention of unsafe working conditions in employment covered by this chapter; and

(2) collect reports and data and consult with and advise employers as to the best means of preventing injuries.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1174.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
3705	40:333(f).	Pub. L. 87–581, title I, § 107(f), as added Pub. L. 91–54, § 1, Aug. 9, 1969, 83 Stat. 98.

§ 3706. Limitations, variations, tolerances, and exemptions

The Secretary of Labor may provide reasonable limitations to, and may prescribe regulations allowing reasonable variations to, tolerances from, and exemptions from, this chapter that the Secretary may find necessary and proper in the public interest to prevent injustice or undue hardship or to avoid serious impairment of the conduct of Federal Government business.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1174.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
3706	40:331.	Pub. L. 87–581, title I, § 105, Aug. 13, 1962, 76 Stat. 359.

§ 3707. Contractor certification or contract clause in acquisition of commercial items not required

In a contract to acquire a commercial item (as defined in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403)), a certification by a contractor or a contract clause may not be required to implement a prohibition or requirement in this chapter.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1174.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
3707	40:334.	Pub. L. 87–581, title I, § 108, as added Pub. L. 103–355, title VIII, § 8301(b), Oct. 13, 1994, 108 Stat. 3396.

§ 3708. Criminal penalties

A contractor or subcontractor having a duty to employ, direct, or control a laborer or mechanic employed in the performance of work contemplated by a contract to which this chapter applies that intentionally violates this chapter shall be fined under title 18, imprisoned for not more than six months, or both.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1174.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
3708	40:332.	Pub. L. 87–581, title I, § 106, Aug. 13, 1962, 76 Stat. 359.

The words ''shall be fined under title 18'' are substituted for ''shall be deemed guilty of a misdemeanor, and for each and every such offense shall, upon conviction, be punished by a fine of not to exceed $1,000'' for consistency with chapter 227 of title 18. The words ''in the discretion of the court having jurisdiction thereof'' are omitted as unnecessary.

PART B—UNITED STATES CAPITOL

CHAPTER 51—UNITED STATES CAPITOL BUILDINGS AND GROUNDS

Sec.
5101. Definition.
5102. Legal description and jurisdiction of United States Capitol Grounds.
5103. Restrictions on public use of United States Capitol Grounds.
5104. Unlawful activities.
5105. Assistance to authorities by Capitol employees.
5106. Suspension of prohibitions.
5107. Concerts on grounds.
5108. Audit of private organizations.
5109. Penalties.

§ 5101. Definition

In this chapter, the term ''Capitol Buildings'' means the United States Capitol, the Senate and House Office Buildings and garages, the Capitol Power Plant, all buildings on the real property described under section 5102(c) (including the Administrative Building of the United States Botanic Garden)[1] all buildings on the real property described under section 5102(d), all subways and enclosed passages connecting two or more of those structures, and the real property underlying and enclosed by any of those structures.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1174; Pub. L. 108–7, div. H, title I, § 1016(a), Feb. 20, 2003, 117 Stat. 364; Pub. L. 110–161, div. H, title I, § 1004(d)(2)(A)(i), Dec. 26, 2007, 121 Stat. 2233; Pub. L. 110–178, § 4(b)(1)(A), Jan. 7, 2008, 121 Stat. 2551.)

[1] So in original. Probably should be followed by a comma.

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
5101	40:193m(1).	July 31, 1946, ch. 707, § 16(a)(1), 60 Stat. 721; Pub. L. 90–108, § 1(d), Oct. 20, 1967, 81 Stat. 277.

AMENDMENTS

2008—Pub. L. 110–178 made amendment identical to that made by Pub. L. 110–161. See 2007 Amendment note below.

2007—Pub. L. 110–161 inserted ''all buildings on the real property described under section 5102(d)'' after ''(including the Administrative Building of the United States Botanic Garden)''.

2003—Pub. L. 108–7 inserted ''all buildings on the real property described under section 5102(c) (including the Administrative Building of the United States Botanic Garden),'' after ''Capitol Power Plant,''.

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment by Pub. L. 110–178 effective Oct. 1, 2009, see section 4(d) of Pub. L. 110–178, set out as an Effective Date of Repeal note under section 167 of Title 2, The Congress.

EFFECTIVE DATE OF 2007 AMENDMENT

Amendment by Pub. L. 110–161 effective Oct. 1, 2009, see section 1004(d)(4) of Pub. L. 110–161, set out as an Effective Date of Repeal note under section 167 of Title 2, The Congress.

EFFECTIVE DATE OF 2003 AMENDMENT

Amendment by Pub. L. 108–7 applicable to fiscal year 2003 and each fiscal year thereafter, see section 1016(d) of Pub. L. 108–7, set out as a note under section 1961 of Title 2, The Congress.

DESIGNATION OF GREAT HALL OF THE CAPITOL VISITOR CENTER AS EMANCIPATION HALL

Pub. L. 110–139, § 1, Dec. 18, 2007, 121 Stat. 1491, provided that:

''(a) IN GENERAL.—The great hall of the Capitol Visitor Center shall be known and designated as 'Emancipation Hall', and any reference to the great hall in any law, rule, or regulation shall be deemed to be a reference to Emancipation Hall.

''(b) EFFECTIVE DATE.—This section shall apply on and after the date of the enactment of this Act [Dec. 18, 2007].''

§ 5102. Legal description and jurisdiction of United States Capitol Grounds

(a) LEGAL DESCRIPTION.—The United States Capitol Grounds comprises all squares, reservations, streets, roadways, walks, and other areas as defined on a map entitled ''Map showing areas comprising United States Capitol Grounds'', dated June 25, 1946, approved by the Architect of the Capitol, and recorded in the Office of the Surveyor of the District of Columbia in book 127, page 8, including all additions added by law after June 25, 1946.

(b) JURISDICTION.—

(1) ARCHITECT OF THE CAPITOL.—The jurisdiction and control over the Grounds, vested prior to July 31, 1946, by law in the Architect, is extended to the entire area of the Grounds. Except as provided in paragraph (2), the Architect is responsible for the maintenance and improvement of the Grounds, including those streets and roadways in the Grounds as shown on the map referred to in subsection (a) as being under the jurisdiction and control of the Commissioners of the District of Columbia.

(2) MAYOR OF THE DISTRICT OF COLUMBIA.—

(A) IN GENERAL.—The Mayor of the District of Columbia is responsible for the maintenance and improvement of those portions of the following streets which are situated between the curblines of those streets: Constitution Avenue from Second Street Northeast to Third Street Northwest, First Street from D Street Northeast to D Street Southeast, D Street from First Street Southeast to Washington Avenue Southwest, and First Street from the north side of Louisiana Avenue to the intersection of C Street and Washington Avenue Southwest, Pennsylvania Avenue Northwest from First Street Northwest to Third Street Northwest, Maryland Avenue Southwest from First Street Southwest to Third Street Southwest, Second Street Northeast from F Street Northeast to C Street Southeast; C Street Southeast from Second Street Southeast to First Street Southeast; that portion of Maryland Avenue Northeast from Second Street Northeast to First Street Northeast; that portion of New Jersey Avenue Northwest from D Street Northwest to Louisiana Avenue; that portion of Second Street Southwest from the north curb of D Street to the south curb of Virginia Avenue Southwest; that portion of Virginia Avenue Southwest from the east curb of Second Street Southwest to the west curb of Third Street Southwest; that portion of Third Street Southwest from the south curb of Virginia Avenue Southwest to the north curb of D Street Southwest; that portion of D Street Southwest from the west curb of Third Street Southwest to the east curb of Second Street Southwest; that portion of Washington Avenue Southwest, including sidewalks and traffic islands, from the south curb of Independence Avenue Southwest to the west curb of South Capitol Street.

(B) REPAIR AND MAINTENANCE OF UTILITY SERVICES.—The Mayor may enter any part of the Grounds to repair or maintain or, subject to the approval of the Architect, construct or alter, any utility service of the District of Columbia Government.

(c) NATIONAL GARDEN OF THE UNITED STATES BOTANIC GARDEN.—

(1) IN GENERAL.—Except as provided under paragraph (2), the United States Capitol Grounds shall include—

(A) the National Garden of the United States Botanic Garden;

(B) all grounds contiguous to the Administrative Building of the United States Botanic Garden, including Bartholdi Park; and

(C) all grounds bounded by the curblines of First Street, Southwest on the east; Washington Avenue, Southwest to its intersection with Independence Avenue, and Independence Avenue from such intersection to its intersection with Third Street, Southwest on the south; Third Street, Southwest on the west; and Maryland Avenue, Southwest on the north.

(2) MAINTENANCE AND IMPROVEMENTS.—Notwithstanding subsections (a) and (b), jurisdiction and control over the buildings on the grounds described in paragraph (1) shall be retained by the Joint Committee on the Library, and the Joint Committee on the Library shall continue to be solely responsible for the maintenance and improvement of the grounds described in such paragraph.

(3) AUTHORITY NOT LIMITED.—Nothing in this subsection shall limit the authority of the Architect of the Capitol under section 307E of the Legislative Branch Appropriations Act, 1989 (40 U.S.C. 216c).[1]

(d) LIBRARY OF CONGRESS BUILDINGS AND GROUNDS.—

(1) IN GENERAL.—Except as provided under paragraph (2), the United States Capitol Grounds shall include the Library of Congress grounds described under section 11 of the Act entitled ''An Act relating to the policing of the buildings[2] of the Library of Congress'', approved August 4, 1950 (2 U.S.C. 167j).

(2) AUTHORITY OF LIBRARIAN OF CONGRESS.—Notwithstanding subsections (a) and (b), the Librarian of Congress shall retain authority over the Library of Congress buildings and grounds in accordance with section 1 of the Act of June 29, 1922 (2 U.S.C. 141; 42 Stat. 715).

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1175; Pub. L. 108–7, div. H, title I, § 1016(b), Feb. 20, 2003, 117 Stat. 364; Pub. L. 110–161, div. H, title I, § 1004(d)(2)(A)(ii), Dec. 26, 2007, 121 Stat. 2233; Pub. L. 110–178, § 4(b)(1)(B), Jan. 7, 2008, 121 Stat. 2551.)

DEFINITION OF UNITED STATES CAPITOL GROUNDS

For provisions directing amendment of this section (or section 1 of the Act of July 31, 1946, as amended (former 40 U.S.C. 193a), which was repealed and reenacted by Pub. L. 107–217, §§ 1, 6(b), Aug. 21, 2002, 116 Stat. 1062, 1304, as this section) to include within or exclude from the definition of the United States Capitol Grounds certain parcels or areas, see notes set out below and under section 6101 of this title.

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
5102	40:193a.	July 31, 1946, ch. 707, § 1, 60 Stat. 718; Pub. L. 90–108, § 1(a), Oct. 20, 1967, 81 Stat. 275; Pub. L. 93–198, § 739(g)(7), Dec. 24, 1973, 87 Stat. 829; Pub. L. 96–432, § 2, Oct. 10, 1980, 94 Stat. 1852.

In subsection (b)(2), the words ''Mayor of the District of Columbia'' are substituted for ''Commissioners of the District of Columbia'' [meaning the Board of Commissioners of the District of Columbia] [subsequently changed to ''Commissioner of the District of Columbia'' because of section 401 of Reorganization Plan No. 3 of 1967 (eff. Aug. 11, 1967, 81 Stat. 951)] because of section 421 of the District of Columbia Home Rule Act (Public Law 93–198, 87 Stat. 789). In subparagraph (A), the words ''Washington Avenue Southwest'' are substituted for ''Canal Street S. W.'' and ''Canal Street Southwest'' because of section 2 of D.C. Law 8–39. See section 7–451 note of the District of Columbia Code.

[1] See References in Text note below.

[2] So in original. Probably should be followed by ''and grounds''.

REFERENCES IN TEXT

Section 307E of the Legislative Branch Appropriations Act, 1989, referred to in subsec. (c)(3), is section 307E of Pub. L. 100–458, which was classified to section 216c of former Title 40, Public Buildings, Property, and Works, and was transferred to section 2146 of Title 2, The Congress.

AMENDMENTS

2008—Subsec. (d). Pub. L. 110–178 made amendment identical to that made by Pub. L. 110–161. See 2007 Amendment note below.

2007—Subsec. (d). Pub. L. 110–161 added subsec. (d).

2003—Subsec. (c). Pub. L. 108–7 added subsec. (c).

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment by Pub. L. 110–178 effective Oct. 1, 2009, see section 4(d) of Pub. L. 110–178, set out as an Effective Date of Repeal note under section 167 of Title 2, The Congress.

EFFECTIVE DATE OF 2007 AMENDMENT

Amendment by Pub. L. 110–161 effective Oct. 1, 2009, see section 1004(d)(4) of title I of div. H of Pub. L. 110–161, set out as an Effective Date of Repeal note under section 167 of Title 2, The Congress.

EFFECTIVE DATE OF 2003 AMENDMENT

Amendment by Pub. L. 108–7 applicable to fiscal year 2003 and each fiscal year thereafter, see section 1016(d) of Pub. L. 108–7, set out as a note under section 1961 of Title 2, The Congress.

TRANSFERS AND CONVEYANCES AFFECTING PROPERTIES IN THE DISTRICT OF COLUMBIA AND GENERAL PROVISIONS

Pub. L. 109–396, title II, §§ 201, 204, title IV, §§ 401–407, Dec. 15, 2006, 120 Stat. 2713, 2715, 2718–2720, provided that:

''SEC. 201. TRANSFER OF ADMINISTRATIVE JURISDICTION OVER CERTAIN PROPERTIES.

''(a) TRANSFER OF ADMINISTRATIVE JURISDICTION FROM DISTRICT OF COLUMBIA TO UNITED STATES.—

''(1) IN GENERAL.—Administrative jurisdiction over each of the following properties (owned by the United States and as depicted on the Map) is hereby transferred, subject to the terms in this subsection, from the District of Columbia to the Secretary of the Interior for administration by the Director:

''(A) An unimproved portion of Audubon Terrace Northwest, located east of Linnean Avenue Northwest, that is within U.S. Reservation 402 (National Park Service property).

''(B) An unimproved portion of Barnaby Street Northwest, north of Aberfoyle Place Northwest, that abuts U.S. Reservation 545 (National Park Service property).

''(C) A portion of Canal Street Southwest, and a portion of V Street Southwest, each of which abuts U.S. Reservation 467 (National Park Service property).

''(D) Unimproved streets and alleys at Fort Circle Park located within the boundaries of U.S. Reservation 497 (National Park Service property).

''(E) An unimproved portion of Western Avenue Northwest, north of Oregon Avenue Northwest, that abuts U.S. Reservation 339 (National Park Service property).

''(F) An unimproved portion of 17th Street Northwest, south of Shepherd Street Northwest, that abuts U.S. Reservation 339 (National Park Service property).

''(G) An unimproved portion of 30th Street Northwest, north of Broad Branch Road Northwest, that is within the boundaries of U.S. Reservation 515 (National Park Service property).

''(H) Subject to paragraph (2), lands over I–395 bounded by Washington Avenue Southwest, 2nd Street Southwest, and the C Street Southwest ramps to I–295.

''(I) A portion of U.S. Reservation 357 at Whitehaven Parkway Northwest, previously transferred to the District of Columbia in conjunction with the former proposal for a residence for the Mayor of the District of Columbia.

''(2) USE OF CERTAIN PROPERTY FOR MEMORIAL.—In the case of the property for which administrative jurisdiction is transferred under paragraph (1)(H), the property shall be used as the site for the establishment of a memorial to honor disabled veterans of the United States Armed Forces authorized to be established by the Disabled Veterans' LIFE Memorial Foundation by Public Law 106–348 (114 Stat. 1358; 40 U.S.C. 8903 note), except that—

''(A) the District of Columbia shall retain administrative jurisdiction over the subsurface area beneath the site for the tunnel, walls, footings, and related facilities;

''(B) C Street Southwest shall not be connected between 2nd Street Southwest and Washington Avenue Southwest without the approval of the Architect of the Capitol; and

''(C) a walkway shall be included across the site of the memorial between 2nd Street Southwest and Washington Avenue Southwest.

''(3) ADDITIONAL TRANSFER.—

''(A) IN GENERAL.—Administrative jurisdiction over the parcel bounded by 2nd Street Southwest, the C Street Southwest ramp to I–295, the D Street Southwest ramp to I–395, and I–295 is hereby transferred, subject to the terms in this paragraph, from the District of Columbia as follows:

''(i) The northernmost .249 acres is transferred to the Secretary for administration by the Director, who (subject to the approval of the Architect of the Capitol) shall landscape the parcel or use the parcel for special needs parking for the memorial referred to in paragraph (2).

''(ii) The remaining portion is transferred to the Architect of the Capitol.

''(B) RETENTION OF JURISDICTION OVER SUBSURFACE AREA.—The District of Columbia shall retain administrative jurisdiction over the subsurface area beneath the parcel referred to in subparagraph (A) for the tunnel, walls, footings, and related facilities.

''(b) TRANSFER OF ADMINISTRATIVE JURISDICTION FROM UNITED STATES TO DISTRICT OF COLUMBIA.—Administrative jurisdiction over the following property owned by the United States and depicted on the Map is hereby transferred from the Secretary to the District of Columbia for administration by the District of Columbia:

''(1) A portion of U.S. Reservation 451.

''(2) A portion of U.S. Reservation 404.

''(3) U.S. Reservations 44, 45, 46, 47, 48, and 49.

''(4) U.S. Reservation 251.

''(5) U.S. Reservation 8.

''(6) U.S. Reservations 277A and 277C.

''(7) Portions of U.S. Reservation 470.

''(c) EFFECTIVE DATE.—The transfers of administrative jurisdiction under this section shall take effect on the date of the enactment of this Act [Dec. 15, 2006].

''SEC. 204. CONVEYANCE TO ARCHITECT OF THE CAPITOL.

''(a) IN GENERAL.—Prior to conveyance of title to U.S. Reservation 13 to the District of Columbia under this Act [see Pub. L. 109–396, title I, § 101, Dec. 15, 2006, 120 Stat. 2711], the District of Columbia shall convey, with the approval of the Architect of the Capitol and subject to subsections (b) and (c), not more than 12 acres of real property to the Architect of the Capitol.

''(b) TITLE HELD BY SECRETARY.—If title to the real property identified for conveyance under subsection (a) is held by the Secretary, not later than 30 days after being notified by the Architect of the Capitol that property has been so identified, the Secretary shall agree or disagree to conveying the interest in such property to the Architect of the Capitol.

''(c) REVIEW.—If the Secretary agrees to the conveyance under subsection (b), or if title to the property is held by the District of Columbia, the real property shall be conveyed after a 30-day review period beginning on the date on which notice of the conveyance is received by the Committee on Homeland Security and Governmental Affairs and the Committee on Rules of the Senate and the Committee on Government Reform and the Committee on Transportation and Infrastructure of the House of Representatives.

''(d) STUDY.—The Architect of the Capitol shall not construct a mail screening facility on any real property conveyed under this section unless each of the following conditions is satisfied:

''(1) A study is completed that analyzes—

''(A) whether one or more other underutilized, surplus, or excess Federal facilities exist in which such a mail screening facility could be more economically located; and

''(B) whether it would be more efficient and economical for the House of Representatives and Senate to share one mail screening facility.

''(2) The study is submitted to the relevant committees of Congress.

''(3) No fewer than 30 days have lapsed since the date of the submission under paragraph (2).

''SEC. 401. DEFINITIONS.

''In this Act [see Short Title of 2006 Amendment note set out under section 101 of this title], the following definitions apply:

''(1) The term 'Administrator' means the Administrator of General Services.

''(2) The term 'Director' means the Director of the National Park Service.

''(3) The term 'Map' means the map entitled 'Transfer and Conveyance of Properties in the District of Columbia', numbered 869/80460, and dated July 2005, which shall be kept on file in the appropriate office of the National Park Service.

''(4) The term 'park purposes' includes landscaped areas, pedestrian walkways, bicycle trails, seating, opensided shelters, natural areas, recreational use areas, and memorial sites reserved for public use.

''(5) The term 'Secretary' means the Secretary of the Interior.

''SEC. 402. LIMITATION ON COSTS.

''The United States shall not be responsible for paying any costs and expenses, other than costs and expenses related to or associated with environmental liabilities or cleanup actions provided under law, which are incurred by the District of Columbia or any other parties at any time in connection with effecting the provisions of this Act or any amendment made by this Act.

''SEC. 403. AUTHORIZATION OF PARTIES TO ENTER INTO CONTRACTS.

''An officer or employee of the United States or the District of Columbia may contract for payment of costs or expenses related to any properties which are conveyed or for which administrative jurisdiction is transferred under this Act or any amendment made by this Act.

''SEC. 404. NO EFFECT ON COMPLIANCE WITH ENVIRONMENTAL LAWS.

''Nothing in this Act or any amendment made by this Act may be construed to affect or limit the application of or obligation to comply with any environmental law, including section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)).

''SEC. 405. CONGRESSIONAL REPORTS.

''(a) DISTRICT OF COLUMBIA.—Not later than January 31 of each year, the Mayor of the District of Columbia shall report to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Government Reform, the Committee on Energy and Commerce, the Committee on Resources, and the Committee on Transportation and Infrastructure of the House of Representatives on the use and development during the previous year of land for which title is conveyed to the District of Columbia and land for which administrative jurisdiction is transferred to the District of Columbia pursuant to this Act.

''(b) COMPTROLLER GENERAL.—The Comptroller General shall report periodically to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Government Reform, the Committee on Energy and Commerce, the Committee on Resources, and the Committee on Transportation and Infrastructure of the House of Representatives on—

''(1) the use and development during the previous 2 years of land for which title is conveyed and land for which administrative jurisdiction is transferred pursuant to this Act; and

''(2) if applicable, how such use and development complies with the Anacostia Waterfront Framework Plan referred to in section 103 of the Anacostia Waterfront Corporation Act of 2004 (sec. 2–1223.03, D.C. Official Code).

''(c) SUNSET.—This section shall expire 10 years after the date of enactment of this Act [Dec. 15, 2006].

''SEC. 406. TREATMENT AS PROPERTIES TRANSFERRED TO ARCHITECT OF THE CAPITOL AS PART OF CAPITOL BUILDINGS AND GROUNDS.

''Upon transfer to the Architect of the Capitol of title to, or administrative jurisdiction over, any property pursuant to this Act, the property shall be a part of the United States Capitol Grounds and shall be subject to sections 9, 9A, 9B, 9C, 14, and 16(b) of the Act entitled 'An Act to define the area of the United States Capitol Grounds, to regulate the use thereof, and for other purposes' [2 U.S.C. 1961, 1966, 1967, 1922, 1969, 1961 note] (relating to the policing of the United States Capitol Grounds) and sections 5101 to 5107 and 5109 of title 40, United States Code (relating to prohibited acts within the United States Capitol Grounds).

''SEC. 407. DEADLINE FOR PROVISION OF DEEDS AND RELATED DOCUMENTS.

''With respect to each property conveyed under this Act or any amendment made by this Act, the Mayor of the District of Columbia, the Administrator, or the Secretary (as the case may be) shall execute and deliver a quitclaim deed or prepare and record a transfer plat, as appropriate, not later than 6 months after the property is conveyed.''

CHANGES IN UNITED STATES CAPITOL GROUNDS

Pub. L. 108–447, div. G, title II, §213, Dec. 8, 2004, 118 Stat. 3196, provided that:

''(a) TRANSFER OF JURISDICTION.—

''(1) IN GENERAL.—Jurisdiction over the parcels of Federal real property described under paragraph (2) (over which jurisdiction was transferred under section 514(b)(2)(C) of the Omnibus Parks and Public Lands Management Act of 1996 (40 U.S.C. 5102 note; Public Law 104–333)) is transferred to the Architect of the Capitol, without consideration.

''(2) PARCELS.—The parcels of Federal real property referred to under paragraph (1) are the following:

''(A) That portion of New Jersey Avenue, N.W., between the northernmost point of the intersection of New Jersey Avenue, N.W., and D Street, N.W., and the northernmost point of the intersection of New Jersey Avenue, N.W., and Louisiana Avenue, N.W., between squares 631 and W632, which remains Federal property, and whose maintenance and repair shall be the responsibility of the District of Columbia.

''(B) That portion of D Street, N.W., between its intersection with New Jersey Avenue, N.W., and its intersection with Louisiana Avenue, N.W., between squares 630 and W632, which remains Federal property.

''(b) MISCELLANEOUS.—

''(1) COMPLIANCE WITH OTHER LAWS.—Compliance with this section shall be deemed to satisfy the re-

quirements of all laws otherwise applicable to transfers of jurisdiction over parcels of Federal real property.

''(2) UNITED STATES CAPITOL GROUNDS.—

''(A) DEFINITION.—Section 5102 of title 40, United States Code, is amended to include within the definition of the United States Capitol Grounds the parcels of Federal real property described in subsection (a)(2).

''(B) JURISDICTION OF CAPITOL POLICE.—The United States Capitol Police shall have jurisdiction over the parcels of Federal real property described in subsection (a)(2) in accordance with section 9 of the Act entitled 'An Act to define the United States Capitol Grounds, to regulate the use thereof, and for other purposes', approved July 31, 1946 (2 U.S.C. 1961).

''(3) EFFECT OF TRANSFER.—A person relinquishing jurisdiction over any parcel of Federal real property transferred by subsection (a) shall not retain any interest in the parcel except as specifically provided in this section.

''(c) EFFECTIVE DATE.—This Act [probably means this section] shall apply to fiscal year 2005 and each fiscal year thereafter.''

Pub. L. 104–333, div. I, title V, § 514, Nov. 12, 1996, 110 Stat. 4165, provided that:

''(a) PURPOSE.—It is the purpose of this section—

''(1) to assist in the effort to timely establish within the District of Columbia a national memorial to Japanese American patriotism in World War II; and

''(2) to improve management of certain parcels of Federal real property located within the District of Columbia,

by the transferring jurisdiction over such parcels to the Architect of the Capitol, the Secretary of the Interior, and the Government of the District of Columbia.

''(b) TRANSFERS OF JURISDICTION.—

''(1) IN GENERAL.—Effective on the date of the enactment of this Act [Nov. 12, 1996] and notwithstanding any other provision of law, jurisdiction over the parcels of Federal real property described in paragraph (2) is transferred without additional consideration as provided by paragraph (2).

''(2) SPECIFIC TRANSFERS.—

''(A) TRANSFERS TO SECRETARY OF THE INTERIOR.—

''(i) IN GENERAL.—Jurisdiction over the following parcels is transferred to the Secretary of the Interior:

''(I) That triangle of Federal land, including any contiguous sidewalks and tree space, that is part of the United States Capitol Grounds under the jurisdiction of the Architect of the Capitol bound by D Street, N.W., New Jersey Avenue, N.W., and Louisiana Avenue, N.W., in square W632 in the District of Columbia, as shown on the Map Showing Properties Under Jurisdiction of the Architect of the Capitol, dated November 8, 1994.

''(II) That triangle of Federal land, including any contiguous sidewalks and tree space, that is part of the United States Capitol Grounds under the jurisdiction of the Architect of the Capitol bound by C Street, N.W., First Street, N.W., and Louisiana Avenue, N.W., in the District of Columbia, as shown on the Map Showing Properties Under Jurisdiction of the Architect of the Capitol, dated November 8, 1994.

''(ii) LIMITATION.—The parcels transferred by clause (i) shall not include those contiguous sidewalks abutting Louisiana Avenue, N.W., which shall remain part of the United States Capitol Grounds under the jurisdiction of the Architect of the Capitol.

''(iii) CONSIDERATION AS MEMORIAL SITE.—The parcels transferred by subclause (I) of clause (i) may be considered as a site for a national memorial to Japanese American patriotism in World War II.

''(B) TRANSFERS TO ARCHITECT OF THE CAPITOL.—Jurisdiction over the following parcels is transferred to the Architect of the Capitol:

''(i) That portion of the triangle of Federal land in Reservation No. 204 in the District of Columbia under the jurisdiction of the Secretary of the Interior, including any contiguous sidewalks, bound by Constitution Avenue, N.E., on the north, the branch of Maryland Avenue, N.E., running in a northeast direction on the west, the major portion of Maryland Avenue, N.E., on the south, and 2nd Street, N.E., on the east, including the contiguous sidewalks.

''(ii) That irregular area of Federal land in Reservation No. 204 in the District of Columbia under the jurisdiction of the Secretary of the Interior, including any contiguous sidewalks, northeast of the real property described in clause (i) bound by Constitution Avenue, N.E., on the north, the branch of Maryland Avenue, N.E., running to the northeast on the south, and the private property on the west known as lot 7, in square 726.

''(iii) The two irregularly shaped medians lying north and east of the property described in clause (i), located between the north and south curbs of Constitution Avenue, N.E., west of its intersection with Second Street, N.E., all as shown in Land Record No. 268, dated November 22, 1957, in the Office of the Surveyor, District of Columbia, in Book 138, Page 58.

''(iv) All sidewalks under the jurisdiction of the District of Columbia abutting on and contiguous to the land described in clauses (i), (ii), and (iii).

''(C) TRANSFERS TO DISTRICT OF COLUMBIA.—Jurisdiction over the following parcels is transferred to the Government of the District of Columbia:

''(i) That portion of New Jersey Avenue, N.W., between the northernmost point of the intersection of New Jersey Avenue, N.W., and D Street, N.W., and the northernmost point of the intersection of New Jersey Avenue, N.W., and Louisiana Avenue, N.W., between squares 631 and W632, which remains Federal property.

''(ii) That portion of D Street, N.W., between its intersection with New Jersey Avenue, N.W., and its intersection with Louisiana Avenue, N.W., between squares 630 and W632, which remains Federal property.

''(c) MISCELLANEOUS.—

''(1) COMPLIANCE WITH OTHER LAWS.—Compliance with this section shall be deemed to satisfy the requirements of all laws otherwise applicable to transfers of jurisdiction over parcels of Federal real property.

''(2) LAW ENFORCEMENT RESPONSIBILITY.—Law enforcement responsibility for the parcels of Federal real property for which jurisdiction is transferred by subsection (b) shall be assumed by the person acquiring such jurisdiction.

''(3) UNITED STATES CAPITOL GROUNDS.—

''(A) DEFINITION.—The first section of the Act entitled 'An Act to define the United States Capitol Grounds, to regulate the use thereof, and for other purposes', approved July 31, 1946 (40 U.S.C. 193a) [now 40 U.S.C. 5102], is amended to include within the definition of the United States Capitol Grounds the parcels of Federal real property described in subsection (b)(2)(B).

''(B) JURISDICTION OF CAPITOL POLICE.—The United States Capitol Police shall have jurisdiction over the parcels of Federal real property described in subsection (b)(2)(B) in accordance with section 9 of such Act of July 31, 1946 (40 U.S.C. 212a) [now 2 U.S.C. 1961].

''(4) EFFECT OF TRANSFERS.—A person relinquishing jurisdiction over a parcel of Federal real property transferred by subsection (b) shall not retain any interest in the parcel except as specifically provided by this section.''

Pub. L. 97–379, Dec. 22, 1982, 96 Stat. 1935, provided: ''That section 1 of the Act of July 31, 1946, as amended (40 U.S.C. 193a) [now 40 U.S.C. 5102], is amended to include within the definition of the United States Capitol

Grounds the following additional areas which are situated as follows:

''(1) All sidewalks and contiguous areas presently under the jurisdiction of the District of Columbia located on the south side of Pennsylvania Avenue, Northwest, between the west curb of First Street, Northwest and the east curb of Third Street, Northwest.

''(2) All sidewalks and contiguous areas presently under the jurisdiction of the District of Columbia located on the north side of Maryland Avenue, Southwest, between the west curb of First Street, Southwest and the east curb of Third Street, Southwest.

''(3) All sidewalks and contiguous areas presently under the jurisdiction of the District of Columbia located on the west side of First Street between the south curb of Pennsylvania Avenue, Northwest and the north curb of Maryland Avenue, Southwest.

''(4) All sidewalks and contiguous areas presently under the jurisdiction of the District of Columbia located on the east side of Third Street between the south curb of Pennsylvania Avenue, Northwest and the north curb of Maryland Avenue, Southwest.''

Pub. L. 96–432, §1, Oct. 10, 1980, 94 Stat. 1851, provided: ''That section 1 of the Act of July 31, 1946, as amended (40 U.S.C. 193a) [now 40 U.S.C. 5102], is amended to include within the definition of the United States Capitol Grounds the following additional areas and portions of streets which are situated as follows:

''(1) that portion of D Street Northeast from the east curb of Second Street Northeast to the east curb of First Street Northeast;

''(2) that portion of Second Street Northeast and Southeast from the south curb of F Street Northeast to the south curb of C Street Southeast;

''(3) that portion of Constitution Avenue Northeast from the east curb of Second Street Northeast to the east curb of First Street Northeast;

''(4) that portion of Pennsylvania Avenue Northwest from the west curb of First Street Northwest to the east curb of Third Street Northwest;

''(5) that portion of Maryland Avenue Southwest from the west curb of First Street Southwest to the east curb of Third Street Southwest;

''(6) that portion of Constitution Avenue Northwest from the east curb of Second Street Northwest to the east curb of Third Street Northwest;

''(7) that portion of Independence Avenue Southwest from the west curb of First Street Southwest to the east curb of Third Street Southwest;

''(8) that portion of Maryland Avenue Northeast from the east curb of Second Street Northeast to the east curb of First Street Northeast;

''(9) that portion of East Capitol Street from the east curb of Second Street Southeast to the east curb of First Street Southeast;

''(10) that portion of Independence Avenue Southeast from the east curb of Second Street Southeast to the east curb of First Street Southeast;

''(11) that portion of C Street Southeast from the east curb of Second Street Southeast to the east curb of First Street Southeast;

''(12) that portion of North Capitol Street from the south curb of Massachusetts Avenue to the north curb of Louisiana Avenue;

''(13) that portion of New Jersey Avenue Northwest from the north curb of D Street Northwest to the north curb of Louisiana Avenue;

''(14) that portion of Second Street Southwest from the north curb of D Street to the south curb of Virginia Avenue Southwest;

''(15) that portion of Virginia Avenue Southwest from the east curb of Second Street Southwest to the west curb of Third Street Southwest;

''(16) that portion of Third Street Southwest from the south curb of Virginia Avenue Southwest to the north curb of D Street Southwest;

''(17) that portion of D Street Southwest from the west curb of Third Street Southwest to the east curb of Second Street Southwest;

''(18) that portion of Canal Street Southwest, including sidewalks and traffic islands, from the south curb of Independence Avenue Southwest to the west curb of South Capitol Street; and

''(19) all that area contiguous to, and surrounding, square numbered 724 from the property line thereof to the contiguous curb;

''(20) those areas contiguous to, and surrounding, the areas comprising the grounds of the United States Botanic Garden from the property line of such grounds to the contiguous curb;

''(21) all that area contiguous to, and surrounding, the structures comprising the United States Capitol Power Plant, from the building lines of such structures to the contiguous curbs; and

''(22) all that area contiguous to, and surrounding, square numbered 581 from the property line thereof to the contiguous curb.''

Pub. L. 93–198, title VII, §739(g)(3), Dec. 24, 1973, 87 Stat. 828, effective Jan. 2, 1975, [title IV of Pub. L. 93–198 having been accepted by a majority of the registered qualified electors in the District of Columbia voting on the charter issue in the charter referendum conducted May 8, 1974], provided in part that the definition of United States Capitol Grounds should include the following streets: Independence Avenue from the west curb of First Street S.E. to the east curb of First Street S.W., New Jersey Avenue S.E. from the south curb of Independence Avenue to the north curb of D Street S.E., South Capitol Street from the south curb of Independence Avenue to the north curb of D Street; Delaware Avenue S.W. from the south curb of C Street S.W. to the North Curb of D Street S.W., C Street from the west curb of First Street S.E. to the intersection of First and Canal Streets, S.W., D Street from the west curb of First Street S.E. to the intersection of Canal Street and Delaware Avenue S.W., that part of First Street lying west of the outer face of the curb of the sidewalk on the east side thereof from D Street, N.E. to D Street S.E., that part of First Street within the east and west curblines thereof extending from the north side of Pennsylvania Avenue N.W. to the intersection of C Street and Canal Street S.W., including the two circles within such area, but that nothing in the inclusion of such streets should be construed as repealing, or otherwise altering, modifying, affecting, or superseding those provisions of law in effect prior to the vesting of authority in the United States Supreme Court police and Library of Congress police by title IV of Pub. L. 93–198 to make arrests in adjacent streets, including First Street N.E. and First Street S.E.

JURISDICTION OF THE CAPITOL POLICE BOARD AND THE ARCHITECT OF THE CAPITOL

Pub. L. 96–432, §3, Oct. 10, 1980, 94 Stat. 1852, provided that: ''On and after the effective date of this section [see Pub. L. 96–432, §4, Oct. 10, 1980, 94 Stat. 1853], that portion of C Street Northeast from the west curb of Second Street Northeast to the east curb of First Street Northeast shall be under the exclusive jurisdiction and control of the Capitol Police Board and the Architect of the Capitol in the same manner and to the same extent as such Board or the Architect of the Capitol has over other streets comprising the United States Capitol Grounds, and the Architect of the Capitol shall be responsible for the maintenance and improvement thereof.''

UNITED STATES SUPREME COURT AND LIBRARY OF CONGRESS; JURISDICTIONAL BOUNDARIES

Pub. L. 96–432, §6(a), (b), Oct. 10, 1980, 94 Stat. 1853, provided that:

''(a) Notwithstanding any other provisions of this Act [enacting section 1962 of Title 2, The Congress, amending section 193a of former Title 40, Public Buildings, Property, and Works, and enacting provisions set out as notes under this section], with respect to those squares occupied by the United States Supreme Court and the Library of Congress, those streets or portions thereof referred to in the first section of this Act [set out as a note above] which surround such squares shall

be considered a part of the Capitol Grounds only to the face of the curbs contiguous to such squares.

''(b) Nothing in this Act shall be construed as repealing, or otherwise altering, modifying, affecting, or superseding those provisions of law in effect on the date immediately preceding the date of the enactment of this Act [Oct. 10, 1980] vesting authority in the United States Supreme Court Police and the Library of Congress Police to make arrests in adjacent streets.''

ARCHITECT OF THE CAPITOL; ACQUISITION OF ADDITIONAL PROPERTY

Pub. L. 97–12, title I, June 5, 1981, 95 Stat. 64, provided in part: ''That upon acquisition of such real property pursuant to this paragraph [incorporating by reference the provisions of Pub. L. 96–432, Oct. 10, 1980, 94 Stat. 1851, which related to the acquisition of property in squares 693, 640, and 582 in the District of Columbia], the structure located on lot 801 of square 693 shall become a part of the House Office Buildings, subject to the provisions of the Act of July 31, 1946 (40 U.S.C. secs. 193a through 193m, [207a,] 212a, [212a–2, 212a–3,] and 212b) [now 2 U.S.C. 1922, 1961, 1966, 1967, 1969; 40 U.S.C. 5101–5107, 5109, see References in Text note under section 1819 of Title 2, The Congress], including any amendments thereto, which are applicable to the Capitol Buildings, and to the Act of March 4, 1907 (40 U.S.C. 175) [now 2 U.S.C. 2001].''

Pub. L. 96–432, §§ 7–10, Oct. 10, 1980, 94 Stat. 1853, 1854, provided that:

''SEC. 7. (a) The Architect of the Capitol, under the direction of the House Office Building Commission, is hereby authorized to acquire, on behalf of the United States, by purchase, condemnation, transfer, or otherwise, for addition to the United States Capitol Grounds, all publicly or privately owned property contained in lot 49 in square 582; lot 70 in square 640; and lots 1, 2, 67, 79, 80, 800, 801, 807, 814 through 822, and 834 in square 693 in the District of Columbia (including all alleys or parts of alleys and streets within the lotlines and curblines surrounding such real property): *Provided*, That upon the acquisition of any such real property by the Architect of the Capitol on behalf of the United States, such property shall be subject to the provisions of the Act of July 31, 1946 (60 Stat. 718) [2 U.S.C. 1922, 1961, 1966, 1967, 1969; 40 U.S.C. 5101–5107, 5109, see References in Text note under section 1819 of Title 2, The Congress] as amended in the same manner and to the same extent as all other areas comprising the United States Capitol Grounds.

''(b) For the purposes of this section the properties authorized to be acquired hereunder, shall be deemed to extend to the outer face of the curbs of the squares in which they are located.

''(c) There is hereby authorized to be appropriated to the Architect of the Capitol for the fiscal year ending September 30, 1981, the sum of $11,500,000 for the purpose of carrying out the provisions of this section, said appropriation to remain available until expended.

''SEC. 8. The acquisition of real property under this Act [enacting section 1962 of Title 2, amending section 193a of former Title 40, Public Buildings, Property, and Works, and enacting provisions set out as notes under this section] shall be conducted in accordance with the Act entitled 'Uniform Relocation Assistance and Land Acquisition Policies Act of 1970', Public Law 91–646, approved January 2, 1971 [42 U.S.C. 4601 et seq.], and any proceeding for condemnation brought in its course shall be conducted in accordance with the Act entitled 'An Act to provide for the acquisition of land in the District of Columbia for the use of the United States', approved March 1, 1929 (16 D.C. Code, secs. 1351–1368).

''SEC. 9. The Architect of the Capitol is authorized to enter into contracts and to make expenditures for grading and paving and such other expenditures, including expenditures for personal and other services, as may be necessary to carry out the purposes of section 7 of this Act.

''SEC. 10. Any contract entered into pursuant to this Act or pursuant to any amendment made by this Act shall be effective only to such extent and in such amounts as may be provided in advance in an appropriation Act.''

ACQUISITION OF PROPERTY FOR ADDITIONS TO UNITED STATES CAPITOL GROUNDS

Pub. L. 85–429, May 29, 1958, 72 Stat. 148 and Pub. L. 85–591, Aug. 6, 1958, 72 Stat. 495, in part authorized the Architect of the Capitol to acquire certain real property for additions to United States Capitol Grounds.

ORDER OF THE HOUSE OFFICE BUILDING COMMISSION

October 17, 1967

WHEREAS, under authority of Section 1202 of Public Law 24, 84th Congress (69 Stat. 41), approved April 22, 1955, known as the ''Additional House Office Building Act of 1955'', the Architect of the Capitol, at the direction of the House Office Building Commission, acquired during the period of 1955 to 1960, on behalf of the United States, by condemnation, seven squares in the District of Columbia, located south of Independence Avenue, in the vicinity of the United States Capitol Grounds, as a site for an additional office building and other necessary facilities for the House of Representatives and for additions to the United States Capitol Grounds;

WHEREAS, under the aforesaid authority, the Architect of the Capitol, at the direction of the Commission, acquired in 1965 on behalf of the United States, through transfer from the Redevelopment Land Agency, Square 639, also located south of Independence Avenue, for an addition to the United States Capitol Grounds;

WHEREAS, the aforesaid eight squares are identified and bound as follows: *Square 635*, bounded on the north by Independence Avenue, on the east by Delaware Avenue, on the west by First Street, on the south by C Street; *Square 637*, bounded on the north by C Street, on the east by South Capitol Street, on the west by Delaware Avenue, on the south by D Street; *Square South of 635*, bounded on the north by C Street, on the east by Delaware Avenue, on the west and south by Canal Street; *Square 691*, bounded on the north by C Street, on the east by New Jersey Avenue, on the west by South Capitol Street, on the south by D Street; *Square 692*, bounded on the north by C Street, on the east by First Street, on the west by New Jersey Avenue, on the south by D Street; *Square 732 north*, bounded on the north by Independence Avenue, on the east by Second Street, on the west by First Street, on the south by Carroll Street; *Square 732 south*, bounded on the north by Carroll Street, on the east by Second Street, on the west by First Street, on the south by C Street; and *Square 639*, bounded on the north by D Street, on the east by South Capitol Street, on the west and south by Canal Street;

WHEREAS, title to all real property in these 8 squares is now vested in fee simple absolute in the United States of America;

WHEREAS, subsequent to acquisition of these 8 squares, under the aforesaid authority, all alleys in these squares were closed and vacated, as were also Delaware Avenue between Independence Avenue and C Street and Carroll Street between First and Second Streets, by the Commissioners of the District of Columbia, and all areas between the property lines and outer faces of curbs surrounding these squares and Square 636 were transferred from the jurisdiction of the Commissioners of the District of Columbia to the jurisdiction of the Architect of the Capitol;

WHEREAS, the Rayburn House Office Building has been constructed on Squares 635 and 636 (the latter square being already owned by the government and having been combined with Square 635 as a site for this building under the aforesaid authority), and the said building is now maintained by the Architect of the Capitol as a part of the House Office Buildings, and the sidewalks and other paved and grassed areas surrounding this building are now maintained as part of the Capitol Grounds;

WHEREAS, underground garages for the House of Representatives have been constructed in Squares 637

and 691 and are now maintained by the Architect of the Capitol as part of the House Office Buildings, and the areas above these garages have been landscaped as a part of the Capitol Grounds;

WHEREAS, Squares South of 635 and 639 have been developed as parking lots for automobiles for Members and employees of the House and are now maintained as part of the Capitol Grounds;

WHEREAS, part of Square 692 is occupied by the Congressional Hotel, acquired by the Architect of the Capitol under the aforesaid authority and leased to the Knott Hotels Corporation for use as a hotel, and the remainder of this square has been converted into a parking lot for automobiles for Members and employees of the House and is now maintained as a part of the Capitol Grounds;

WHEREAS, Squares 732 north and south were acquired as an addition to the Capitol Grounds, are now maintained as part of the Capitol Grounds, and will continue to be so maintained until such time as required for construction thereon of the Library of Congress James Madison Memorial Building, authorized by Public Law 89–260, approved October 19, 1965;

WHEREAS, the aforesaid Additional House Office Building Act provides, in pertinent part, with respect to these properties, as follows:

"* * * At such time or times as may be fixed by order of the House Office Building Commission, (1) any real property acquired under, or made available for the purposes of, this chapter shall become part of the United States Capitol Grounds and subject to the Act entitled 'An Act to define the area of the United States Capitol Grounds, to regulate the use thereof, and for other purposes', approved July 31, 1946 (40 U.S.C., secs. 193a—193m, [207a,] 212a, [212a–2, 212a–3,] and 212b) [now 2 U.S.C. 1922, 1961, 1966, 1967, 1969; 40 U.S.C. 5101–5107, 5109, see References in Text note under section 1819 of Title 2, The Congress], and (2) the building and all facilities constructed pursuant to section 1201 of this chapter shall become subject to such Act approved July 31, 1946, and to the provisions of law relating to the control, supervision, and care of the House Office Building contained in the Act approved Mar. 4, 1907, as amended (40 U.S.C., sec. 175) [now 2 U.S.C. 2001]."

NOW, THEREFORE, in formal compliance with the aforecited provisions of the Additional House Office Building Act, the House Office Building Commission, in confirmation of actions heretofore taken by the Commission, hereby orders:

1. The Rayburn House Office Building, the subway connecting such building to the Capitol Building, the pedestrian tunnels connecting such building to the Longworth House Office Building, the underground garages in Squares 637 and 691 and the tunnels connecting these garages to the House Office Buildings, are hereby declared to be House Office Buildings and, as such, are hereby made subject to those provisions of the Act of July 31, 1946 (40 U.S.C., secs. 193a to 193m, [207a,] 212a, [212a–2, 212a–3,] and 212b) [now 2 U.S.C. 1922, 1961, 1966, 1967, 1969; 40 U.S.C. 5101–5107, 5109], including any amendments to such Act, which are applicable to the Capitol Buildings, and to the Act of Mar. 4, 1907 (40 U.S.C. 175) [now 2 U.S.C. 2001].
2. All other real property acquired by the Architect of the Capitol under authority of the Additional House Office Building Act is hereby declared to be part of the United States Capitol Grounds and is hereby made subject to the Act of July 31, 1946 (40 U.S.C., secs. 193a to 193m, [207a,] 212a, [212a–2, 212a–3,] and 212b) [now 2 U.S.C. 1922, 1961, 1966, 1967, 1969; 40 U.S.C. 5101–5107, 5109], including any amendments to such Act.
3. Nothing herein shall be construed to contravene (a) the provisions of Public Law 89–260 authorizing the future use of Squares 732 north and south as a site for the Library of Congress James Madison Memorial Building; or (b) the authority delegated by the House Office Building Commission to the Select House Committee under authority of H. Res. 514, 90th Congress, pertaining to the direction and supervision of the use and operation of the four House Garages and outdoor parking lots.
4. This order shall become effective immediately.

HOUSE OFFICE BUILDING COMMISSION

JOHN W. MCCORMACK, *Chairman*.
EMANUEL CELLER, *Member*.
CHARLES E. GOODELL, *Member*.

§ 5103. Restrictions on public use of United States Capitol Grounds

Public travel in, and occupancy of, the United States Capitol Grounds is restricted to the roads, walks, and places prepared for that purpose.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1176.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
5103	40:193b.	July 31, 1946, ch. 707, § 2, 60 Stat. 718.

The words "by flagging, paving, or otherwise" are omitted as unnecessary.

§ 5104. Unlawful activities

(a) DEFINITIONS.—In this section—

(1) ACT OF PHYSICAL VIOLENCE.—The term "act of physical violence" means any act involving—

(A) an assault or other infliction or threat of infliction of death or bodily harm on an individual; or

(B) damage to, or destruction of, real or personal property.

(2) DANGEROUS WEAPON.—The term "dangerous weapon" includes—

(A) all articles enumerated in section 14(a) of the Act of July 8, 1932 (ch. 465, 47 Stat. 654); and

(B) a device designed to expel or hurl a projectile capable of causing injury to individuals or property, a dagger, a dirk, a stiletto, and a knife having a blade over three inches in length.

(3) EXPLOSIVES.—The term "explosives" has the meaning given that term in section 841(d) of title 18.

(4) FIREARM.—The term "firearm" has the meaning given that term in section 921(3)[1] of title 18.

(b) OBSTRUCTION OF ROADS.—A person may not occupy the roads in the United States Capitol Grounds in a manner that obstructs or hinders their proper use, or use the roads in the area of the Grounds, south of Constitution Avenue and B Street and north of Independence Avenue and B Street, to convey goods or merchandise, except to or from the United States Capitol on Federal Government service.

(c) SALE OF ARTICLES, DISPLAY OF SIGNS, AND SOLICITATIONS.—A person may not carry out any of the following activities in the Grounds:

[1] So in original. Probably should be "921(a)(3)".

(1) offer or expose any article for sale.

(2) display a sign, placard, or other form of advertisement.

(3) solicit fares, alms, subscriptions, or contributions.

(d) INJURIES TO PROPERTY.—A person may not step or climb on, remove, or in any way injure any statue, seat, wall, fountain, or other erection or architectural feature, or any tree, shrub, plant, or turf, in the Grounds.

(e) CAPITOL GROUNDS AND BUILDINGS SECURITY.—

(1) FIREARMS, DANGEROUS WEAPONS, EXPLOSIVES, OR INCENDIARY DEVICES.—An individual or group of individuals—

(A) except as authorized by regulations prescribed by the Capitol Police Board—

(i) may not carry on or have readily accessible to any individual on the Grounds or in any of the Capitol Buildings a firearm, a dangerous weapon, explosives, or an incendiary device;

(ii) may not discharge a firearm or explosives, use a dangerous weapon, or ignite an incendiary device, on the Grounds or in any of the Capitol Buildings; or

(iii) may not transport on the Grounds or in any of the Capitol Buildings explosives or an incendiary device; or

(B) may not knowingly, with force and violence, enter or remain on the floor of either House of Congress.

(2) VIOLENT ENTRY AND DISORDERLY CONDUCT.—An individual or group of individuals may not willfully and knowingly—

(A) enter or remain on the floor of either House of Congress or in any cloakroom or lobby adjacent to that floor, in the Rayburn Room of the House of Representatives, or in the Marble Room of the Senate, unless authorized to do so pursuant to rules adopted, or an authorization given, by that House;

(B) enter or remain in the gallery of either House of Congress in violation of rules governing admission to the gallery adopted by that House or pursuant to an authorization given by that House;

(C) with the intent to disrupt the orderly conduct of official business, enter or remain in a room in any of the Capitol Buildings set aside or designated for the use of—

(i) either House of Congress or a Member, committee, officer, or employee of Congress, or either House of Congress; or

(ii) the Library of Congress;

(D) utter loud, threatening, or abusive language, or engage in disorderly or disruptive conduct, at any place in the Grounds or in any of the Capitol Buildings with the intent to impede, disrupt, or disturb the orderly conduct of a session of Congress or either House of Congress, or the orderly conduct in that building of a hearing before, or any deliberations of, a committee of Congress or either House of Congress;

(E) obstruct, or impede passage through or within, the Grounds or any of the Capitol Buildings;

(F) engage in an act of physical violence in the Grounds or any of the Capitol Buildings; or

(G) parade, demonstrate, or picket in any of the Capitol Buildings.

(3) EXEMPTION OF GOVERNMENT OFFICIALS.—This subsection does not prohibit any act performed in the lawful discharge of official duties by—

(A) a Member of Congress;

(B) an employee of a Member of Congress;

(C) an officer or employee of Congress or a committee of Congress; or

(D) an officer or employee of either House of Congress or a committee of that House.

(f) PARADES, ASSEMBLAGES, AND DISPLAY OF FLAGS.—Except as provided in section 5106 of this title, a person may not—

(1) parade, stand, or move in processions or assemblages in the Grounds; or

(2) display in the Grounds a flag, banner, or device designed or adapted to bring into public notice a party, organization, or movement.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1176; Pub. L. 110–161, div. H, title I, § 1004(d)(2)(A)(iii), Dec. 26, 2007, 121 Stat. 2234; Pub. L. 110–178, § 4(b)(1)(C), Jan. 7, 2008, 121 Stat. 2552.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
5104(a)	40:193m(2)–(5).	July 31, 1946, ch. 707, § 16(a)(2)–(5), 60 Stat. 721; Pub. L. 90–108, § 1(d) , Oct. 20, 1967, 81 Stat. 277.
5104(b)	40:193c.	July 31, 1946, ch. 707, §§ 3–5, 7, 60 Stat. 718, 719.
5104(c)	40:193d.	
5104(d)	40:193e.	
5104(e)	40:193f.	July 31, 1946, ch. 707, § 6, 60 Stat. 718; Pub. L. 87–571, Aug. 6, 1962, 76 Stat. 307; Pub. L. 90–108, § 1(b), Oct. 20, 1967, 81 Stat. 276.
5104(f)	40:193g.	

In subsection (a)(3), the words ''section 841(d) of title 18'' are substituted for ''section 121(1) of title 50'' because of the enactment of 18:ch. 39 and the repeal of the provisions classified to 50:121(1) by sections 1102 and 1106(a) of the Organized Crime Control Act of 1970 (Public Law 91–452, 84 Stat. 952, 960). The plural form ''explosives'' is used because that is the term defined in 18:841(d).

In subsection (a)(4), the words ''section 921(3) of title 18'' are substituted for ''section 901(3) of title 15'' because of the enactment of 18:ch. 44 and the repeal of the provisions classified to 15:901(3) by sections 902 and 906 of the Omnibus Crime Control and Safe Streets Act of 1968 (Public Law 90–351, 82 Stat. 226, 234).

In subsection (e)(1)(A), the plural ''explosives'' is used for consistency with the term defined in subsection (a)(3). In subclause (iii), the words ''by any means'' are omitted as unnecessary.

In subsection (e)(2)(A), the words ''unless authorized to do so pursuant to rules adopted, or authorization given, by that House'' are substituted for ''unless such person is authorized, pursuant to rules adopted by that House or pursuant to authorization given by that House, to enter or to remain upon such floor or in such cloakroom, lobby, or room'' to eliminate unnecessary words.

REFERENCES IN TEXT

The Act of July 8, 1932, referred to in subsec. (a)(2)(A), is act July 8, 1932, ch. 465, 47 Stat. 650, as amended, which is not classified to the Code.

AMENDMENTS

2008—Subsec. (e)(2)(C). Pub. L. 110–178 made amendment identical to that made by Pub. L. 110–161. See 2007 Amendment note below.

2007—Subsec. (e)(2)(C). Pub. L. 110–161 added subpar. (C) and struck out former subpar. (C) which read as follows: ''with the intent to disrupt the orderly conduct of official business, enter or remain in a room in any of the Capitol Buildings set aside or designated for the use of either House of Congress or a Member, committee, officer, or employee of Congress or either House of Congress;''.

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment by Pub. L. 110–178 effective Oct. 1, 2009, see section 4(d) of Pub. L. 110–178, set out as an Effective Date of Repeal note under section 167 of Title 2, The Congress.

EFFECTIVE DATE OF 2007 AMENDMENT

Amendment by Pub. L. 110–161 effective Oct. 1, 2009, see section 1004(d)(4) of title I of div. H of Pub. L. 110–161, set out as an Effective Date of Repeal note under section 167 of Title 2, The Congress.

§ 5105. Assistance to authorities by Capitol employees

Each individual employed in the service of the Federal Government in the United States Capitol or within the United States Capitol Grounds shall prevent, as far as may be in the individual's power, a violation of a provision of this chapter or section 9, 9A, 9B, 9C, or 14 of the Act of July 31, 1946 (ch. 707, 60 Stat. 719, 720), and shall aid the police in securing the arrest and conviction of the individual violating the provision.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1178.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
5105	40:193i.	July 31, 1946, ch. 707, § 10, 60 Stat. 719.

The words ''by information or otherwise'' are omitted as unnecessary.

REFERENCES IN TEXT

Sections 9, 9A, 9B, 9C, and 14 of the Act of July 31, 1946, referred to in text, are classified to sections 1961, 1966, 1967, 1922, and 1969, respectively, of Title 2, The Congress.

§ 5106. Suspension of prohibitions

(a) AUTHORITY TO SUSPEND.—To allow the observance in the United States Capitol Grounds of occasions of national interest becoming the cognizance and entertainment of Congress, the President of the Senate and the Speaker of the House of Representatives concurrently may suspend any of the prohibitions contained in sections 5103 and 5104 of this title that would prevent the use of the roads and walks within the Grounds by processions or assemblages, and the use in the Grounds of suitable decorations, music, addresses, and ceremonies, if responsible officers have been appointed and the President and the Speaker determine that adequate arrangements have been made to maintain suitable order and decorum in the proceedings and to guard the United States Capitol and its grounds from injury.

(b) POWER TO SUSPEND PROHIBITIONS IN ABSENCE OF PRESIDENT OR SPEAKER.—If either the President or Speaker is absent from the District of Columbia, the authority to suspend devolves on the other officer. If both officers are absent, the authority devolves on the Capitol Police Board.

(c) AUTHORITY OF MAYOR TO PERMIT USE OF LOUISIANA AVENUE.—Notwithstanding subsection (a) and section 5104(f) of this title, the Capitol Police Board may grant the Mayor of the District of Columbia authority to permit the use of Louisiana Avenue for any of the purposes prohibited by section 5104(f).

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1178.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
5106(a)	40:193j.	July 31, 1946, ch. 707, §§ 11, 12, 60 Stat. 719.
5106(b)	40:193k (words before proviso).	
5106(c)	40:193k (proviso).	

In subsection (b), the words ''District of Columbia'' are substituted for ''Washington'' for clarity and consistency.

In subsection (c), the words ''Mayor of the District of Columbia'' are substituted for ''Commissioners of the District of Columbia'' [meaning the Board of Commissioners of the District of Columbia] [subsequently changed to ''Commissioner of the District of Columbia'' because of section 401 of Reorganization Plan No. 3 of 1967 (eff. Aug. 11, 1967, 81 Stat. 951)] because of section 421 of the District of Columbia Home Rule Act (Public Law 93–198, 87 Stat. 789).

§ 5107. Concerts on grounds

Sections 5102, 5103, 5104(b)–(f), 5105, 5106, and 5109 of this title and sections 9, 9A, 9B, and 9C of the Act of July 31, 1946 (ch. 707, 60 Stat. 719, 720), do not prohibit a band in the service of the Federal Government from giving concerts in the United States Capitol Grounds at times which will not interfere with Congress and as authorized by the Architect of the Capitol.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1178; Pub. L. 108–178, § 3(2), Dec. 15, 2003, 117 Stat. 2640.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
5107	40:193*l*.	July 31, 1946, ch. 707, § 13, 60 Stat. 720.

REFERENCES IN TEXT

Sections 9, 9A, 9B, and 9C of the Act of July 31, 1946, referred to in text, are classified to sections 1961, 1966, 1967, and 1922, respectively, of Title 2, The Congress.

AMENDMENTS

2003—Pub. L. 108–178 substituted ''5105, 5106'' for ''5105, 5105''.

EFFECTIVE DATE OF 2003 AMENDMENT

Amendment by Pub. L. 108–178 effective Aug. 21, 2002, see section 5 of Pub. L. 108–178, set out as a note under section 5334 of Title 5, Government Organization and Employees.

§ 5108. Audit of private organizations

A private organization (except a political party or committee constituted for the election of federal officials), whether or not organized for profit and whether or not any of its income inures to the benefit of any person, that performs

services or conducts activities in the United States Capitol Buildings or Grounds is subject to a special audit of its accounts for each year in which it performs those services or conducts those activities. The Comptroller General shall conduct the audit and report the results of the audit to the Senate and the House of Representatives.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1178.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
5108	40:193m–1.	Pub. L. 91–510, title IV, § 451(a), Oct. 26, 1970, 84 Stat. 1193.

The words ''as defined by or pursuant to law'' are omitted as unnecessary because of sections 5101 and 5102 of the revised title. The words ''Comptroller General'' are substituted for ''General Accounting Office'' because of 31:702 and for consistency in the revised title.

§ 5109. Penalties

(a) FIREARMS, DANGEROUS WEAPONS, EXPLOSIVES, OR INCENDIARY DEVICE OFFENSES.—An individual or group violating section 5104(e)(1) of this title, or attempting to commit a violation, shall be fined under title 18, imprisoned for not more than five years, or both.

(b) OTHER OFFENSES.—A person violating section 5103 or 5104(b), (c), (d), (e)(2), or (f) of this title, or attempting to commit a violation, shall be fined under title 18, imprisoned for not more than six months, or both.

(c) PROCEDURE.—

(1) IN GENERAL.—An action for a violation of this chapter or section 9, 9A, 9B, 9C or 14 of the Act of July 31, 1946 (ch. 707, 60 Stat. 719, 720), including an attempt or a conspiracy to commit a violation, shall be brought by the Attorney General in the name of the United States. This chapter and sections 9, 9A, 9B, 9C and 14 do not supersede any provision of federal law or the laws of the District of Columbia. Where the conduct violating this chapter or section 9, 9A, 9B, 9C or 14 also violates federal law or the laws of the District of Columbia, both violations may be joined in a single action.

(2) VENUE.—An action under this section for a violation of—

(A) section 5104(e)(1) of this title or for conduct that constitutes a felony under federal law or the laws of the District of Columbia shall be brought in the United States District Court for the District of Columbia; and

(B) any other section referred to in subsection (a) may be brought in the Superior Court of the District of Columbia.

(3) AMOUNT OF PENALTY.—The penalty which may be imposed on a person convicted in an action under this subsection is the highest penalty authorized by any of the laws the defendant is convicted of violating.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1178.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
5109	40:193h.	July 31, 1946, ch. 707, § 8, 60 Stat. 719; Pub. L. 87–571, Aug. 6, 1962, 76 Stat. 307; Pub. L. 90–108, § 1(c), Oct. 20, 1967, 81 Stat. 277.

In subsection (a), the words ''fined under title 18'' are substituted for ''a felony punishable by a fine not exceeding $5,000'' for consistency with chapter 227 of title 18.

In subsection (b), the words ''fined under title 18'' are substituted for ''a misdemeanor punishable by a fine not exceeding $500'' for consistency with chapter 227 of title 18.

In subsection (c)(1), the words ''An action . . . shall be brought'' are substituted for ['']shall be prosecuted'' for consistency with other titles of the United States Code. The words ''the Attorney General'' are substituted for ''the United States attorney or his assistants'' because of 28:509.

In subsection (c)(2)(B), the words ''Superior Court of the District of Columbia'' are substituted for ''Municipal Court for the District of Columbia'' [subsequently changed to ''District of Columbia Court of General Sessions'' because of sections 1 and 7 of the Act of July 8, 1963 (Public Law 88–60, 77 Stat. 77, 78)] because of section 155(a) of the District of Columbia Court Reorganization Act of 1970 (Public Law 91–358, 85 Stat. 570).

In subsection (c)(3), the words ''of a violation of said sections and of the general laws of the United States or the laws of the District of Columbia'' are omitted as unnecessary.

REFERENCES IN TEXT

Sections 9, 9A, 9B, 9C, and 14 of the Act of July 31, 1946, referred to in subsec. (c)(1), are classified to sections 1961, 1966, 1967, 1922, and 1969, respectively, of Title 2, The Congress.

PART C—FEDERAL BUILDING COMPLEXES

CHAPTER 61—UNITED STATES SUPREME COURT BUILDING AND GROUNDS

SUBCHAPTER I—GENERAL

Sec.
6101. Definitions and application.
6102. Regulations.

SUBCHAPTER II—BUILDINGS AND GROUNDS

6111. Supreme Court Building.
6112. Supreme Court Building and grounds employees.
6113. Duties of the Superintendent of the Supreme Court Building.
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SUBCHAPTER III—POLICING AUTHORITY

6121. General.
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SUBCHAPTER IV—PROHIBITIONS AND PENALTIES

6131. Public travel in Supreme Court grounds.
6132. Sale of articles, signs, and solicitation in Supreme Court Building and grounds.
6133. Property in the Supreme Court Building and grounds.
6134. Firearms, fireworks, speeches, and objectionable language in the Supreme Court Building and grounds.
6135. Parades, assemblages, and display of flags in the Supreme Court Building and grounds.
6136. Suspension of prohibitions against use of Supreme Court grounds.
6137. Penalties.

SUBCHAPTER I—GENERAL

§6101. Definitions and application

(a) DEFINITIONS.—In this chapter, the following definitions apply:

(1) OFFICIAL GUEST OF THE SUPREME COURT.—The term ''official guest of the Supreme Court'' means an individual who is a guest of the Supreme Court, as determined by the Chief Justice of the United States or any Associate Justice of the Supreme Court;

(2) STATE.—The term ''State'' means a State of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, the Northern Mariana Islands, the Federated States of Micronesia, the Marshall Islands, Palau, and any territory or possession of the United States; and

(b) APPLICATION.—For purposes of section 6102 of this title and subchapters III and IV, the Supreme Court grounds—

(1) extend to the line of the face of—

(A) the east curb of First Street Northeast, between Maryland Avenue Northeast and East Capitol Street;

(B) the south curb of Maryland Avenue Northeast, between First Street Northeast and Second Street Northeast;

(C) the west curb of Second Street Northeast, between Maryland Avenue Northeast and East Capitol Street; and

(D) the north curb of East Capitol Street between First Street Northeast and Second Street Northeast; and

(2) comprise any property under the custody and control of the Supreme Court as part of the Supreme Court grounds, including property acquired as provided by law on behalf of the Federal Government in lots 2, 3, 800, 801, and 802 in square 758 in the District of Columbia as an addition to the grounds of the Supreme Court Building and that parcel transferred under the Supreme Court Grounds Transfer Act of 2005.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1180; Pub. L. 109–214, §1(c)(2), Apr. 11, 2006, 120 Stat. 326.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
6101(a)	40:13n(d).	Aug. 18, 1949, ch. 479, §9(d), as added Pub. L. 97–390, §1(c)(2), Dec. 29, 1982, 96 Stat. 1958.
6101(b)	40:13p.	Aug. 18, 1949, ch. 479, §11, 63 Stat. 617; Pub. L. 97–390, §1(d), Dec. 29, 1982, 96 Stat. 1958.

In subsection (a), the definition of ''United States'' is omitted as unnecessary because, within 40:13f–13p, the words ''United States'' are used in the geographical sense only in 40:13n(a)(2) and (c) and the restatement of those provisions, in section 6121 of the revised title, substitutes the words ''any State'' for ''any part of the United States''.

Before clause (1), the words ''In this chapter, the following definitions apply'' are substituted for ''As used in sections 13f to 13p of this title, the term—'' for clarity. The terms are not used in 40:13a–13e, so using them chapter-wide does not expand their scope.

In clause (2), the words ''the Virgin Islands, Guam, the Northern Mariana Islands, the Federal States of Micronesia, the Marshall Islands, Palau, and any territory or possession of the United States'' are substituted for ''any territory or possession of the United States'' to clarify that the provisions of the source law apply to those jurisdictions.

In subsection (b), before clause (1), the words ''In addition to the property referred to in the preceding sentence, for the purposes of sections 13f to 13p of this title, the Supreme Court grounds'' are omitted as unnecessary.

REFERENCES IN TEXT

The Supreme Court Grounds Transfer Act of 2005, referred to in subsec. (b)(2), is section 1 of Pub. L. 109–214, Apr. 11, 2006, 120 Stat. 326, which is set out as a note below.

AMENDMENTS

2006—Subsec. (b)(2). Pub. L. 109–214 inserted ''and that parcel transferred under the Supreme Court Grounds Transfer Act of 2005'' before period at end.

EFFECTIVE DATE OF 2006 AMENDMENT

Amendment by Pub. L. 109–214 applicable to fiscal year 2006 and each fiscal year thereafter, see section 1(d) of Pub. L. 109–214, set out as a note below.

TRANSFER OF JURISDICTION OVER CERTAIN REAL PROPERTY TO THE SUPREME COURT

Pub. L. 109–214, §1, Apr. 11, 2006, 120 Stat. 326, provided that:

''(a) SHORT TITLE.—This section may be cited as the 'Supreme Court Grounds Transfer Act of 2005'.

''(b) TRANSFER OF JURISDICTION.—

''(1) IN GENERAL.—Jurisdiction over the parcel of Federal real property described under paragraph (2) (over which jurisdiction was transferred to the Architect of the Capitol under section 514(b)(2)(B)(i) of the Omnibus Parks and Public Lands Management Act of 1996 (40 U.S.C. 5102 note; Public Law 104–333; 110 Stat. 4165)) is transferred to the Supreme Court of the United States, without consideration.

''(2) PARCEL.—The parcel of Federal real property referred to under paragraph (1) is that portion of the triangle of Federal land in Reservation No. 204 in the District of Columbia under the jurisdiction of the Architect of the Capitol, including any contiguous sidewalks, bound by Constitution Avenue, N.E., on the north, the branch of Maryland Avenue, N.E., running in a northeast direction on the west, the major portion of Maryland Avenue, N.E., on the south, and 2nd Street, N.E., on the east, including the contiguous sidewalks.

''(c) MISCELLANEOUS.—

''(1) COMPLIANCE WITH OTHER LAWS.—Compliance with this section shall be deemed to satisfy the requirements of all laws otherwise applicable to transfers of jurisdiction over parcels of Federal real property.

''(2) INCLUSION IN SUPREME COURT GROUNDS.—[Amended section 6101(b)(2) of this title.]

''(3) UNITED STATES CAPITOL GROUNDS.—

''(A) DEFINITION.—Section 5102 of title 40, United States Code, is amended to exclude within the definition of the United States Capitol Grounds the parcel of Federal real property described in subsection (b)(2).

''(B) JURISDICTION OF CAPITOL POLICE.—The United States Capitol Police shall not have jurisdiction over the parcel of Federal real property described in subsection (b)(2) by reason of such parcel formerly being part of the United States Capitol Grounds.

''(4) RECORDING OF MAP OF SUPREME COURT GROUNDS.—The Architect of the Capitol shall record with the Office of the Surveyor of the District of Columbia a map showing areas comprising the grounds of the Supreme Court of the United States that reflects—

''(A) the legal boundaries described under section 6101(b)(1) of title 40, United States Code; and

''(B) any portion of the United States Capitol Grounds as described under section 5102 of title 40, United States Code, which is contiguous to the boundaries or property described under subparagraph (A) of this paragraph.

''(d) EFFECTIVE DATE.—This Act shall apply to fiscal year 2006 and each fiscal year thereafter.''

UNITED STATES SUPREME COURT BUILDING; ACQUISITION OF CERTAIN REAL PROPERTY

Pub. L. 96–532, Dec. 15, 1980, 94 Stat. 3130, as amended by Pub. L. 97–390, § 3, Dec. 29, 1982, 96 Stat. 1958, provided: ''That the Architect of the Capitol is authorized to acquire on behalf of the United States by purchase, condemnation, transfer, or otherwise, as an addition to the grounds of the United States Supreme Court Building, all privately owned real property contained in lots 2, 3, 800, 801, and 802 in square 758 in the District of Columbia, as such lots appear on the records in the office of the Surveyor of the District of Columbia as of the date of the enactment of this Act [Dec. 15, 1980].

''SEC. 2. The acquisition of real property under this Act shall be conducted in accordance with the Act entitled 'Uniform Relocation Assistance and Land Acquisition Policies Act of 1970', Public Law 91–646, approved January 2, 1971 [42 U.S.C. 4601 et seq.], and any proceeding for condemnation brought in its course shall be conducted in accordance with the Act entitled 'An Act to provide for the acquisition of land in the District of Columbia for the use of the United States', approved March 1, 1929 (16 D.C. Code, secs. 1351–1368).

''SEC. 3. Upon acquisition of such real property by the Architect of the Capitol, on behalf of the United States, such property shall become a part of the grounds of the United States Supreme Court Building and shall be subject to all of the provisions of the Act entitled 'An Act to provide for the custody and maintenance of the United States Supreme Court Building and the equipment and grounds thereof', approved May 7, 1934 (40 U.S.C. 13a–13c) [now 40 U.S.C. 6111–6113], and section 6 of the joint resolution entitled 'Joint resolution to provide for the use and disposition of the bequest of the late Justice Oliver Wendell Holmes to the United States, and for other purposes', approved October 22, 1940 (40 U.S.C. 13e) [now 40 U.S.C. 6114].

''SEC. 4. The Architect of the Capitol is authorized to enter into contracts and to make expenditures for grading and paving and such other expenditures, including expenditures for personal and other services, as may be necessary to carry out the purposes of this Act.

''SEC. 5. There is hereby authorized to be appropriated the sum of $645,000 for fiscal year 1981 for the purpose of carrying out the provisions of this Act, said appropriation to remain available until expended.''

§ 6102. Regulations

(a) AUTHORITY OF THE MARSHAL.—In addition to the restrictions and requirements specified in subchapter IV, the Marshal of the Supreme Court may prescribe regulations, approved by the Chief Justice of the United States, that are necessary for—

(1) the adequate protection of the Supreme Court Building and grounds and of individuals and property in the Building and grounds; and

(2) the maintenance of suitable order and decorum within the Building and grounds.

(b) POSTING REQUIREMENT.—All regulations prescribed under this section shall be posted in a public place at the Building and shall be made reasonably available to the public in writing.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1180.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
6102	40:13*l*.	Aug. 18, 1949, ch. 479, § 7, 63 Stat. 617; Pub. L. 97–390, § 1(b), Dec. 29, 1982, 96 Stat. 1957.

In subsection (a), before clause (1), the word ''are'' is substituted for ''may be deemed'' for clarity. In clause (1), the word ''individuals'' is substituted for ''persons'' for clarity.

SUBCHAPTER II—BUILDINGS AND GROUNDS

§ 6111. Supreme Court Building

(a) IN GENERAL.—

(1) STRUCTURAL AND MECHANICAL CARE.—The Architect of the Capitol shall have charge of the structural and mechanical care of the Supreme Court Building, including—

(A) the care and maintenance of the grounds; and

(B) the supplying of all mechanical furnishings and mechanical equipment for the Building.

(2) OPERATION AND MAINTENANCE.—The Architect shall direct the operation and maintenance of the mechanical equipment and repair of the building.

(3) CONTRACT AUTHORITY.—The Architect may enter into all necessary contracts to carry out this subsection.

(b) AVAILABILITY OF APPROPRIATIONS.—Amounts appropriated under—

(1) subsection (a) and sections 6112 and 6113 of this title are available for—

(A) expenses of heating and air-conditioning refrigeration supplied by the Capitol Power Plant, advancements for which shall be made and deposited in the Treasury to the credit of appropriations provided for the Capitol Power Plant; and

(B) the purchase of electrical energy; and

(2) the heading ''Supreme Court of the United States'' and ''care of the building and grounds'' are available for—

(A) improvements, maintenance, repairs, equipment, supplies, materials, and appurtenances;

(B) special clothing for workers;

(C) personal and other services (including temporary labor without regard to chapter 51, subchapter III of chapter 53, and subchapter III of chapter 83, of title 5); and

(D) without compliance with section 3709 of the Revised Statutes (41 U.S.C. 5)—

(i) for snow removal (by hire of personnel and equipment or under contract); and

(ii) for the replacement of electrical transformers containing polychlorinated biphenyls.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1180; Pub. L. 109–284, § 6(18), Sept. 27, 2006, 120 Stat. 1213.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
6111(a)	40:13a(a).	May 7, 1934, ch. 222, §1, 48 Stat. 668; Pub. L. 95–431, title IV, (''Sec. 1(b) (less proviso)'' in proviso in par. under heading ''Care of the Building and Grounds''), Oct. 10, 1978, 92 Stat. 1036.
6111(b)(1)	40:13a(b).	
6111(b)(2)	40:13a note.	Pub. L. 101–162, title IV, (proviso in par. under heading ''Care of the Building and Grounds''), Nov. 21, 1989, 103 Stat. 1010.

In subsection (b)(1), the words ''In addition to the foregoing, any'' and ''hereafter'' are omitted as unnecessary.

In subsection (b)(2), before subclause (A), the words ''That for fiscal year 1990 and hereafter'' are omitted as executed. In subclause (C), the words ''chapter 51, subchapter III of chapter 53, and subchapter III of chapter 83, of title 5'' are substituted for ''the Classification and Retirement Acts, as amended'' because of section 7(b) of the Act of September 6, 1966 (Public Law 89–554, 80 Stat. 631), the first section of which enacted Title 5, United States Code.

AMENDMENTS

2006—Subsec. (b). Pub. L. 109–284 struck out second period at end of heading.

§ 6112. Supreme Court Building and grounds employees

Employees required to carry out section 6111(a) of this title shall be—

(1) appointed by the Architect of the Capitol with the approval of the Chief Justice of the United States;

(2) compensated in accordance with chapter 51 and subchapter III of chapter 53 of title 5; and

(3) subject to subchapter III of chapter 83 of title 5.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1181.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
6112	40:13b.	May 7, 1934, ch. 222, §2, 48 Stat. 668; Pub. L. 95–431, title IV, (''Sec. 1(b) (proviso)'' in proviso in par. under heading ''Care of the Building and Grounds''), Oct. 10, 1978, 92 Stat. 1036.

In this section, before clause (1), the words ''to carry out'' are substituted for ''for the performance of the provisions of'' to eliminate unnecessary words. In clause (2), the words ''chapter 51 and subchapter III of chapter 53 of title 5'' are substituted for ''the Classification Act of 1949, as amended'' because of section 7(b) of the Act of September 6, 1966 (Public Law 89–554, 80 Stat. 631), the first section of which enacted Title 5, United States Code. In clause (3), the words ''subchapter III of chapter 83 of title 5'' are substituted for ''the Act entitled 'An Act for the retirement of employees in the classified civil service, and for other purposes' approved May 22, 1920, as amended (U.S.C., title 5, ch. 14)'' because of section 7(b) of the Act of September 6, 1966 (Public Law 89–554, 80 Stat. 631), the first section of which enacted Title 5, United States Code.

§ 6113. Duties of the Superintendent of the Supreme Court Building

Except as provided in section 6111(a) of this title, all duties and work required for the operation, domestic care, and custody of the Supreme Court Building shall be performed under the direction of the Marshal of the Supreme Court. The Marshal serves as the superintendent of the Building.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1181.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
6113	40:13c.	May 7, 1934, ch. 222, §3, 48 Stat. 668; June 25, 1948, ch. 646, §27, 62 Stat. 990.

The words ''Except as provided in section 6111(a) of this title'' are substituted for ''other'' for clarity.

§ 6114. Oliver Wendell Holmes Garden

The Architect of the Capitol shall maintain and care for the Oliver Wendell Holmes Garden in accordance with the provisions of law on the maintenance and care of the grounds of the Supreme Court Building.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1181.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
6114	40:13e.	Oct. 22, 1940, ch. 908, §6, 54 Stat. 1208.

The words ''After the completion and dedication of'' are omitted as executed.

SUBCHAPTER III—POLICING AUTHORITY

§ 6121. General

(a) AUTHORITY OF MARSHAL OF THE SUPREME COURT AND SUPREME COURT POLICE.—In accordance with regulations prescribed by the Marshal of the Supreme Court and approved by the Chief Justice of the United States, the Marshal and the Supreme Court Police shall have authority—

(1) to police the Supreme Court Building and grounds and adjacent streets to protect individuals and property;

(2) in any State, to protect—

(A) the Chief Justice, any Associate Justice of the Supreme Court, and any official guest of the Supreme Court; and

(B) any officer or employee of the Supreme Court while that officer or employee is performing official duties;

(3) while performing duties necessary to carry out paragraph (1) or (2), to make arrests for any violation of federal or state law and any regulation under federal or state law; and

(4) to carry firearms as may be required while performing duties under section 6102 of this title, this subchapter, and subchapter IV.

(b) ADDITIONAL REQUIREMENTS RELATED TO SUBSECTION (a)(2).—

(1) AUTHORIZATION TO CARRY FIREARMS.—Duties under subsection (a)(2)(A) with respect to an official guest of the Supreme Court in any State (other than the District of Columbia,

Maryland, and Virginia) shall be authorized in writing by the Chief Justice or an Associate Justice, if those duties require the carrying of firearms under subsection (a)(4).

(2) TERMINATION OF AUTHORITY.—The authority provided under subsection (a)(2) expires on December 29, 2013.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1182; Pub. L. 108–356, § 1, Oct. 21, 2004, 118 Stat. 1416; Pub. L. 110–402, § 1(a), Oct. 13, 2008, 122 Stat. 4254.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
6121(a)	40:13n(a).	Aug. 18, 1949, ch. 479, § 9(a), 63 Stat. 617; Pub. L. 93–198, title VII, § 739(g)(8), Dec. 24, 1973, 87 Stat. 829; Pub. L. 97–390, § 1(c)(1), Dec. 29, 1982, 96 Stat. 1957.
6121(b)	40:13n(c).	Aug. 18, 1949, ch. 479, § 9(c), as added Pub. L. 97–390, § 1(c)(2), Dec. 29, 1982, 96 Stat. 1958; Pub. L. 99–218, Dec. 26, 1985, 99 Stat. 1729; Pub. L. 99–492, § 1, Oct. 16, 1986, 100 Stat. 1240; Pub. L. 101–462, Oct. 25, 1990, 104 Stat. 1079; Pub. L. 103–193, Dec. 14, 1993, 107 Stat. 2293; Pub. L. 104–280, § 1, Oct. 9, 1996, 110 Stat. 3359, Pub. L. 106–518, title III, § 313, Nov. 13, 2000, 114 Stat. 2421.

In this section, the words ''any State'' are substituted for ''any part of the United States'' to eliminate unnecessary words and for consistency with section 6101 of the revised title.

In subsection (a)(3), the words ''federal or state law and any regulation under federal or state law'' are substituted for ''a law of the United States or any State and any regulation under such law'' for consistency in the revised title.

In subsection (b), the words ''The Marshal of the Supreme Court shall report annually to the Congress on March 1 regarding the administrative cost of carrying out his duties under such subsection'' are omitted pursuant to section 3003 of the Federal Reports Elimination and Sunset Act of 1995 (31 U.S.C. 1113 note). See, also, page 13 of House Document No. 103–7.

AMENDMENTS

2008—Subsec. (b)(2). Pub. L. 110–402 substituted ''2013'' for ''2008''.

2004—Subsec. (b)(2). Pub. L. 108–356 substituted ''2008'' for ''2004''.

§ 6122. Designation of members of the Supreme Court Police

Under the general supervision and direction of the Chief Justice of the United States, the Marshal of the Supreme Court may designate employees of the Supreme Court as members of the Supreme Court Police, without additional compensation.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1182.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
6122	40:13f.	Aug. 18, 1949, ch. 479, § 1, 63 Stat. 616; Pub. L. 97–390, § 1(a), Dec. 29, 1982, 96 Stat. 1957.

§ 6123. Authority of Metropolitan Police of the District of Columbia

The Metropolitan Police of the District of Columbia may make arrests within the Supreme Court Building and grounds for a violation of federal or state law or any regulation under federal or state law. This section does not authorize the Metropolitan Police to enter the Supreme Court Building to make an arrest in response to a complaint, serve a warrant, or patrol the Supreme Court Building or grounds, unless the Metropolitan Police have been requested to do so by, or have received the consent of, the Marshal of the Supreme Court or an assistant to the Marshal.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1182.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
6123	40:13n(b).	Aug. 18, 1949, ch. 479, § 9(b), 63 Stat. 617; Pub. L. 97–390, § 1(c)(1), Dec. 29, 1982, 96 Stat. 1957.

The words ''violation of federal or state law or any regulation under federal or state law'' are substituted for ''violations of any such laws or regulations'', and the words ''unless the Metropolitan Police have been requested to do so by, or have received the consent of, the Marshal of the Supreme Court of the United States or an assistant to the Marshal'' are substituted for ''except with the consent or on the request of the Marshal of the Supreme Court or his assistants'', for clarity.

SUBCHAPTER IV—PROHIBITIONS AND PENALTIES

§ 6131. Public travel in Supreme Court grounds

Public travel in, and occupancy of, the Supreme Court grounds is restricted to the sidewalks and other paved surfaces.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1182.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
6131	40:13g.	Aug. 18, 1949, ch. 479, § 2, 63 Stat. 616.

§ 6132. Sale of articles, signs, and solicitation in Supreme Court Building and grounds

It is unlawful—

(1) to offer or expose any article for sale in the Supreme Court Building or grounds;

(2) to display a sign, placard, or other form of advertisement in the Building or grounds; or

(3) to solicit fares, alms, subscriptions, or contributions in the Building or grounds.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1183.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
6132	40:13h.	Aug. 18, 1949, ch. 479, § 3, 63 Stat. 616.

§ 6133. Property in the Supreme Court Building and grounds

It is unlawful to step or climb on, remove, or in any way injure any statue, seat, wall, fountain, or other erection or architectural feature, or any tree, shrub, plant, or turf, in the Supreme Court Building or grounds.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1183.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
6133	40:13i.	Aug. 18, 1949, ch. 479, § 4, 63 Stat. 617.

The word ''fountain'' conforms to the original text as signed into law by the President. A typographical error was made in printing the source law in the Statutes-at-Large (63 Stat. 617) where the word appears as ''foundation''.

§ 6134. Firearms, fireworks, speeches, and objectionable language in the Supreme Court Building and grounds

It is unlawful to discharge a firearm, firework or explosive, set fire to a combustible, make a harangue or oration, or utter loud, threatening, or abusive language in the Supreme Court Building or grounds.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1183.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
6134	40:13j.	Aug. 18, 1949, ch. 479, § 5, 63 Stat. 617.

§ 6135. Parades, assemblages, and display of flags in the Supreme Court Building and grounds

It is unlawful to parade, stand, or move in processions or assemblages in the Supreme Court Building or grounds, or to display in the Building and grounds a flag, banner, or device designed or adapted to bring into public notice a party, organization, or movement.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1183.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
6135	40:13k.	Aug. 18, 1949, ch. 479, § 6, 63 Stat. 617.

§ 6136. Suspension of prohibitions against use of Supreme Court grounds

To allow the observance of authorized ceremonies in the Supreme Court Building and grounds, the Marshal of the Supreme Court may suspend for those occasions any of the prohibitions contained in this subchapter as may be necessary for the occasion if—

(1) responsible officers have been appointed; and

(2) the Marshal determines that adequate arrangements have been made—

(A) to maintain suitable order and decorum in the proceedings; and

(B) to protect the Supreme Court Building and grounds and individuals and property in the Building and grounds.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1183.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
6136	40:13*o*.	Aug. 18, 1949, ch. 479, § 10, 63 Stat. 617.

§ 6137. Penalties

(a) IN GENERAL.—An individual who violates this subchapter, or a regulation prescribed under section 6102 of this title, shall be fined under title 18, imprisoned not more than 60 days, or both.

(b) VENUE AND PROCEDURE.—Prosecution for a violation described in subsection (a) shall be in the United States District Court for the District of Columbia or in the Superior Court of the District of Columbia, on information by the United States Attorney or an Assistant United States Attorney.

(c) OFFENSES INVOLVING PROPERTY DAMAGE OVER $100.—If during the commission of a violation described in subsection (a), public property is damaged in an amount exceeding $100, the period of imprisonment for the offense may be not more than five years.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1183; Pub. L. 108–356, § 2, Oct. 21, 2004, 118 Stat. 1416.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
6137	40:13m.	Aug. 18, 1949, ch. 479, § 8, 63 Stat. 617.

In subsection (a), the words ''fined under title 18'' are substituted for ''fined not more than $100'' for consistency with chapter 227 of title 18.

In subsection (b), the words ''Superior Court of the District of Columbia'' are substituted for ''Municipal Court for the District of Columbia'' [subsequently changed to ''District of Columbia Court of General Sessions'' because of sections 1 and 7 of the Act of July 8, 1963 (Public Law 88–60, 77 Stat. 77, 78)] because of section 155(a) of the District of Columbia Court Reorganization Act of 1970 (Public Law 91–358, 85 Stat. 570).

AMENDMENTS

2004—Subsec. (b). Pub. L. 108–356 added subsec. (b) and struck out heading and text of former subsec. (b). Text read as follows: ''Prosecution for a violation described in subsection (a) shall be in the Superior Court of the District of Columbia, on information by the United States Attorney or an Assistant United States Attorney.''

CHAPTER 63—SMITHSONIAN INSTITUTION, NATIONAL GALLERY OF ART, AND JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

Sec.
6301. Definition.
6302. Public use of grounds.
6303. Unlawful activities.
6304. Additional regulations.
6305. Suspension of regulations.
6306. Policing of buildings and grounds.
6307. Penalties.

§ 6301. Definition

In this chapter, the term ''specified buildings and grounds'' means—

(1) SMITHSONIAN INSTITUTION.—The Smithsonian Institution and its grounds, which include the following:

(A) SMITHSONIAN BUILDINGS AND GROUNDS ON THE NATIONAL MALL.—The Smithsonian Building, the Arts and Industries Building, the Freer Gallery of Art, the National Air and Space Museum, the National Museum of Natural History, the National Museum of American History, the National Museum of the American Indian, the Hirshhorn Museum and Sculpture Garden, the Arthur M. Sackler Gallery, the National Museum of African Art, the S. Dillon Ripley Center, and all other buildings of the Smithsonian Institution within the Mall, including the entrance walks, unloading areas, and other pertinent service roads and parking areas.

(B) NATIONAL ZOOLOGICAL PARK.—The National Zoological Park comprising all the buildings, streets, service roads, walks, and other areas within the boundary fence of the National Zoological Park in the District of Columbia and including the public space between that fence and the face of the curb lines of the adjacent city streets.

(C) OTHER SMITHSONIAN BUILDINGS AND GROUNDS.—All other buildings, service roads, walks, and other areas within the exterior boundaries of any real estate or land or interest in land (including temporary use) that the Smithsonian Institution acquires and that the Secretary of the Smithsonian Institution determines to be necessary for the adequate protection of individuals or property in the Smithsonian Institution and suitable for administration as a part of the Smithsonian Institution.

(2) NATIONAL GALLERY OF ART.—The National Gallery of Art and its grounds, which extend—

(A) to the line of the face of the south curb of Constitution Avenue Northwest, between Seventh Street Northwest, and Fourth Street Northwest, to the line of the face of the west curb of Fourth Street Northwest, between Constitution Avenue Northwest, and Madison Drive Northwest; to the line of the face of the north curb of Madison Drive Northwest, between Fourth Street Northwest, and Seventh Street Northwest; and to the line of the face of the east curb of Seventh Street Northwest, between Madison Drive Northwest, and Constitution Avenue Northwest;

(B) to the line of the face of the south curb of Pennsylvania Avenue Northwest, between Fourth Street and Third Street Northwest, to the line of the face of the west curb of Third Street Northwest, between Pennsylvania Avenue and Madison Drive Northwest, to the line of the face of the north curb of Madison Drive Northwest, between Third Street and Fourth Street Northwest, and to the line of the face of the east curb of Fourth Street Northwest, between Pennsylvania Avenue and Madison Drive Northwest; and

(C) to the line of the face of the south curb of Constitution Avenue Northwest, between Ninth Street Northwest and Seventh Street Northwest; to the line of the face of the west curb of Seventh Street Northwest, between Constitution Avenue Northwest and Madison Drive Northwest; to the line of the face of the north curb of Madison Drive Northwest, between Seventh Street Northwest and the line of the face of the east side of the east retaining wall of the Ninth Street Expressway Northwest; and to the line of the face of the east side of the east retaining wall of the Ninth Street Expressway Northwest, between Madison Drive Northwest and Constitution Avenue Northwest.

(3) JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS.—The John F. Kennedy Center for the Performing Arts, which extends to the line of the west face of the west retaining walls and curbs of the Inner Loop Freeway on the east, the north face of the north retaining walls and curbs of the Theodore Roosevelt Bridge approaches on the south, the east face of the east retaining walls and curbs of Rock Creek Parkway on the west, and the south curbs of New Hampshire Avenue and F Street on the north, as generally depicted on the map entitled ''Transfer of John F. Kennedy Center for the Performing Arts'', numbered 844/82563 and dated April 20, 1994 (as amended by the map entitled ''Transfer of John F. Kennedy Center for the Performing Arts'', numbered 844/82563A and dated May 22, 1997), which shall be on file and available for public inspection in the office of the National Capital Region, National Park Service.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1184.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
6301	40:193v.	Oct. 24, 1951, ch. 559, §9, 65 Stat. 635; Pub. L. 88–391, §3, Aug. 1, 1964, 78 Stat. 366; Pub. L. 90–376, §3, July 5, 1968, 82 Stat. 286; Pub. L. 102–336, Aug. 7, 1992, 106 Stat. 864; Pub. L. 103–279, §9(c), July 21, 1994, 108 Stat. 1417; Pub. L. 105–95, §4 (related to section 9(3) of the Act of October 24, 1951), Nov. 19, 1997, 111 Stat. 2149.

In clause (1)(A), the words ''National Museum of American History'' are substituted for ''Museum of History and Technology'' because of section 3 of the Act of October 13, 1980 (Public Law 96–441, 20:71 note).

In clause (1)(C), the words ''the Smithsonian Institution acquires'' are substituted for ''that shall hereafter be acquired by the Smithsonian Institution'' to eliminate unnecessary words.

In clause (3), the words ''the site of'' are omitted as unnecessary and for consistency in the revised section.

§ 6302. Public use of grounds

Public travel in, and occupancy of, the grounds specified under section 6301 of this title are restricted to the sidewalks and other paved surfaces, except in the National Zoological Park.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1185.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
6302	40:193*o*.	Oct. 24, 1951, ch. 559, § 2, 65 Stat. 634.

§ 6303. Unlawful activities

(a) DISPLAYS AND SOLICITATIONS.—It is unlawful for anyone other than an authorized employee or concessionaire to carry out any of the following activities within the specified buildings and grounds:

(1) Offer or expose any article for sale.

(2) Display any sign, placard, or other form of advertisement.

(3) Solicit alms, subscriptions, or contributions.

(b) TOUCHING OF, OR INJURIES TO, PROPERTY.—It is unlawful for anyone—

(1) other than an authorized employee, to touch or handle objects of art or scientific or historical objects on exhibition within the specified buildings or grounds; or

(2) to step or climb on, remove, or in any way injure any object of art, exhibit (including an exhibit animal), equipment, seat, wall, fountain, or other erection or architectural feature, or any tree, shrub, plant, or turf, within the specified buildings or grounds.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1185.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
6303(a)	40:193p.	Oct. 24, 1951, ch. 559, §§ 3, 4, 65 Stat. 634.
6303(b)	40:193q.	

§ 6304. Additional regulations

(a) AUTHORITY TO PRESCRIBE ADDITIONAL REGULATIONS.—In addition to the restrictions and requirements specified in sections 6302 and 6303 of this title, the Secretary of the Smithsonian Institution, the Trustees of the National Gallery of Art, and the Trustees of the John F. Kennedy Center for the Performing Arts may prescribe for their respective agencies regulations necessary for—

(1) the adequate protection of the specified buildings and grounds and individuals and property in those buildings and grounds; and

(2) the maintenance of suitable order and decorum within the specified buildings and grounds, including the control of traffic and parking of vehicles in the National Zoological Park and all other areas in the District of Columbia under their control.

(b) PUBLICATION IN FEDERAL REGISTER.—A regulation prescribed under this section shall be published in the Federal Register and is not effective until the expiration of 10 days after the date of publication.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1186.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
6304	40:193r.	Oct. 24, 1951, ch. 559, § 5, 65 Stat. 634; Pub. L. 88–391, § 1, Aug. 1, 1964, 78 Stat. 365; Pub. L. 103–279, § 9(a), July 21, 1994, 108 Stat. 1416.

§ 6305. Suspension of regulations

To allow authorized services, training programs, and ceremonies in the specified buildings and grounds, the Secretary of the Smithsonian Institution, the Trustees of the National Gallery of Art, and the Trustees of the John F. Kennedy Center for the Performing Arts (or their designees) may suspend for their respective agencies any of the prohibitions contained in sections 6302 and 6303 of this title as may be necessary for the occasion or circumstance if—

(1) responsible officers have been appointed; and

(2) the Secretary of the Smithsonian Institution, the Trustees of the National Gallery of Art, and the Trustees of the John F. Kennedy Center for the Performing Arts (or their designees) determine that adequate arrangements have been made—

(A) to maintain suitable order and decorum in the proceedings; and

(B) to protect the specified buildings and grounds and persons and property in those buildings and on those grounds.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1186.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
6305	40:193u.	Oct. 24, 1951, ch. 559, § 8, 65 Stat. 635; Pub. L. 103–279, § 9(b), July 21, 1994, 108 Stat. 1416.

Before clause (1), the words ''or their designees'' are substituted for ''or their designated representatives'' for consistency in the revised section.

§ 6306. Policing of buildings and grounds

(a) DESIGNATION OF EMPLOYEES AS SPECIAL POLICE.—Subject to section 5375 of title 5, the Secretary of the Smithsonian Institution, the Trustees of the National Gallery of Art, and the Trustees of the John F. Kennedy Center for the Performing Arts (or their designees) may designate employees of their respective agencies as special police, without additional compensation, for duty in connection with the policing of their respective specified buildings and grounds.

(b) POWERS.—The employees designated as special police under subsection (a)—

(1) may, within the specified buildings and grounds, enforce, and make arrests for violations of, sections 6302 and 6303 of this title, any regulation prescribed under section 6304 of this title, federal or state law, or any regulation prescribed under federal or state law; and

(2) may enforce concurrently with the United States Park Police the laws and regulations applicable to the National Capital Parks, and may make arrests for violations of sections 6302 and 6303 of this title, within the

several areas located within the exterior boundaries of the face of the curb lines of the squares within which the specified buildings and grounds are located.

(c) UNIFORMS AND OTHER EQUIPMENT.—The employees designated as special police under subsection (a) may be provided, without charge, with uniforms and other equipment as may be necessary for the proper performance of their duties, including badges, revolvers, and ammunition.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1186.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
6306(a)	40:193n.	Oct. 24, 1951, ch. 559, §1, 65 Stat. 634; Pub. L. 91–34, §2(c), June 30, 1969, 83 Stat. 41; Pub. L. 104–134, title I, §101(c) [title II, proviso in 1st par. under heading ''John F. Kennedy Center for the Performing Arts''], Apr. 26, 1996, 110 Stat. 1321–193, renumbered as title I by Pub. L. 104–140, §1(a), May 2, 1996, 110 Stat. 1327.
6306(b)(1)	40:193t (words before 5th comma).	Oct. 24, 1951, ch. 559, §7, 65 Stat. 635; Pub. L. 88–391, §2, Aug. 1, 1964, 78 Stat. 365.
6306(b)(2)	40:193x.	Oct. 24, 1951, ch. 559, §11, as added Pub. L. 88–391, §4, Aug. 1, 1964, 78 Stat. 366.
6306(c)	40:193t (words after 5th comma).	

In subsection (a), the words ''section 5375 of title 5'' are substituted for ''section 5365 of title 5'' because of section 801(a)(3)(A)(ii) of the Civil Service Reform Act of 1978 (Public Law 95–454, 92 Stat. 1221), which redesignated sections 5361 through 5365 of title 5 as sections 5371 through 5375 of title 5. The words ''or their designees'' are substituted for ''or their authorized representatives'' for consistency in the revised chapter.

In subsection (b)(2), the words ''within which the specified buildings and grounds are located'' are substituted for ''within which the aforementioned buildings are located'' for clarity.

§ 6307. Penalties

(a) IN GENERAL.—

(1) PENALTY.—A person violating section 6302 or 6303 of this title, or a regulation prescribed under section 6304 of this title, shall be fined under title 18, imprisoned for not more than 60 days, or both.

(2) PROCEDURE.—Prosecution for an offense under this subsection shall be in the Superior Court of the District of Columbia, by information by the United States Attorney or an Assistant United States Attorney.

(b) OFFENSES INVOLVING PROPERTY DAMAGE OVER $100.—

(1) PENALTY.—If in the commission of a violation described in subsection (a), property is damaged in an amount exceeding $100, the period of imprisonment for the offense may be not more than five years.

(2) VENUE AND PROCEDURE.—Prosecution of an offense under this subsection shall be in the United States District Court for the District of Columbia by indictment. Prosecution may be on information by the United States Attorney or an Assistant United States Attorney if the defendant, after being advised of the nature of the charge and of rights of the defendant, waives in open court prosecution by indictment.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1187.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
6307	40:193s.	Oct. 24, 1951, ch. 559, §6, 65 Stat. 635.

In subsection (a)(1), the words ''fined under title 18'' are substituted for ''fined not more than $100'' for consistency with chapter 227 of title 18.

In subsection (a)(2), the words ''Superior Court of the District of Columbia'' are substituted for ''Municipal Court for the District of Columbia'' [subsequently changed to ''District of Columbia Court of General Sessions'' because of sections 1 and 7 of the Act of July 8, 1963 (Public Law 88–60, 77 Stat. 77, 78)] because of section 155(a) of the District of Columbia Court Reorganization Act of 1970 (Public Law 91–358, 85 Stat. 570).

In subsection (b)(1), the words ''the amount of the fine for the offense may be not more than $5,000'' are omitted for consistency with chapter 227 of title 18.

CHAPTER 65—THURGOOD MARSHALL FEDERAL JUDICIARY BUILDING

Sec.
6501. Definition.
6502. Thurgood Marshall Federal Judiciary Building.
6503. Commission for the Judiciary Office Building.
6504. Lease of building.
6505. Structural and mechanical care and security.
6506. Allocation of space.
6507. Account in Treasury.

AMENDMENTS

2006—Pub. L. 109–284, §6(19), Sept. 27, 2006, 120 Stat. 1213, renumbered item 6581 as 6501.

§ 6501. Definition

In this chapter, the term ''Chief Justice'' means the Chief Justice of the United States or the designee of the Chief Justice, except that when there is a vacancy in the office of the Chief Justice, the most senior associate justice of the Supreme Court shall be deemed to be the Chief Justice for purposes of this chapter until the vacancy is filled.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1188.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
6501	40:1208.	Pub. L. 100–480, §10, Oct. 7, 1988, 102 Stat. 2335.

The text of 40:1208(1) and (3) is omitted as unnecessary because the complete names of the Architect of the Capitol and the Commission for the Judiciary Office Building are used the first times the terms appear in a section.

§ 6502. Thurgood Marshall Federal Judiciary Building

(a) ESTABLISHMENT AND DESIGNATION.—There is a Federal Judiciary Building in Washington, D.C., known and designated as the ''Thurgood Marshall Federal Judiciary Building''.

(b) TITLE.—

(1) SQUARES 721 AND 722.—Title to squares 721 and 722 remains in the Federal Government.

(2) BUILDING.—Title to the Building and other improvements constructed or otherwise made immediately reverts to the Government at the expiration of not more than 30 years from the effective date of the lease agreement referred to in section 6504 of this title without payment of any compensation by the Government.

(c) LIMITATIONS.—

(1) SIZE OF BUILDING.—The Building (excluding parking facilities) may not exceed 520,000 gross square feet in size above the level of Columbia Plaza in the District of Columbia.

(2) HEIGHT OF BUILDING.—The height of the Building and other improvements shall be compatible with the height of surrounding Government and historic buildings and conform to the provisions of the Act of June 1, 1910 (ch. 263, 36 Stat. 452) (known as the Building Height Act of 1910).

(3) DESIGN.—The Building and other improvements shall—

(A) be designed in harmony with historical and Government buildings in the vicinity;

(B) reflect the symbolic importance and historic character of the United States Capitol and other buildings on the United States Capitol Grounds; and

(C) represent the dignity and stability of the Government.

(d) APPROVAL OF CHIEF JUSTICE.—All final decisions regarding architectural design of the Building are subject to the approval of the Chief Justice.

(e) CHILLED WATER AND STEAM FROM CAPITOL POWER PLANT.—If the Building is connected with the Capitol Power Plant, the Architect of the Capitol shall furnish chilled water and steam from the Plant to the Building on a reimbursable basis.

(f) CONSTRUCTION STANDARDS.—The Building and other improvements constructed under this chapter shall meet all standards applicable to construction of a federal building.

(g) ACCOUNTING SYSTEM.—The Architect shall maintain an accounting system for operation and maintenance of the Building and other improvements which will allow accurate projections of the dates and cost of major repairs, improvements, reconstructions, and replacements of the Building and improvements and other capital expenditures on the Building and improvements.

(h) NONAPPLICABILITY OF CERTAIN LAWS.—

(1) BUILDING CODES, PERMITS, OR INSPECTION.—The Building is not subject to any law of the District of Columbia relating to building codes, permits, or inspection, including any such law enacted by Congress.

(2) TAXES.—The Building and other improvements constructed under this chapter are not subject to any law of the District of Columbia relating to real estate and personal property taxes, special assessments, or other taxes, including any such law enacted by Congress.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1188.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
6502(a)	40:1201 note.	Pub. L. 103–4, §1, Feb. 8, 1993, 107 Stat. 30.
6502(b)	40:1202(b)(2)(B), (C).	Pub. L. 100–480, §§3(a)(6), (8), (b)(2)(B), (C), (c)–(e), 4(c), Oct. 7, 1988, 102 Stat. 2329, 2330, 2331.
6502(c)	40:1202(a)(8).	
6502(d)	40:1202(a)(6).	
6502(e)	40:1202(c).	
6502(f)	40:1202(d) (1st, 2d sentences).	
6502(g)	40:1203(c).	
6502(h)(1)	40:1202(d) (last sentence).	
6502(h)(2)	40:1202(e).	

In subsection (e), the text of 40:1202(c)(1) is omitted as obsolete.

In subsection (f), the text of 40:1202(d) (2d sentence) is omitted as obsolete.

REFERENCES IN TEXT

The Building Height Act of 1910, referred to in subsec. (c)(2), is act June 1, 1910, ch. 263, 36 Stat. 452, which is not classified to the Code.

REFERENCE TO THE THURGOOD MARSHALL FEDERAL JUDICIARY BUILDING

Pub. L. 103–4, §2, Feb. 8, 1993, 107 Stat. 30, provided that: ''Any reference in any law, map, regulation, document, paper, or other record of the United States to the Federal Judiciary Building referred to in section 1 [now 40 U.S.C. 6502(a)] shall be deemed to be a reference to the 'Thurgood Marshall Federal Judiciary Building'.''

§ 6503. Commission for the Judiciary Office Building

(a) ESTABLISHMENT AND MEMBERSHIP.—There is a Commission for the Judiciary Office Building, composed of the following 13 members or their designees:

(1) Two individuals appointed by the Chief Justice from among justices of the Supreme Court and other judges of the United States.

(2) The members of the House Office Building Commission.

(3) The majority leader and minority leader of the Senate.

(4) The Chairman and the ranking minority member of the Senate Committee on Rules and Administration.

(5) The Chairman and the ranking minority member of the Senate Committee on Environment and Public Works.

(6) The Chairman and ranking minority member of the Committee on Transportation and Infrastructure of the House of Representatives.

(b) QUORUM.—Seven members of the Commission is a quorum.

(c) DUTIES.—The Commission is responsible for the supervision of the design, construction, operation, maintenance, structural, mechanical, and domestic care, and security of the Thurgood Marshall Federal Judiciary Building. The Commission shall prescribe regulations to govern the actions of the Architect of the Capitol under this chapter and to govern the use and occupancy of all space in the Building.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1189.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
6503(a)	40:1206(a), (b).	Pub. L. 100–480, § 7, Oct. 7, 1988, 102 Stat. 2334.
6503(b)	40:1206(d).	
6503(c)	40:1206(c).	

In subsection (a)(6), the words ''Transportation and Infrastructure'' are substituted for ''Public Works and Transportation'' in section 7(b) of the Judiciary Office Building Development Act (Public Law 100–480, 102 Stat. 2334) because of section 1(a)(9) of the Act of June 3, 1995 (Public Law 104–14, 2:21 note prec.).

In subsection (c), the words ''from time to time'' are omitted as unnecessary.

§ 6504. Lease of building

(a) LEASE AGREEMENT.—Under an agreement with the person selected to construct the Thurgood Marshall Federal Judiciary Building, the Architect of the Capitol shall lease the Building to carry out the objectives of this chapter.

(b) MINIMUM REQUIREMENTS OF LEASE AGREEMENT.—The agreement includes at a minimum the following:

(1) LIMIT ON LENGTH OF LEASE.—The Architect will lease the Building and other improvements for not more than 30 years from the effective date of the agreement.

(2) RENTAL RATE.—The rental rate per square foot of occupiable space for all space in the Building and other improvements will be in the best interest of the Federal Government and will carry out the objectives of this chapter. The aggregate rental rate for all space in the Building and other improvements shall produce an amount at least equal to the amount necessary to amortize the cost of development of squares 721 and 722 in the District of Columbia over the life of the lease.

(3) AUTHORITY TO MAKE SPACE AVAILABLE AND SUBLEASE SPACE.—The Architect may make space available and sublease space in the Building and other improvements in accordance with section 6506 of this title.

(4) OTHER TERMS AND CONDITIONS.—The agreement contains terms and conditions the Architect prescribes to carry out the objectives of this chapter.

(c) OBLIGATION OF AMOUNTS.—Obligation of amounts for lease payments under this section may only be made—

(1) on an annual basis; and

(2) from the account described in section 6507 of this title.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1189.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
6504(a)	40:1203(a).	Pub. L. 100–480, §§ 3(b)(2)(D) (words after ''provisions of this chapter''), 4(a), (b), (d), Oct. 7, 1988, 102 Stat. 2330, 2331.
6504(b)(1)–(3).	40:1203(b).	
6504(b)(4)	40:1202(b)(2)(D) (words after ''provisions of this Act'').	
6504(c)	40:1203(d).	

Subsection (a) is substituted for 40:1203(a) to eliminate obsolete words.

In subsection (b)(2), the words ''in the District of Columbia'' are added for clarity.

§ 6505. Structural and mechanical care and security

(a) STRUCTURAL AND MECHANICAL CARE.—The Architect of the Capitol, under the direction of the Commission for the Judiciary Office Building—

(1) is responsible for the structural and mechanical care and maintenance of the Thurgood Marshall Federal Judiciary Building and improvements, including the care and maintenance of the grounds of the Building, in the same manner and to the same extent as for the structural and mechanical care and maintenance of the Supreme Court Building under section 6111 of this title; and

(2) shall perform all other duties and work required for the operation and domestic care of the Building and improvements.

(b) SECURITY.—

(1) CAPITOL POLICE.—The United States Capitol Police—

(A) are responsible for all exterior security of the Building and other improvements constructed under this chapter; and

(B) may police the Building and other improvements, including the interior and exterior, and may make arrests within the interior and exterior of the Building and other improvements for any violation of federal or state law or the laws of the District of Columbia, or any regulation prescribed under any of those laws.

(2) MARSHAL OF THE SUPREME COURT.—This chapter does not interfere with the obligation of the Marshal of the Supreme Court to protect justices, officers, employees, or other personnel of the Supreme Court who may occupy the Building and other improvements.

(3) REIMBURSEMENT.—The Architect shall transfer from the account described in section 6507 of this title amounts necessary to reimburse the United States Capitol Police for expenses incurred in providing exterior security under this subsection. The Capitol Police may accept amounts the Architect transfers under this paragraph. Those amounts shall be credited to the appropriation account charged by the Capitol Police in carrying out security duties.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1190.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
6505(a)	40:1204(a).	Pub. L. 100–480, § 5, Oct. 7, 1988, 102 Stat. 2331; Pub. L. 102–392, title III, § 311(a), Oct. 6, 1992, 106 Stat. 1723.
6505(b)(1)(A)	40:1204(b)(1).	
6505(b)(1)(B)	40:1204(c).	
6505(b)(2), (3).	40:1204(b)(2), (3).	

In subsection (a), before clause (1), the words ''Upon occupancy by the United States of the building and other improvements constructed under this chapter'' are omitted as obsolete.

§ 6506. Allocation of space

(a) PRIORITY.—

(1) JUDICIAL BRANCH.—Subject to this section, the Architect of the Capitol shall make available to the judicial branch of the Federal Government all space in the Thurgood Marshall Federal Judiciary Building and other improvements constructed under this chapter. The space shall be made available on a reimbursable basis and substantially in accordance with the report referred to in section 3(b)(1) of the Judiciary Office Building Development Act (Public Law 100–480, 102 Stat. 2330).

(2) OTHER FEDERAL GOVERNMENTAL ENTITIES.—The Architect may make available to federal governmental entities which are not part of the judicial branch and which are not staff of Members of Congress or congressional committees any space in the Building and other improvements that the Chief Justice decides is not needed by the judicial branch. The space shall be made available on a reimbursable basis.

(3) OTHER PERSONS.—If any space remains, the Architect may sublease it pursuant to subsection (e), under the direction of the Commission for the Judiciary Office Building, to any person.

(b) SPACE FOR JUDICIAL BRANCH AND OTHER FEDERAL GOVERNMENTAL ENTITIES.—Space made available under subsection (a)(1) or (2) is subject to—

(1) terms and conditions necessary to carry out the objectives of this chapter; and

(2) reimbursement at the rate established under section 6504(b)(2) of this title plus an amount necessary to pay each year for the cost of administering the Building and other improvements (including the cost of operation, maintenance, rehabilitation, security, and structural, mechanical, and domestic care) that is attributable to the space, with the amount to be determined by the Architect and—

(A) in the case of the judicial branch, the Director of the Administrative Office of the United States Courts; or

(B) in the case of any federal governmental entity not a part of the judicial branch, the entity.

(c) SPACE FOR JUDICIAL BRANCH.—

(1) ASSIGNMENT OF SPACE WITHIN JUDICIAL BRANCH.—The Director may assign space made available to the judicial branch under subsection (a)(1) among offices of the judicial branch as the Director considers appropriate.

(2) VACATING OCCUPIED SPACE.—When the Chief Justice notifies the Architect that the judicial branch requires additional space in the Building and other improvements, the Architect shall accommodate those requirements within 90 days after the date of the notification, except that if the space was made available to the Administrator of General Services, it shall be vacated expeditiously by not later than a date the Chief Justice and the Administrator agree on.

(3) UNOCCUPIED SPACE.—The Chief Justice has the right of first refusal to use unoccupied space in the Building to meet the needs of the judicial branch.

(d) LEASE BY ARCHITECT.—

(1) AUTHORITY TO LEASE.—Subject to approval by the Committees on Appropriations of the House of Representatives and the Senate, the House Office Building Commission, and the Committee on Rules and Administration of the Senate, the Architect may lease and occupy not more than 75,000 square feet of space in the Building.

(2) PAYMENTS.—Payments under the lease shall be made on vouchers the Architect approves. Necessary amounts may be appropriated—

(A) to the Architect to carry out this subsection, including amounts for acquiring and installing furniture and furnishings; and

(B) to the Sergeant at Arms of the Senate to plan for, acquire, and install telecommunications equipment and services for the Architect with respect to space leased under this subsection.

(e) SUBLEASED SPACE.—

(1) RENTAL RATE.—Space subleased by the Architect under subsection (a)(3) is subject to reimbursement at a rate which is comparable to prevailing rental rates for similar facilities in the area but not less than the rate established under section 6504(b)(2) of this title plus an amount the Architect and the person subleasing the space agree is necessary to pay each year for the cost of administering the Building (including the cost of operation, maintenance, rehabilitation, security, and structural, mechanical, and domestic care) that is attributable to the space.

(2) LIMITATION.—A sublease under subsection (a)(3) must be compatible with the dignity and functions of the judicial branch offices housed in the Building and must not unduly interfere with the activities and operations of the judicial branch agencies housed in the Building. Sections 5104(c) and 5108 of this title do not apply to any space in the Building and other improvements subleased to a non-Government tenant under subsection (a)(3).

(3) COLLECTION OF RENT.—The Architect shall collect rent for space subleased under subsection (a)(3).

(f) DEPOSIT OF RENT AND REIMBURSEMENTS.—Amounts received under subsection (a)(3) (including lease payments and reimbursements) shall be deposited in the account described in section 6507 of this title.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1190.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
6506(a)(1), (2).	40:1205(a)(1), (2).	Pub. L. 100–480, § 6(a)(1)–(6), (b), (c), Oct. 7, 1988, 102 Stat. 2332.
6506(a)(3)	40:1205(b)(1).	
6506(b)	40:1205(a)(3), (4).	
6506(c)(1)	40:1205(a)(6).	
6506(c)(2), (3).	40:1205(a)(5).	
6506(d)	40:1205(a)(7), (8).	Pub. L. 100–480, § 6(a)(7), (8), as added Pub. L. 102–392, title III, § 318, Oct. 6, 1992, 106 Stat. 1724.
6506(e)	40:1205(b)(2)–(4).	
6506(f)	40:1205(c).	

In subsection (a)(3), the text of 40:1205(b)(1)(words before semicolon) is omitted as unnecessary. The words ''pursuant to subsection (e)'' are added for clarity.

In subsection (b)(2)(B), the word ''federal'' is added for clarity.

In subsection (c)(1), the words ''and reassign'' are omitted as unnecessary.

In subsection (d)(1), the word ''Building'' [meaning the Thurgood Marshall Federal Judiciary Building] is substituted for ''Federal Judiciary Building'' in the source provision because of section 2 of the Act of February 8, 1993 (Public Law 103–4, 107 Stat. 30).

In subsection (f), the reference to ''this subsection'' is translated as ''this section'' to correct an apparent error in the source provision being restated.

REFERENCES IN TEXT

Section 3(b)(1) of the Judiciary Office Building Development Act, referred to in subsec. (a)(1), is section 3(b)(1) of Pub. L. 100–480, Oct. 7, 1988, 102 Stat. 2330, which was classified to section 1202(b)(1) of former Title 40, Public Buildings, Property, and Works, prior to repeal by Pub. L. 107–217, § 6(b), Aug. 21, 2002, 116 Stat. 1304.

§ 6507. Account in Treasury

(a) ESTABLISHMENT AND CONTENTS OF SEPARATE ACCOUNT.—There is a separate account in the Treasury. The account includes all amounts deposited in the account under section 6506(f) of this title and amounts appropriated to the account. However, the appropriated amounts may not be more than $2,000,000.

(b) USE OF AMOUNTS.—Amounts in the account are available to the Architect of the Capitol—

(1) for paying expenses for structural, mechanical, and domestic care, maintenance, operation, and utilities of the Thurgood Marshall Federal Judiciary Building and other improvements constructed under this chapter;

(2) for reimbursing the United States Capitol Police for expenses incurred in providing exterior security for the Building and other improvements;

(3) for making lease payments under section 6504 of this title; and

(4) for necessary personnel (including consultants).

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1192.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
6507	40:1207.	Pub. L. 100–480, § 9, Oct. 7, 1988, 102 Stat. 2334; Pub. L. 102–392, title III, § 311(b), Oct. 6, 1992, 106 Stat. 1723.

The text of 40:1207(b) is omitted as obsolete.

CHAPTER 67—PENNSYLVANIA AVENUE DEVELOPMENT

SUBCHAPTER I—TRANSFER AND ASSIGNMENT OF RIGHTS, AUTHORITIES, TITLE, AND INTERESTS

Sec.
6701. Transfer of rights and authorities of Pennsylvania Avenue Development Corporation.
6702. Transfer and assignment of rights, title, and interests in property.

SUBCHAPTER II—PENNSYLVANIA AVENUE DEVELOPMENT

6711. Definition.
6712. Powers of other agencies and instrumentalities in the development area.
6713. Certification of new construction.
6714. Relocation services.
6715. Coordination with District of Columbia.
6716. Reports.

SUBCHAPTER III—FEDERAL TRIANGLE DEVELOPMENT

6731. Definitions.
6732. Federal Triangle development area.
6733. Federal Triangle property.
6734. Ronald Reagan Building and International Trade Center.

AMENDMENTS

2006—Pub. L. 109–284, § 6(20), Sept. 27, 2006, 120 Stat. 1213, substituted ''ASSIGNMENT'' for ''ASSIGMENT'' in item for subchapter I.

SUBCHAPTER I—TRANSFER AND ASSIGNMENT OF RIGHTS, AUTHORITIES, TITLE, AND INTERESTS

AMENDMENTS

2006—Pub. L. 109–284, § 6(21), Sept. 27, 2006, 120 Stat. 1213, substituted ''ASSIGNMENT'' for ''ASSIGMENT'' in heading.

§ 6701. Transfer of rights and authorities of Pennsylvania Avenue Development Corporation

(a) IN GENERAL.—The Administrator of General Services—

(1) may make and perform transactions with an agency or instrumentality of the Federal Government, a State, the District of Columbia, or any person as necessary to carry out the trade center plan at the Federal Triangle Project; and

(2) has all the rights and authorities of the former Pennsylvania Avenue Development Corporation with regard to property transferred from the Corporation to the General Services Administration in fiscal year 1996.

(b) USE OF AMOUNTS AND INCOME.—

(1) ACTIVITIES ASSOCIATED WITH TRANSFERRED RESPONSIBILITIES.—The Administrator may use amounts transferred from the Corporation or income earned on Corporation property for activities associated with carrying out the responsibilities of the Corporation transferred to the Administrator. Any income earned after October 1, 1998, shall be deposited to the Federal Buildings Fund to be available for the purposes authorized under this subchapter, notwithstanding section 592(c)(1) of this title.

(2) EXCESS AMOUNTS OR INCOME.—Any amounts or income the Administrator considers excess to the amount needed to fulfill the responsibilities of the Corporation transferred to the Administrator shall be applied to any outstanding debt the Corporation incurred when acquiring real estate, except debt associated with the Ronald Reagan Building and International Trade Center.

(c) PAYMENT TO DISTRICT OF COLUMBIA.—With respect to real property transferred from the Corporation to the Administrator under section 6702 of this title, the Administrator shall pay to the District of Columbia government, in the same way as previously paid by the Corporation, an amount equal to the amount of real property tax which would have been payable to the gov-

ernment beginning on the date the Corporation acquired the real property if legal title to the property had been held by a private citizen on that date and during all periods to which that date relates.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1193.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
6701(a)	40:872 note (words before 1st proviso).	Pub. L. 104–208, div. A, title I, §101(f) [title IV, 3d–6th provisos on p. 3009–335], Sept. 30, 1996, 110 Stat. 3009–335.
6701(b)	40:872 note (1st, 2d provisos).	
	40:872 note.	Pub. L. 105–277, §101(h) [title IV, 9th proviso on p. 2681–502], Oct. 21, 1998, 112 Stat. 2681–502.
6701(c)	40:872 note (last proviso).	
	40:879(b).	Pub. L. 92–578, §10(b), Oct. 27, 1972, 86 Stat. 1274.

In subsection (a), before clause (1), the words ''in fiscal year 1997 and thereafter'' are omitted as obsolete. In clause (1), the words ''leases, contracts or other'' are omitted as unnecessary. The words ''firm, association, or corporation'' are omitted because of the definition of ''person'' in 1:1.

In subsection (b)(1), the words ''notwithstanding any other provision of law'' are omitted as unnecessary. The words ''That the remaining balances and associated assets and laibilites [sic] of the Pennsylvania Avenue Activities account are hereby transferred to the Federal Buildings Fund to be effective October 1, 1998'' are omitted as executed.

In subsection (c), the words ''To the extent that the District of Columbia may not suffer undue loss of tax revenue by reason of the provisions of subsection (a) of this section'' are omitted as unnecessary.

§ 6702. Transfer and assignment of rights, title, and interests in property

(a) IN GENERAL.—

(1) LEASES, COVENANTS, AGREEMENTS, AND EASEMENTS.—As provided in this section, the General Services Administration, the National Capital Planning Commission, and the National Park Service have the rights, title, and interest of the Pennsylvania Avenue Development Corporation in and to all leases, covenants, agreements, and easements the Corporation executed before April 1, 1996, in carrying out its powers and duties under the Pennsylvania Avenue Development Corporation Act of 1972 (Public Law 92–578, 86 Stat. 1266) and the Federal Triangle Development Act (Public Law 100–113, 101 Stat. 735).

(2) PROPERTY.—The Administration has the rights, title, and interest of the Corporation in and to all property held in the name of the Corporation, except as provided in subsection (c).

(b) GENERAL SERVICES ADMINISTRATION.—

(1) RESPONSIBILITIES.—The responsibilities of the Corporation transferred to the Administration under subsection (a) include—

(A) the collection of revenue owed the Federal Government as a result of real estate sales or lease agreements made by the Corporation and private parties, including—

(i) the Willard Hotel property on Square 225;

(ii) the Gallery Row project on Square 457;

(iii) the Lansburgh's project on Square 431; and

(iv) the Market Square North project on Square 407;

(B) the collection of sale or lease revenue owed the Government from the sale or lease before April 1, 1996, of two undeveloped sites owned by the Corporation on Squares 457 and 406;

(C) the application of collected revenue to repay Treasury debt the Corporation incurred when acquiring real estate;

(D) performing financial audits for projects in which the Corporation has actual or potential revenue expectation, as identified in subparagraphs (A) and (B), in accordance with procedures described in applicable sale or lease agreements;

(E) the disposition of real estate properties which are or become available for sale and lease or other uses;

(F) payment of benefits in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.) to which persons in the project area squares are entitled as a result of the Corporation's acquisition of real estate; and

(G) carrying out the responsibilities of the Corporation under subchapter III and the Federal Triangle Development Act (Public Law 100–113, 101 Stat. 735), including responsibilities for managing assets and liabilities of the Corporation under subchapter III and the Act.

(2) POWERS.—In carrying out the responsibilities of the Corporation transferred under this section, the Administrator of General Services may—

(A) acquire land, improvements, and property by purchase, lease or exchange, and sell, lease, or otherwise dispose of any property, as necessary to complete the development plan developed under section 5 of the Pennsylvania Avenue Development Corporation Act of 1972 (Public Law 92–578, 86 Stat. 1269) if a notice of intention to carry out the acquisition or disposal is first transmitted to the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives and the Committee on Environment and Public Works and the Committee on Appropriations of the Senate and at least 60 days elapse after the date of the transmission;

(B) modify the plan referred to in subparagraph (A) if the modification is first transmitted to the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives and the Committee on Environment and Public Works and the Committee on Appropriations of the Senate and at least 60 days elapse after the date of the transmission;

(C) maintain any existing Corporation insurance programs;

(D) make and perform transactions with an agency or instrumentality of the Federal

Government, a State, the District of Columbia, or any person as necessary to carry out the responsibilities of the Corporation under subchapter III and the Federal Triangle Development Act (Public Law 100–113, 101 Stat. 735);

(E) request the Council of the District of Columbia to close any alleys necessary for the completion of development in Square 457; and

(F) use all of the amount transferred from the Corporation or income earned on Corporation property to complete any pending development projects.

(c) NATIONAL PARK SERVICE.—

(1) PROPERTY.—The National Park Service has the right, title, and interest in and to the property located in the Pennsylvania Avenue National Historic Site, including the parks, plazas, sidewalks, special lighting, trees, sculpture, and memorials, depicted on a map entitled ''Pennsylvania Avenue National Historic Park'', dated June 1, 1995, and numbered 840–82441. The map shall be on file and available for public inspection in the offices of the Service.

(2) RESPONSIBILITIES.—The Service is responsible for management, administration, maintenance, law enforcement, visitor services, resource protection, interpretation, and historic preservation at the Site.

(3) SPECIAL EVENTS, FESTIVALS, CONCERTS, OR PROGRAMS.—The Service may—

(A) make transactions with an agency or instrumentality of the Government, a State, the District of Columbia, or any person as considered necessary or appropriate for the conduct of special events, festivals, concerts, or other art and cultural programs at the Site; or

(B) establish a nonprofit foundation to solicit amounts for those activities.

(4) JURISDICTION OF DISTRICT OF COLUMBIA.—Jurisdiction of Pennsylvania Avenue and all other roadways from curb to curb remains with the District of Columbia but vendors are not permitted to occupy street space except during temporary special events.

(d) NATIONAL CAPITAL PLANNING COMMISSION.—The National Capital Planning Commission is responsible for ensuring that development in the Pennsylvania Avenue area is carried out in accordance with the Pennsylvania Avenue Development Corporation Plan—1974.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1194.)

AMENDMENT NOT SHOWN IN TEXT

Subsection (c)(1) of this section was derived from section 313(d)(1) of title III of the Department of the Interior and Related Agencies Appropriations Act, 1996 (as enacted by section 101(c) of Pub. L. 104–134), set out as a note under section 872 of the former Appendix to this title, which was amended by Pub. L. 111–11, title VII, § 7116(k)(1), Mar. 30, 2009, 123 Stat. 1203. For applicability of that amendment to this section, see section 5(b)(3) of Pub. L. 107–217, set out as a Legislative Purpose and Construction note preceding section 101 of this title. Section 313(d)(1) of the Department of the Interior and Related Agencies Appropriations Act, 1996, as enacted by Pub. L. 104–134, was amended by substituting ''map entitled 'Pennsylvania Avenue National Historic Site', dated August 25, 2008, and numbered 840–82441B'' for ''map entitled 'Pennsylvania Avenue National Historic Park', dated June 1, 1995, and numbered 840–82441''.

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
6702	40:872 note.	Pub. L. 104–134, title I, § 101(c) [title III, § 313(a)–(e)], Apr. 26, 1996, 110 Stat. 1321–198, renumbered as title I by Pub. L. 104–140, § 1(a), May 2, 1996, 110 Stat. 1327.

Subsection (a) is substituted for section 313(a) of title III of section 101(c) of the Act of April 26, 1996, to eliminate obsolete words.

In subsection (a)(2), the words ''both real and personal'' are omitted as unnecessary.

In subsection (b)(1)(A), before subclause (i), the words ''with respect to the following projects'' are omitted as unnecessary.

In subsection (b)(1)(F), the word ''Acquisition'' is substituted for ''Acquisitions'' to correct an error in the source provision.

In subsections (b)(2)(D) and (c)(3)(A), the words ''firm, association, or corporation'' are omitted because of the definition of ''person'' in 1:1.

In subsection (b)(2)(D), the words ''leases, contracts, or other'' are omitted as unnecessary.

Subsection (c)(1) is substituted for section 313(d)(1) of title III of section 101(c) of the Act of April 26, 1996, to eliminate obsolete words.

In subsection (c)(3)(A), the words ''contracts, cooperative agreements, or other'' are omitted as unnecessary.

In subsection (d), the words ''Notwithstanding any other provision of law'' are omitted as unnecessary. The words ''commencing April 1, 1996'' are omitted as obsolete. The words ''or its successor'' and ''or redevelopment'' are omitted as unnecessary.

REFERENCES IN TEXT

The Pennsylvania Avenue Development Corporation Act of 1972, referred to in subsec. (a)(1), is Pub. L. 92–578, Oct. 27, 1972, 86 Stat. 1266, as amended, which was classified to chapter 19 (§ 871 et seq.) of former Title 40, Public Buildings, Property, and Works, prior to repeal and reenactment as section 6701 of this title and subchapter II of this chapter by Pub. L. 107–217, §§ 1, 6(b), Aug. 21, 2002, 116 Stat. 1062, 1304. For complete classification of this Act to the Code, see Tables.

Section 5 of the Act was classified to section 874 of former Title 40 prior to repeal by Pub. L. 107–217.

The Federal Triangle Development Act, referred to in subsecs. (a)(1), (b)(1)(G), and (2)(D), is Pub. L. 100–113, Aug. 21, 1987, 101 Stat. 735, as amended, which was classified to chapter 22 (§ 1101 et seq.) of former Title 40, Public Buildings, Property, and Works, prior to repeal, omission, and reenactment as subchapter III of this chapter by Pub. L. 107–217, §§ 1, 6(b), Aug. 21, 2002, 116 Stat. 1062, 1304. For complete classification of this Act to the Code, see Tables.

The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, referred to in subsec. (b)(1)(F), is Pub. L. 91–646, Jan. 2, 1971, 84 Stat. 1894, as amended, which is classified principally to chapter 61 (§ 4601 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 4601 of Title 42 and Tables.

CHANGE OF NAME

Pub. L. 111–11, title VII, § 7116(k)(2), Mar. 30, 2009, 123 Stat. 1204, provided that: ''Any reference in a law, map,

regulation, document, paper, or other record of the United States to the Pennsylvania Avenue National Historic Park shall be deemed to be a reference to the 'Pennsylvania Avenue National Historic Site'.''

SUBCHAPTER II—PENNSYLVANIA AVENUE DEVELOPMENT

§ 6711. Definition

In this subchapter, the term ''development area'' means the area to be developed, maintained, and used in accordance with this subchapter and the Pennsylvania Avenue Development Corporation Act of 1972 (Public Law 92–578, 86 Stat. 1266) and is the area bounded as follows:

Beginning at a point on the southwest corner of the intersection of Fifteenth Street and E Street Northwest;

thence proceeding east along the southern side of E Street to the southwest corner of the intersection of Thirteenth Street and Pennsylvania Avenue Northwest;

thence southeast along the southern side of Pennsylvania Avenue to a point being the southeast corner of the intersection of Pennsylvania Avenue and Third Street Northwest;

thence north along the eastern side of Third Street to the northeast corner of the intersection of C Street and Third Street Northwest;

thence west along the northern side of C Street to the northeast corner of the intersection of C Street and Sixth Street Northwest;

thence north along the eastern side of Sixth Street to the northeast corner of the intersection of E Street and Sixth Street Northwest;

thence west along the northern side of E Street to the northeast corner of the intersection of E Street and Seventh Street Northwest;

thence north along the eastern side of Seventh Street to the northeast corner of the intersection of Seventh Street and F Street Northwest;

thence west along the northern side of F Street to the northwest corner of the intersection of F Street and Ninth Street Northwest;

thence south along the western side of Ninth Street to the northwest corner of the intersection of Ninth Street and E Street Northwest;

thence west along the northern side of E Street to the northeast corner of the intersection of E Street and Thirteenth Street Northwest;

thence north along the eastern side of Thirteenth Street to the northeast corner of the intersection of F Street and Thirteenth Street Northwest;

thence west along the northern side of F Street to the northwest corner of the intersection of F Street and Fifteenth Street Northwest;

thence north along the western side of Fifteenth Street to the northwest corner of the intersection of Pennsylvania Avenue and Fifteenth Street Northwest;

thence west along the southern side of Pennsylvania Avenue to the southeast corner of the intersection of Pennsylvania Avenue and East Executive Avenue Northwest;

thence south along the eastern side of East Executive Avenue to the intersection of South Executive Place and E Street Northwest;

thence east along the southern side of E Street to the point of beginning.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1196.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
6711	40:871.	Pub. L. 92–578, § 2, Oct. 27, 1972, 86 Stat. 1266.

The text of 40:871(a)–(e) is omitted as obsolete.

The words ''being the southwest corner of the intersection of Fifteenth Street and E Street Northwest'' are omitted as unnecessary.

REFERENCES IN TEXT

The Pennsylvania Avenue Development Corporation Act of 1972, referred to in text, is Pub. L. 92–578, Oct. 27, 1972, 86 Stat. 1266, as amended, which was classified to chapter 19 (§ 871 et seq.) of former Title 40, Public Buildings, Property, and Works, prior to repeal and reenactment as section 6701 of this title and this subchapter by Pub. L. 107–217, §§ 1, 6(b), Aug. 21, 2002, 116 Stat. 1062, 1304. For complete classification of this Act to the Code, see Tables.

§ 6712. Powers of other agencies and instrumentalities in the development area

This subchapter and the Pennsylvania Avenue Development Corporation Act of 1972 (Public Law 92–578, 86 Stat. 1266) do not preclude other agencies or instrumentalities of the Federal Government or of the District of Columbia from exercising any lawful powers in the development area consistent with the development plan described in section 5(a) of the Act (86 Stat. 1269) or the provisions and purposes of this subchapter and the Act. However, the agency or instrumentality shall not release, modify, or depart from any feature or detail of the development plan without the prior approval of the Administrator of General Services.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1197.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
6712	40:876(a).	Pub. L. 92–578, § 7(a), Oct. 27, 1972, 86 Stat. 1272.

In this subchapter, the words ''Administrator of General Services'' are substituted for ''Corporation'' to reflect the transfer of the responsibilities of the Pennsylvania Avenue Development Corporation. See section 6702 of the revised title.

REFERENCES IN TEXT

The Pennsylvania Avenue Development Corporation Act of 1972, referred to in text, is Pub. L. 92–578, Oct. 27, 1972, 86 Stat. 1266, as amended, which was classified to chapter 19 (§ 871 et seq.) of former Title 40, Public Buildings, Property, and Works, prior to repeal and reenactment as section 6701 of this title and this subchapter by Pub. L. 107–217, §§ 1, 6(b), Aug. 21, 2002, 116 Stat. 1062, 1304. Section 5(a) of the Act was classified to section 874(a) of former Title 40 prior to repeal by Pub. L. 107–217. For complete classification of this Act to the Code, see Tables.

§ 6713. Certification of new construction

New construction (including substantial remodeling, conversion, rebuilding, enlargement, extension, or major structural improvement of

existing building, but not including ordinary maintenance or remodeling or changes necessary to continue occupancy) shall not be authorized or conducted within the development area except on prior certification by the Administrator of General Services that the construction is, or may reasonably be expected to be, consistent with the carrying out of the development plan described in section 5(a) of the Pennsylvania Avenue Development Corporation Act of 1972 (Public Law 92–578, 86 Stat. 1269).

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1197.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
6713	40:876(b).	Pub. L. 92–578, § 7(b), Oct. 27, 1972, 86 Stat. 1273; Pub. L. 93–427, § 2, Oct. 1, 1974, 88 Stat. 1170.

The words ''After October 1, 1974'' and the text of 40:876(b) (proviso) are omitted as obsolete.

REFERENCES IN TEXT

Section 5(a) of the Pennsylvania Avenue Development Corporation Act of 1972, referred to in text, was classified to section 874(a) of former Title 40, Public Buildings, Property, and Works, prior to repeal by Pub. L. 107–217, § 6(b), Aug. 21, 2002, 116 Stat. 1304.

§ 6714. Relocation services

(a) USE OF DISTRICT OF COLUMBIA GOVERNMENT.—The Administrator of General Services may use the services of the District of Columbia government in the administration of a relocation program pursuant to the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.). The Administrator shall reimburse the government for the cost of the services.

(b) COORDINATION OF RELOCATION PROGRAMS.—All relocation services performed by or on behalf of the Administrator shall be coordinated with the District of Columbia's central relocation programs.

(c) PREFERENTIAL RIGHTS OF DISPLACED OWNERS AND TENANTS.—An owner or tenant of real property whose residence or business is terminated as a result of acquisitions made pursuant to this subchapter or the Pennsylvania Avenue Development Corporation Act of 1972 (Public Law 92–578, 86 Stat. 1266) shall be granted a preferential right to lease or purchase from the Administrator similar real property as may become available for a similar use. The preferential right is limited to the parties in interest and is not transferable or assignable.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1197.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
6714	40:877(b)–(d).	Pub. L. 92–578, § 8(b)–(d), Oct. 27, 1972, 86 Stat. 1273; Pub. L. 95–629, title I, § 101(1)(f), Nov. 10, 1978, 92 Stat. 3635.

In subsection (c), the words ''retail, wholesale, service or other'' and ''or its agent'' are omitted as unnecessary. The words ''upon implementation of the development plan'' are omitted as obsolete.

REFERENCES IN TEXT

The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, referred to in subsec. (a), is Pub. L. 91–646, Jan. 2, 1971, 84 Stat. 1894, as amended, which is classified principally to chapter 61 (§ 4601 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 4601 of Title 42 and Tables.

The Pennsylvania Avenue Development Corporation Act of 1972, referred to in subsec. (c), is Pub. L. 92–578, Oct. 27, 1972, 86 Stat. 1266, as amended, which was classified to chapter 19 (§ 871 et seq.) of former Title 40, Public Buildings, Property, and Works, prior to repeal and reenactment as section 6701 of this title and this subchapter by Pub. L. 107–217, §§ 1, 6(b), Aug. 21, 2002, 116 Stat. 1062, 1304. For complete classification of this Act to the Code, see Tables.

§ 6715. Coordination with District of Columbia

(a) LOCAL NEEDS, INITIATIVE, AND PARTICIPATION.—In carrying out the purposes of this subchapter and the Pennsylvania Avenue Development Corporation Act of 1972 (Public Law 92–578, 86 Stat. 1266), the Administrator of General Services shall—

(1) consult and cooperate with District of Columbia officials and community leaders at the earliest practicable time;

(2) give primary consideration to local needs and desires and to local and regional goals and policies as expressed in urban renewal, community renewal, and comprehensive land use plans and regional plans; and

(3) foster local initiative and participation in connection with the planning and development of projects.

(b) COMPLIANCE WITH LOCAL REQUIREMENTS.—To the extent the Administrator constructs, rehabilitates, alters, or improves any project under this subchapter, the Administrator shall comply with all District of Columbia laws, ordinances, codes, and regulations. Section 8722(d) of this title applies to all construction, rehabilitation, alteration, and improvement of all buildings by the Administrator under this subchapter. Construction, rehabilitation, alteration, and improvement of any project by non-Federal Government sources is subject to the District of Columbia Official Code and zoning regulations.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1198.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
6715	40:878.	Pub. L. 92–578, § 9, Oct. 27, 1972, 86 Stat. 1273.

In subsection (b), the word ''reconstructing'' is omitted as unnecessary.

REFERENCES IN TEXT

The Pennsylvania Avenue Development Corporation Act of 1972, referred to in subsec. (a), is Pub. L. 92–578, Oct. 27, 1972, 86 Stat. 1266, as amended, which was classified to chapter 19 (§ 871 et seq.) of former Title 40, Public Buildings, Property, and Works, prior to repeal and reenactment as section 6701 of this title and this subchapter by Pub. L. 107–217, §§ 1, 6(b), Aug. 21, 2002, 116 Stat. 1062, 1304. For complete classification of this Act to the Code, see Tables.

§ 6716. Reports

(a) REPORTS TO PRESIDENT AND CONGRESS.—The Administrator of General Services shall transmit comprehensive and detailed reports of the Administrator's operations, activities, and accomplishments under this subchapter to the President and Congress. The Administrator shall transmit a report to the President each January and to the President and Congress at other times that the Administrator considers desirable.

(b) PROTECTION AND ENHANCEMENT OF SIGNIFICANT HISTORIC AND ARCHITECTURAL VALUES.—A report under subsection (a) shall include a detailed discussion of the actions the Administrator has taken in the reporting period to protect and enhance the significant historic and architectural values of structures within the boundaries of the Administrator's jurisdiction under this subchapter and shall indicate similar actions the Administrator plans to take and issues the Administrator anticipates dealing with during the upcoming fiscal year related to historic and architectural preservation. The report shall indicate the degree to which public concern has been considered and incorporated into decisions the Administrator made relative to historic and architectural preservation.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1198.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
6716(a)	40:880(a).	Pub. L. 92–578, §11(a), Oct. 27, 1972, 86 Stat. 1274; Pub. L. 98–141, §8(d), Oct. 31, 1983, 97 Stat. 910.
	40:880(b).	Pub. L. 92–578, §11(b), (c), as added Pub. L. 98–141, §8(d), Oct. 31, 1983, 97 Stat. 910.
6716(b)	40:880(c).	

In subsection (a), the text of 40:880(b) is omitted as obsolete. The requirement that a report be transmitted to Congress each January is eliminated pursuant to section 3003 of the Federal Reports Elimination and Sunset Act of 1995 (31 U.S.C. 1113 note). See, also, page 205 of House Document No. 103–7.

SUBCHAPTER III—FEDERAL TRIANGLE DEVELOPMENT

§ 6731. Definitions

In this subchapter—

(1) FEDERAL TRIANGLE DEVELOPMENT AREA.—The term ''Federal Triangle development area'' means the area bounded as follows:

Beginning at a point on the southwest corner of the intersection of Fourteenth Street and Pennsylvania Avenue (formerly E Street), Northwest;

thence south along the western side of Fourteenth Street to the northwest corner of the intersection of Fourteenth Street and Constitution Avenue, Northwest;

thence east along the northern side of Constitution Avenue to the northeast corner of the intersection of Twelfth Street and Constitution Avenue, Northwest;

thence north along the eastern side of Twelfth Street and Constitution Avenue, Northwest;

thence north along the eastern side of Twelfth Street to the southeast corner of the intersection of Twelfth Street and Pennsylvania Avenue, Northwest;

thence west along the southern side of Pennsylvania Avenue to the point of beginning.

(2) FEDERAL TRIANGLE PROPERTY.—The term ''Federal Triangle property'' means—

(A) the property owned by the Federal Government in the District of Columbia, known as the ''Great Plaza'' site, which consists of squares 256, 257, 258, parts of squares 259 and 260, and adjacent closed rights-of-way as shown on plate IV of the King Plats of 1803 located in the Office of the Surveyor of the District of Columbia; and

(B) except for purposes of section 6733(a) of this title, any property the Pennsylvania Avenue Development Corporation acquired under section 3(b) of the Federal Triangle Development Act (Public Law 100–113, 101 Stat. 736).

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1198.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
6731	40:1109.	Pub. L. 100–113, §10, Aug. 21, 1987, 101 Stat. 747.

In this section, the text of 40:1109(1)–(3) is omitted as unnecessary because the complete names of the Administrator of General Services, International Cultural and Trade Center Commission, and Pennsylvania Avenue Development Corporation are used the first time the terms appear in a section.

In paragraph (1), the words ''being the southwest corner of the intersection of Fourteenth Street and Pennsylvania Avenue (formerly E Street), Northwest'' are omitted as unnecessary.

REFERENCES IN TEXT

Section 3(b) of the Federal Triangle Development Act, referred to in par. (2)(B), was classified to section 1102(b) of former Title 40, Public Buildings, Property, and Works, prior to repeal by Pub. L. 107–217, §6(b), Aug. 21, 2002, 116 Stat. 1304.

DESIGNATION OF DANIEL PATRICK MOYNIHAN PLACE

Pub. L. 106–567, title III, §310, Dec. 27, 2000, 114 Stat. 2841, designated as ''Daniel Patrick Moynihan Place'' a parcel of land located in Woodrow Wilson Plaza in the northwest quadrant of Washington, District of Columbia, directed the Administrator of General Services to erect appropriate gateways or other markers to denote that place, and provided that any reference in a law, map, regulation, document, paper, or other record of the United States to that parcel of land was to be deemed to be a reference to Daniel Patrick Moynihan Place.

DESIGNATION OF WOODROW WILSON PLAZA

Pub. L. 103–284, Aug. 1, 1994, 108 Stat. 1448, provided: ''That the plaza to be constructed on the Federal Triangle property in Washington, DC as part of the development of such site pursuant to the Federal Triangle Development Act (Public Law 100–113) [now 40 U.S.C. 6731 et seq.] shall be known and designated as the 'Woodrow Wilson Plaza'.''

DESIGNATION OF ANDREW W. MELLON AUDITORIUM

Pub. L. 100–113, §9, Aug. 21, 1987, 101 Stat. 746, provided that:

''(a) The Departmental Auditorium, located on the Federal Triangle between the Custom Service building and Interstate Commerce Commission building on Con-

stitution Avenue, shall on and after August 21, 1987, be known and designated as the 'Andrew W. Mellon Auditorium'.

''(b) Any reference in any law, regulation, document, record, map or other paper of the United States to the auditorium referred to in subsection (a) of this section is deemed to be a reference to the 'Andrew W. Mellon Auditorium'.''

§ 6732. Federal Triangle development area

The Federal Triangle development area is deemed to be part of the development area described in section 6711 of this title. The Administrator of General Services has the same authority over the Federal Triangle development area as over the development area described in section 6711.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1199.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
6732	40:1104(g).	Pub. L. 100–113, § 5(g), Aug. 21, 1987, 101 Stat. 739.

The words ''For purposes of the Pennsylvania Avenue Development Corporation Act of 1972 (other than section 5)'' are omitted as unnecessary and obsolete. The words ''Administrator of General Services'' are substituted for ''Corporation'' to reflect the transfer of the responsibilities of the Pennsylvania Avenue Development Corporation. See section 6702 of the revised title.

§ 6733. Federal Triangle property

(a) TITLE.—Title to the Federal Triangle property reverts to the Administrator of General Services not later than the date on which ownership of the Ronald Reagan Building and International Trade Center vests in the Federal Government.

(b) NONAPPLICABILITY OF CERTAIN LAWS.—

(1) BUILDING PERMITS AND INSPECTION.—For purposes of development of the Federal Triangle property, the person selected to develop the property is not subject to any state or local law relating to building permits and inspection.

(2) TAXES AND ASSESSMENTS.—The property and improvements to the property are not subject to real and personal property taxation or to special assessments.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1199.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
6733(a)	40:1102(a)(2) (1st sentence).	Pub. L. 100–113, §§ 3(a)(2) (1st sentence), 5(f), Aug. 21, 1987, 101 Stat. 736, 739.
6733(b)	40:1104(f).	

In subsection (a), the words ''at such time as the Administrator and the Corporation agree but'' are omitted as obsolete. The Corporation transferred its rights, title, and interest in all property to the General Services Administration on April 1, 1996. The words ''Ronald Reagan Building and International Trade Center'' are substituted for ''building to be constructed on such property under section 1104 of this title'' because of section 2 of the Act of December 22, 1995 (Public Law 104–68, 109 Stat. 766).

§ 6734. Ronald Reagan Building and International Trade Center

(a) ESTABLISHMENT AND DESIGNATION.—The building constructed on the Federal Triangle property shall be known and designated as the Ronald Reagan Building and International Trade Center.

(b) TITLE.—The person selected to develop the Federal Triangle property may own the Building for not more than 35 years from the date construction of the Building began. The title to the Building shall be in the Administrator of General Services from the date title to the Federal Triangle property reverts to the Administrator.

(c) LIMITATIONS.—

(1) SIZE OF BUILDING.—The Building (including parking facilities) may not exceed 3,100,000 gross square feet in size.

(2) HEIGHT OF BUILDING.—The height of the Building shall be compatible with the height of surrounding Federal Government buildings.

(3) DESIGN.—The Building shall—

(A) be designed in harmony with historical and Government buildings in the vicinity;

(B) reflect the symbolic importance and historic character of Pennsylvania Avenue and the Nation's Capital; and

(C) represent the dignity and stability of the Government.

(d) CONSTRUCTION STANDARDS.—The Building shall meet all standards applicable to construction of a federal building.

(e) ACCOUNTING SYSTEM.—The Administrator shall maintain an accounting system for operation and maintenance of the Building which will allow accurate projections of the dates and cost of major repairs, improvements, reconstructions, and replacements of the Building and other capital expenditures on the Building. The Administrator shall act as necessary to ensure that amounts are available to cover the projected cost and expenditures.

(f) LEASE OF BUILDING.—

(1) LEASE AGREEMENT.—Under an agreement with the person selected to construct the Ronald Reagan Building and International Trade Center, the Administrator shall lease the Building for federal office space and the international cultural and trade center space.

(2) MINIMUM REQUIREMENTS OF LEASE AGREEMENT.—The agreement includes at a minimum the following:

(A) LIMIT ON LENGTH OF LEASE.—The Administrator will lease the Building for the period of time that the person selected to construct the Building owns the Building.

(B) RENTAL RATE.—The rental rate per square foot of occupiable space for all space in the Building will be in the best interest of the Government and will carry out the objectives of this subchapter and the Federal Triangle Development Act (Public Law 100–113, 101 Stat. 735). The aggregate rental rate for all space in the Building shall produce an amount at least equal to the amount necessary to amortize the cost of development of the Federal Triangle property over the life of the lease.

(C) OBLIGATION OF AMOUNTS.—Obligation of amounts from the Federal Building Fund

shall only be made on an annual basis to meet lease payments.

(3) AUTHORIZATION TO OBLIGATE AMOUNTS.—Amounts may be obligated as described in paragraph (2)(C).

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1199.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
6734(a)	40:1101 note.	Pub. L 104–68, §1, Dec. 22, 1995, 109 Stat. 766.
6734(b)	40:1102(a)(2) (last sentence).	Pub. L. 100–113, §§3(a)(2) (last sentence), 4(b), 5(b)(2)(B), (d), 6, Aug. 21, 1987, 101 Stat. 736, 737, 739, 740.
	40:1104(b)(2)(B).	
6734(c)	40:1103(b).	
6734(d)	40:1104(d).	
6734(e)	40:1105(c).	
6734(f)(1)	40:1105(a).	
6734(f)(2)	40:1105(b).	
6734(f)(3)	40:1105(d).	

In subsection (b), the words ''Ownership of such property and building will be by the United States'' in 40:1104(b)(2)(B) are omitted as unnecessary.

In subsection (d), the text of 40:1104(d) (last sentence) is omitted as obsolete.

Subsection (f)(1) is substituted for 40:1105(a) to eliminate obsolete words.

In subsection (f)(2), the text of 40:1105(b)(4) is omitted as obsolete.

Subsection (f)(3) is substituted for 40:1105(d) to eliminate unnecessary words.

REFERENCES IN TEXT

The Federal Triangle Development Act, referred to in subsec. (f)(2)(B), is Pub. L. 100–113, Aug. 21, 1987, 101 Stat. 735, as amended, which was classified to chapter 22 (§1101 et seq.) of former Title 40, Public Buildings, Property, and Works, prior to repeal, omission, and reenactment as this subchapter by Pub. L. 107–217, §§1, 6(b), Aug. 21, 2002, 116 Stat. 1062, 1304. For complete classification of this Act to the Code, see Tables.

REFERENCE TO RONALD REAGAN BUILDING AND INTERNATIONAL TRADE CENTER

Pub. L. 104–68, §2, Dec. 22, 1995, 109 Stat. 766, provided that: ''Any reference in a law, map, regulation, document, paper, or other record of the United States to the building referred to in section 1 [now 40 U.S.C. 6734(a)] shall be deemed to be a reference to the 'Ronald Reagan Building and International Trade Center'.''

CHAPTER 69—UNION STATION REDEVELOPMENT

SUBCHAPTER I—UNION STATION COMPLEX

Sec.
6901. Definition.
6902. Assignment of right, title, and interest in the Union Station complex to the Secretary of Transportation.
6903. Agreements and contracts.
6904. Acquisition, maintenance, and use of property.
6905. Service on board of directors of Union Station Redevelopment Corporation.
6906. Union Station Fund.
6907. Use of other appropriated amounts.
6908. Parking facility.
6909. Supplying steam or chilled water to Union Station complex.
6910. Authorization of appropriations.

SUBCHAPTER II—NATIONAL VISITOR FACILITIES ADVISORY COMMISSION

6921. Establishment, composition, and meetings.
6922. Duties.
6923. Compensation and expenses.
6924. Reports and recommendations.

SUBCHAPTER I—UNION STATION COMPLEX

§ 6901. Definition

In this subchapter, the term ''Union Station complex'' means real property, air rights, and improvements the Secretary of the Interior leased under sections 101–110 of the National Visitors Center Facilities Act of 1968 (Public Law 90–264, 82 Stat. 43) and property acquired and improvements made in accordance with this subchapter.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1201.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
6901	40:811(a) (last sentence).	Pub. L. 90–264, title I, §111(a) (last sentence), as added Pub. L. 97–125, §3(3), Dec. 29, 1981, 95 Stat. 1668.

REFERENCES IN TEXT

Sections 101–110 of the National Visitors Center Facilities Act of 1968, referred to in text, are sections 101 to 110 of Pub. L. 90–264, title I, Mar. 12, 1968, 82 Stat. 43–45, which were classified principally to part A (§801 et seq.) of subchapter I of chapter 18 of former Title 40, Public Buildings, Property, and Works, prior to repeal by Pub. L. 107–217, §6(b), Aug. 21, 2002, 116 Stat. 1304. Section 104 of the Act was classified as a note under section 804 of former Title 40 prior to repeal by Pub. L. 107–217. Section 108 of the Act was not classified to the Code.

SALE OF AIR RIGHTS

Pub. L. 105–33, title IX, §9102, Aug. 5, 1997, 111 Stat. 670, provided that:

''(a) IN GENERAL.—Notwithstanding any other provision of law, the Administrator of General Services shall sell, at fair market value and in a manner to be determined by the Administrator, the air rights adjacent to Washington Union Station described in subsection (b), including air rights conveyed to the Administrator under subsection (d). The Administrator shall complete the sale by such date as is necessary to ensure that the proceeds from the sale will be deposited in accordance with subsection (c).

''(b) DESCRIPTION.—The air rights referred to in subsection (a) total approximately 16.5 acres and are depicted on the plat map of the District of Columbia as follows:

''(1) Part of lot 172, square 720.

''(2) Part of lots 172 and 823, square 720.

''(3) Part of lot 811, square 717.

''(c) PROCEEDS.—Before September 30, 2002, proceeds from the sale of air rights under subsection (a) shall be deposited in the general fund of the Treasury and credited as miscellaneous receipts.

''(d) CONVEYANCE OF AMTRAK AIR RIGHTS.—

''(1) GENERAL RULE.—As a condition of future Federal financial assistance, Amtrak shall convey to the Administrator of General Services on or before December 31, 1997, at no charge, all of the air rights of Amtrak described in subsection (b).

''(2) FAILURE TO COMPLY.—If Amtrak does not meet the condition established by paragraph (1), Amtrak shall be prohibited from obligating Federal funds after March 1, 1998.''

CAPITOL GROUNDS; ERECTION OF FLAGPOLES AND IMPROVEMENT OF TRAFFIC

Pub. L. 94–320, June 25, 1976, 90 Stat. 711, authorized the Secretary of the Interior, upon approval and sub-

ject to conditions of the Architect of the Capitol, in the portion of the United States Capitol Grounds in close proximity to the sidewalks abutting the circular perimeter of the Union Station Plaza in front of Columbus Plaza and the National Visitor Center, to erect and maintain flagpoles to fly the flags of each of the States of the United States and its territories and possessions, and to enter into an agreement with the appropriate officials of the District of Columbia to permit the District of Columbia to use certain areas of the United States Capitol Grounds to make certain street changes to coordinate and improve the flow of traffic in and around the United States Capitol Grounds, the National Visitor Center (formerly Union Station), and Union Station Plaza.

§ 6902. Assignment of right, title, and interest in the Union Station complex to the Secretary of Transportation

The Secretary of Transportation has the right, title, and interest in and to the Union Station complex, including all agreements and leases made under sections 101–110 of the National Visitors Center Facilities Act of 1968 (Public Law 90–264, 82 Stat. 43). To the extent the Secretary of Transportation and the Secretary of the Interior agree, the Secretary of the Interior may lease space for visitor services.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1201.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
6902	40:811(a) (1st, 2d sentences).	Pub. L. 90–264, title I, § 111(a) (1st, 2d sentences), as added Pub. L. 97–125, § 3(3), Dec. 29, 1981, 95 Stat. 1668.

This section is substituted for the text of 40:811(a) (1st, 2d sentences) to eliminate obsolete words.

REFERENCES IN TEXT

Sections 101–110 of the National Visitors Center Facilities Act of 1968, referred to in text, are sections 101 to 110 of Pub. L. 90–264, title I, Mar. 12, 1968, 82 Stat. 43–45, which were classified principally to part A (§ 801 et seq.) of subchapter I of chapter 18 of former Title 40, Public Buildings, Property, and Works, prior to repeal by Pub. L. 107–217, § 6(b), Aug. 21, 2002, 116 Stat. 1304. Section 104 of the Act was classified as a note under section 804 of former Title 40 prior to repeal by Pub. L. 107–217. Section 108 of the Act was not classified to the Code.

§ 6903. Agreements and contracts

The Secretary of Transportation may make agreements and contracts, except an agreement or contract to sell property rights at the Union Station complex, with a person, a federal, regional, or local agency, or the Architect of the Capitol that the Secretary considers necessary or desirable to carry out the purposes of this subchapter.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1201.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
6903	40:815(d).	Pub. L. 90–264, title I, § 115(d), as added Pub. L. 97–125, § 3(3), Dec. 29, 1981, 95 Stat. 1671.

The words ''corporations, financial institutions'' are omitted as included in ''person''. The text of 40:815(d) (last sentence) is omitted as obsolete.

§ 6904. Acquisition, maintenance, and use of property

(a) ACQUISITION.—The Secretary of Transportation may acquire for the Federal Government an interest in real property (including easements or reservations) and any other property interest (including contract rights) in or relating or adjacent to the Union Station complex that the Secretary considers necessary to carry out the purposes of this subchapter.

(b) MAINTENANCE AND USE.—The Secretary may maintain, use, operate, manage, and lease, either directly, by contract, or through development agreements, any property interest the Secretary holds or acquires for the Government under this subchapter in the manner and subject to the terms, conditions, covenants, and easements that the Secretary considers necessary or desirable to carry out the purposes of this subchapter.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1201.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
6904(a)	40:816(a)(1).	Pub. L. 90–264, title I, § 116(a)(1), (b), as added Pub. L. 97–125, § 3(3), Dec. 29, 1981, 95 Stat. 1671.
6904(b)	40:816(b).	

In subsection (a), the words ''by lease, purchase, or otherwise'', ''without limitation'', and ''interests in the nature of'' are omitted as unnecessary.

In subsection (b), the words ''Notwithstanding any other provision of law'' are omitted as unnecessary.

§ 6905. Service on board of directors of Union Station Redevelopment Corporation

To further the rehabilitation, redevelopment, and operation of the Union Station complex, the Secretary of Transportation and the Administrator of the Federal Railroad Administration may serve as ex officio members of the board of directors of the Union Station Redevelopment Corporation.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1202.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
6905	40:819a.	Pub. L. 90–264, title I, § 120, as added Pub. L. 105–178, title I, § 1211(b), June 9, 1998, 112 Stat. 188.

The words ''or their designees'' are omitted because of 49:322(b).

§ 6906. Union Station Fund

(a) ESTABLISHMENT.—There is a special deposit account in the Treasury known as the ''Union Station Fund'', which shall be administered as a revolving fund.

(b) CONTENT.—The account shall be credited with receipts of the Secretary of Transportation from activities authorized by this subchapter.

(c) USE OF AMOUNTS.—The Secretary may use income and proceeds received from activities au-

thorized by this subchapter, including operating and leasing income and payments made to the Federal Government under development agreements, to pay expenses the Secretary incurs in carrying out the purposes of this subchapter, including construction, acquisition, leasing, operation, and maintenance expenses and payments made to developers under development agreements.

(d) AVAILABILITY OF AMOUNTS.—The balance in the account is available in amounts specified in annual appropriation laws for making expenditures authorized by this subchapter.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1202.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
6906(a)	40:817(b) (1st sentence).	Pub. L. 90–264, title I, § 117, as added Pub. L. 97–125, § 3(3), Dec. 29, 1981, 95 Stat. 1671.
6906(b)	40:817(b) (last sentence words before ''and the balance'').	
6906(c)	40:817(a).	
6906(d)	40:817(b) (last sentence words after ''activities authorized by this part'').	

In subsection (c), the words ''without limitation'' are omitted as unnecessary.

§ 6907. Use of other appropriated amounts

(a) WAIVER OF COST SHARING REQUIREMENT.—The Secretary of Transportation may use amounts appropriated under section 24909(a)(2)(A) of title 49 to carry out the purposes of this subchapter.

(b) BAN ON USING AMOUNTS FOR HELIPORT.—Amounts appropriated under section 24909 of title 49 may not be used for design, construction, or operation of a heliport at or near Union Station.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1202.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
6907(a)	40:819(c) (1st sentence).	Pub. L. 90–264, title I, § 119(c), as added Pub. L. 97–125, § 3(3), Dec. 29, 1981, 95 Stat. 1672.
6907(b)	40:819(c) (last sentence).	

In subsection (a), the words ''section 24909(a)(2)(A) of title 49'' are substituted for ''section 704(a)(2) of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 854(a)(2))'', and the words ''section 24902(c)(1) of title 49'' are substituted for ''section 703(1)(B) of such Act (45 U.S.C. 853(1)(B))'', because of section 6(b) of the Act of July 5, 1994 (Public Law 103–272, 108 Stat. 1378), the first section of which enacted Title 49, United States Code. The words ''without regard to the matching funds requirement of section 24902(c)(1) of title 49'' are omitted as obsolete because section 405(b) of the Amtrak Reform and Accountability Act of 1997 (Public Law 105–134, 111 Stat. 2586) struck out subsection (c) and redesignated subsection (f) as subsection (c).

In subsection (b), the words ''section 24909 of title 49'' are substituted for ''section 704(a) of such Act'' because of section 6(b) of the Act of July 5, 1994 (Public Law 103–272, 108 Stat. 1378), the first section of which enacted title 49, United States Code.

§ 6908. Parking facility

(a) TITLE.—The Federal Government has the right, title, and interest in and to the parking facility at Union Station.

(b) FEES.—The rate of fees charged for use of the facility may exceed the rate required for maintenance and operation of the facility. The rate shall be established in a manner that encourages use of the facility by rail passengers and participants in activities in the Union Station complex and area.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1202.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
6908(a)	40:818(a), (b) (1st, 2d sentences).	Pub. L. 90–264, title I, § 118, as added Pub. L. 97–125, § 3(3), Dec. 29, 1981, 95 Stat. 1672.
6908(b)	40:818(b) (last sentence).	

In subsection (a), the text of 40:818(a) and (b) (1st sentence) is omitted as obsolete.

§ 6909. Supplying steam or chilled water to Union Station complex

The Architect of the Capitol may make agreements with the Secretary of Transportation to furnish steam, chilled water, or both from the Capitol Power Plant to the Union Station complex, at no expense to the legislative branch.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1202.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
6909	40:819(d).	Pub. L. 90–264, title I, § 119(d), as added Pub. L. 97–125, § 3(3), Dec. 29, 1981, 95 Stat. 1672.

The words ''or his designee or assign'' are omitted because of 49:322(b)

§ 6910. Authorization of appropriations

Amounts necessary to meet lease and other obligations, including maintenance requirements, incurred by the Secretary of the Interior and assigned to the Secretary of Transportation under this subchapter may be appropriated to the Secretary of Transportation.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1202.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
6910	40:813(a).	Pub. L. 90–264, title I, § 113(a), as added Pub. L. 97–125, § 3(3), Dec. 29, 1981, 95 Stat. 1669.

In this section, the text of 40:813(a) (last sentence) is omitted as obsolete.

SUBCHAPTER II—NATIONAL VISITOR FACILITIES ADVISORY COMMISSION

§ 6921. Establishment, composition, and meetings

(a) ESTABLISHMENT.—There is a National Visitor Facilities Advisory Commission.

(b) COMPOSITION.—

(1) MEMBERSHIP.—The Commission is composed of—

(A) the Secretary of the Interior;

(B) the Administrator of General Services;

(C) the Secretary of the Smithsonian Institution;

(D) the Chairman of the National Capital Planning Commission;

(E) the Chairman of the Commission of Fine Arts;

(F) six Members of the Senate, three from each party, to be appointed by the President of the Senate;

(G) six Members of the House of Representatives, three from each party, to be appointed by the Speaker of the House of Representatives; and

(H) three individuals appointed by the President, at least two of whom shall not be officers of the Federal Government, and one member of whom shall be a representative of the District of Columbia government.

(2) CHAIRMAN.—The Secretary of the Interior serves as the Chairman of the Commission.

(3) SERVICE OF NON-FEDERAL MEMBERS.—Nonfederal members serve at the pleasure of the President.

(c) MEETINGS.—The Commission shall meet at the call of the Chairman.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1203.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
6921(a)	40:821 (related to creation).	Pub. L. 90–264, title II, §§ 201 (related to creation), 202(a), Mar. 12, 1968, 82 Stat. 45.
6921(b)(1)	40:822(a) (1st sentence).	
6921(b)(2)	40:822(a) (3d sentence).	
6921(b)(3)	40:822(a) (2d sentence).	
6921(c)	40:822(a) (last sentence).	

TERMINATION OF ADVISORY COMMISSIONS

Advisory commissions established after Jan. 5, 1973, to terminate not later than the expiration of the 2-year period beginning on the date of their establishment, unless, in the case of a commission established by the President or an officer of the Federal Government, such commission is renewed by appropriate action prior to the expiration of such 2-year period, or in the case of a commission established by the Congress, its duration is otherwise provided by law. See sections 3(2) and 14 of Pub. L. 92–463, Oct. 6, 1972, 86 Stat. 776, set out in the Appendix to Title 5, Government Organization and Employees.

§ 6922. Duties

(a) IN GENERAL.—The National Visitor Facilities Advisory Commission shall—

(1) conduct continuing investigations and studies of sites and plans to provide additional facilities and services for visitors and students coming to the Nation's Capital; and

(2) advise the Secretary of the Interior and the Administrator of General Services on the planning, construction, acquisition, and operation of those visitor facilities.

(b) STAFF AND FACILITIES.—The Director of the National Park Service, in consultation with the Administrator, shall provide the necessary staff and facilities to assist the Commission in carrying out its duties under this subchapter.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1203.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
6922(a)	40:821 (related to duties).	Pub. L. 90–264, title II, §§ 201 (related to duties), 202(c), Mar. 12, 1968, 82 Stat. 45.
6922(b)	40:822(c).	

In subsection (a), the text of 40:821(1) is omitted as obsolete because there is no National Visitors Center.

§ 6923. Compensation and expenses

Members of the National Visitor Facilities Advisory Commission who are not officers or employees of the Federal Government or the government of the District of Columbia are entitled to receive compensation under section 3109 of title 5 and expenses under section 5703 of title 5.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1203.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
6923	40:822(b).	Pub. L. 90–264, title II, § 202(b), Mar. 12, 1968, 82 Stat. 45.

The words ''expenses under section 5703 of title 5'' are substituted for ''travel expenses including per diem in lieu of subsistence as authorized by section 5703 of title 5 for persons in the government service employed intermittently'' to eliminate unnecessary words.

§ 6924. Reports and recommendations

The National Visitor Facilities Advisory Commission shall report to the Secretary of the Interior and the Administrator of General Services the results of its studies and investigations. A report recommending additional facilities for visitors shall include the Commission's recommendations as to sites for the facilities to be provided, preliminary plans, specifications, and architectural drawings for the facilities, and the estimated cost of the recommended sites and facilities.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1203.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
6924	40:823.	Pub. L. 90–264, title II, § 203, Mar. 12, 1968, 82 Stat. 46.

The words ''from time to time'' are omitted as unnecessary. The word ''reviews'' is omitted as obsolete because the review is a continuing review of the National Visitors Center and there is no National Visitors Center. The words ''site or'' are omitted because of 1:1.

PART D—PUBLIC BUILDINGS, GROUNDS, AND PARKS IN THE DISTRICT OF COLUMBIA

CHAPTER 81—ADMINISTRATIVE

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Sec.
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SUBCHAPTER I—GENERAL

§ 8101. Supervision of public buildings and grounds in District of Columbia not otherwise provided for by law

(a) IN GENERAL.—Under regulations the President prescribes, the Administrator of General Services shall have charge of the public buildings and grounds in the District of Columbia, except those buildings and grounds which otherwise are provided for by law.

(b) NOTICE OF UNLAWFUL OCCUPANCY.—If the Administrator, or the officer under the direction of the Administrator who is in immediate charge of those public buildings and grounds, decides that an individual is unlawfully occupying any part of that public land, the Administrator or officer in charge shall notify the United States marshal for the District of Columbia in writing of the unlawful occupation.

(c) EJECTION OF TRESPASSER.—The marshal shall have the trespasser ejected from the public land and shall restore possession of the land to the officer charged by law with the custody of the land.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1204.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
8101	40:19.	R.S. § 1797; Apr. 28, 1902, ch. 594, [§]1 (6th par. on p. 152), 32 Stat. 152.

In this chapter, the words ''Administrator of General Services'' are substituted for ''Chief of Engineers'' [subsequently changed to ''Director of Public Buildings and Public Parks of the National Capital'' because of section 3 of the Act of February 26, 1925 (ch. 339, 43 Stat. 983), ''Director of the National Park Service'' because of section 2 of Executive Order No. 6166 (eff. June 10, 1933) and the Act of March 2, 1934 (ch. 38, 48 Stat. 389), and ''Public Buildings Administrator'' because of sections 301 and 303 of Reorganization Plan No. I of 1939 (eff. July 1, 1939, 53 Stat. 1426, 1427)] because of section 103(a) of the Federal Property and Administrative Services Act of 1949 (ch. 288, 63 Stat. 380), which is restated as section 303(c) [303(b)] of the revised title.

In subsection (a), the words ''through the War Department'' in section 1797 of the Revised Statutes are omitted because of section 3 of the Act of February 26, 1925 (ch. 339, 43 Stat. 983).

In subsection (b), the words ''If the Administrator . . . decides'' are substituted for ''when it shall be made to appear to the said Administrator'' for clarity. The words ''in the District of Columbia'' are omitted as unnecessary. The words ''the Administrator and the officer in charge'' are substituted for ''the officer in charge'' for clarity.

§ 8102. Protection of Federal Government buildings in District of Columbia

The Attorney General and the Secretary of the Treasury may prohibit—

(1) a vehicle from parking or standing on a street or roadway adjacent to a building in the District of Columbia—

(A) at least partly owned or possessed by, or leased to, the Federal Government; and

(B) used by law enforcement authorities subject to their jurisdiction; and

(2) a person or entity from conducting business on property immediately adjacent to a building described in paragraph (1).

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1205.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
8102	40:137.	Pub. L. 104–132, title VIII, § 803, Apr. 24, 1996, 110 Stat. 1305.

§ 8103. Application of District of Columbia laws to public buildings and grounds

(a) APPLICATION OF LAWS.—Laws and regulations of the District of Columbia for the protection of public or private property and the preservation of peace and order are extended to all public buildings and public grounds belonging to the Federal Government in the District of Columbia.

(b) PENALTIES.—A person shall be fined under title 18, imprisoned for not more than six months, or both if the person—

(1) is guilty of disorderly and unlawful conduct in or about those public buildings or public grounds;

(2) willfully injures the buildings or shrubs;

(3) pull downs, impairs, or otherwise injures any fence, wall, or other enclosure;

(4) injures any sink, culvert, pipe, hydrant, cistern, lamp, or bridge; or

(5) removes any stone, gravel, sand, or other property of the Government, or any other part of the public grounds or lots belonging to the Government in the District of Columbia.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1205.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
8103	40:101.	July 29, 1892, ch. 320, § 15, 27 Stat. 325; Pub. L. 90–108, § 2, Oct. 20, 1967, 81 Stat. 277.

In subsection (b), the word ''enclosure'' is substituted for ''inclosure'' to use the more understood term.

§ 8104. Regulation of private and semipublic buildings adjacent to public buildings and grounds

(a) FACTORS FOR DEVELOPMENT.—In view of the provisions of the Constitution respecting the establishment of the seat of the National Government, the duties it imposed on Congress in connection with establishing the seat of the National Government, and the solicitude shown and the efforts exerted by President Washington in the planning and development of the Capital City, the development should proceed along the lines of good order, good taste, and with due regard to the public interests involved, and a reasonable degree of control should be exercised over the architecture of private or semipublic buildings adjacent to public buildings and grounds of major importance.

(b) SUBMISSION OF APPLICATION TO COMMISSION OF FINE ARTS.—The Mayor of the District of Columbia shall submit to the Commission of Fine Arts an application for a permit to erect or alter any building, a part of which fronts or abuts on the grounds of the Capitol, the grounds of the White House, the part of Pennsylvania Avenue extending from the Capitol to the White House, Lafayette Park, Rock Creek Park, the Zoological Park, the Rock Creek and Potomac Parkway, Potomac Park, or The Mall Park System and public buildings adjacent to the System, or abuts on any street bordering any of those grounds or parks, so far as the plans relate to height and appearance, color, and texture of the materials of exterior construction.

(c) REPORT TO MAYOR.—The Commission shall report promptly its recommendations to the Mayor, including any changes the Commission decides are necessary to prevent reasonably avoidable impairment of the public values belonging to the public building or park. If the Commission fails to report its approval or disapproval of a plan within 30 days, the report is deemed approved and a permit may be issued.

(d) ACTION BY THE MAYOR.—The Mayor shall take action the Mayor decides is necessary to effect reasonable compliance with the recommendation under subsection (c).

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1205; Pub. L. 109–284, § 6(22), Sept. 27, 2006, 120 Stat. 1213.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
8104	40:121.	May 16, 1930, ch. 291, § 1, 46 Stat. 366; July 31, 1939, ch. 400, 53 Stat. 1144.

In this chapter, the word ''Mayor'' is substituted for ''Commissioners'' [meaning the Board of Commissioners of the District of Columbia] [subsequently changed to ''Commissioner'' (meaning the Commissioner of the District of Columbia) because of section 401 of Reorganization Plan No. 3 of 1967 (eff. Nov. 3, 1967, 81 Stat. 951)] because of section 421 of the District of Columbia Home Rule Act (Public Law 93–198, 87 Stat. 789).

In subsection (a), the words ''it is hereby declared that'' are omitted as unnecessary.

In subsection (b), the words ''To this end, hereafter'' are omitted as unnecessary.

AMENDMENTS

2006—Subsec. (b). Pub. L. 109–284 substituted ''Commission of Fine Arts'' for ''Commission on Fine Arts''.

§ 8105. Approval by Administrator of General Services

Subject to applicable provisions of existing law relating to the functions in the District of Columbia of the National Capital Planning Commission and the Commission of Fine Arts, only the Administrator of General Services is required to approve sketches, plans, and estimates for buildings to be constructed by the Administrator, except that the Administrator and the United States Postal Service must approve buildings designed for post office purposes.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1206; Pub. L. 109–284, § 6(23), Sept. 27, 2006, 120 Stat. 1213.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
8105	40:128.	June 14, 1946, ch. 404, § 8, 60 Stat. 258.

The words ''On and after June 14, 1946'' are omitted as obsolete. The words ''National Capital Planning Commission'' are substituted for ''National Capital Park and Planning Commission'' because of section 9 of the Act of June 6, 1924 (ch. 270), as added by section 1 of the Act of July 19, 1952 (ch. 949, 66 Stat. 790). See section 8711(f) of the revised title. The words ''Administrator of General Services'' are substituted for ''Commissioner of Public Buildings'' because of section 103(a) of the Federal Property and Administrative Services Act of 1949 (ch. 288, 63 Stat. 380), which is restated as section 303(c) [303(b)] of the revised title. The words ''constructed by the Administrator'' are substituted for ''constructed by the Public Buildings Administration'' [subsequently changed to ''constructed by the General Services Administration'' because of section 103(a)] because of section 101(b) of the Federal Property and Administrative Services Act of 1949 (ch. 288, 63 Stat. 379), which is restated as section 302(a) of the revised title. The words ''United States Postal Service'' are substituted for ''Postmaster General'' because of section 4(a) of the Postal Reorganization Act (Public Law 91–375, 84 Stat. 773).

AMENDMENTS

2006—Pub. L. 109–284 substituted ''post office'' for ''post-office''.

§ 8106. Buildings on reservations, parks, or public grounds

A building or structure shall not be erected on any reservation, park, or public grounds of the Federal Government in the District of Columbia without express authority of Congress.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1206.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
8106	40:68.	Aug. 24, 1912, ch. 355, § 1 (10th par. on p. 444), 37 Stat. 444.

The words ''On and after August 24, 1912'' are omitted as obsolete.

§ 8107. Advertisements and sales in or around Washington Monument

Except on the written authority of the Director of the National Park Service, advertisements of any kind shall not be displayed, and articles of any kind shall not be sold, in or around the Washington Monument.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1206.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
8107	40:43.	Mar. 4, 1909, ch. 299, § 1 (proviso in 2d par. on p. 997), 35 Stat. 997.

The words ''Director of the National Park Service'' are substituted for ''Secretary of War'' [subsequently changed to ''Director of Public Buildings and Public Parks of the National Capital['']] because of section 3 of the Act of February 26, 1925 (ch. 339, 43 Stat. 983)] because of section 2 of Executive Order No. 6166 (eff. June 10, 1933) and the Act of March 2, 1934 (ch. 38, 48 Stat. 389).

§ 8108. Use of public buildings for public ceremonies

Except as expressly authorized by law, public buildings in the District of Columbia (other than the Capitol Building and the White House), and the approaches to those public buildings, shall not be used or occupied in connection with ceremonies for the inauguration of the President or other public functions.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1206.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
8108	40:31.	Apr. 28, 1902, ch. 594, [§] 1 (last par. on p. 152), 32 Stat. 152.

The words ''in any manner whatever'' are omitted as unnecessary.

SUBCHAPTER II—JURISDICTION

§ 8121. Improper appropriation of streets

(a) AUTHORITY.—The Secretary of the Interior shall—

(1) prevent the improper appropriation or occupation of any public street, avenue, square, or reservation in the District of Columbia that belongs to the Federal Government;

(2) reclaim the street, avenue, square, or reservation if unlawfully appropriated;

(3) prevent the erection of any permanent building on property reserved to or for the use of the Government, unless plainly authorized by law; and

(4) report to Congress at the beginning of each session on the Secretary's proceedings in the premises, together with a full statement of all property described in this subsection, and how, and by what authority, the property is occupied or claimed.

(b) APPLICATION.—This section does not interfere with the temporary and proper occupation of any part of the property described in subsection (a), by lawful authority, for the legitimate purposes of the Government.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1206.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
8121	40:66.	R.S. § 1818.

In subsection (a)(1), the words ''the District of Columbia'' are substituted for ''the city of Washington'' for consistency in the revised title and with other titles of the United States Code.

In subsection (a)(3), the word ''particularly'' is omitted as unnecessary.

§ 8122. Jurisdiction over portion of Constitution Avenue

The Director of the National Park Service has jurisdiction over that part of Constitution Avenue west of Virginia Avenue that was under the control of the Commissioners of the District of Columbia prior to May 27, 1908.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1207.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
8122	40:64.	May 27, 1908, ch. 200, § 1 (1st complete par. on p. 356), 35 Stat. 356.

For transfer of functions from the Chief of Engineers to the Director of the National Park Service, see the revision note under section 8102 of this title. The words ''Constitution Avenue'' are substituted for ''B Street'' to reflect the current name.

§ 8123. Record of transfer of jurisdiction between Director of National Park Service and Mayor of District of Columbia

When in accordance with law or mutual legal agreement, spaces or portions of public land are transferred between the jurisdiction of the Director of the National Park Service, as established by the Act of July 1, 1898 (ch. 543, 30 Stat. 570), and the Mayor of the District of Columbia, the letters of transfer and acceptance exchanged between them are sufficient authority for the necessary change in the official maps and for record when necessary.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1207.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
8123	40:79.	July 1, 1898, ch. 543, §5, 30 Stat. 570.

For transfer of functions from the Chief of Engineers to the Director of the National Park Service, see the revision note under section 8102 of this title. The word ''Mayor'' is substituted for ''Commissioners'' [meaning the Board of Commissioners of the District of Columbia] [which subsequently should have been changed to ''Commissioner'' (meaning the Commissioner of the District of Columbia) rather than ''District of Columbia Council'' because of section 401 of Reorganization Plan No. 3 of 1967 (eff. Nov. 3, 1967, 81 Stat. 951)] because of section 421 of the District of Columbia Home Rule Act (Public Law 93–198, 87 Stat. 789).

REFERENCES IN TEXT

The Act of July 1, 1898, referred to in text, is act July 1, 1898, ch. 543, 30 Stat. 570, as amended, which enacted sections 60, 75, 78, 79, and 80 of former Title 40, Public Buildings, Property, and Works, and amended section 67 of former Title 40. Sections 60, 67, 75, 78, and 80 of former Title 40 have been omitted from the Code. Section 79 of former Title 40 was repealed and reenacted as this section by Pub. L. 107–217, §§1, 6(b), Aug. 21, 2002, 116 Stat. 1062, 1304. For complete classification of this Act to the Code, see Tables.

§ 8124. Transfer of jurisdiction between Federal and District of Columbia authorities

(a) TRANSFER OF JURISDICTION.—Federal and District of Columbia authorities administering properties in the District that are owned by the Federal Government or by the District may transfer jurisdiction over any part of the property among or between themselves for purposes of administration and maintenance under conditions the parties agree on. The National Capital Planning Commission shall recommend the transfer before it is completed.

(b) REPORT TO CONGRESS.—The District authorities shall report all transfers and agreements to Congress.

(c) CERTAIN LAWS NOT REPEALED.—Subsection (a) does not repeal any law in effect on May 20, 1932, which authorized the transfer of jurisdiction of certain land among and between federal and District authorities.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1207.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
8124(a), (b)	40:122.	May 20, 1932, ch. 197, §1, 47 Stat. 161; Aug. 30, 1954, ch. 1076, §(20), 68 Stat. 967.
8124(c)	40:123.	May 20, 1932, ch. 197, §2, 47 Stat. 162.

In subsection (a), the words ''National Capital Planning Commission'' are substituted for ''National Capital Park and Planning Commission'' because of section 9 of the Act of June 6, 1924 (ch. 270), as added by section 1 of the Act of July 19, 1952 (ch. 949, 66 Stat. 790). See section 8711(f) of the revised title.

In subsection (c), the words ''but all such laws shall remain in full force and effect'' are omitted as unnecessary.

§ 8125. Public spaces resulting from filling of canals

The Director of the National Park Service has jurisdiction over all public spaces resulting from the filling of canals in the original city of Washington that were not under the jurisdiction of the Chief of Engineers of the United States Army as of August 1, 1914, except spaces included in the navy yard or in actual use as roadways and sidewalks and spaces assigned by law to the District of Columbia for use as a property yard and the location of a sewage pumping station. The spaces shall be laid out as reservations as a part of the park system of the District of Columbia.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1207.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
8125	40:82.	Aug. 1, 1914, ch. 223, §1 (last par. on p. 633), 38 Stat. 633.

For transfer of functions from the Chief of Engineers to the Director of the National Park Service, see the revision note under section 8102 of this title. However, the words ''Chief of Engineers of the United States Army'' in the source provision are retained for historical purposes.

§ 8126. Temporary occupancy of Potomac Park by Secretary of Agriculture

(a) NOT MORE THAN 75 ACRES.—The Director of the National Park Service may allow the Secretary of Agriculture to temporarily occupy as a testing ground not more than 75 acres of Potomac Park not needed in any one season for reclamation or park improvement. The Secretary shall vacate the area at the close of any season on the request of the Director.

(b) CONTINUE AS PUBLIC PARK UNDER DIRECTOR.—This section does not change the essential character of the land used, which shall continue to be a public park under the charge of the Director.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1207.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
8126(a)	40:89 (words before provisos, 2d proviso).	Mar. 3, 1899, ch. 458, §2 (2d par.), 30 Stat. 1378.
8126(b)	40:89 (1st, last provisos).	

For transfer of functions from the Secretary of War to the Director of the National Park Service, see the revision note under section 8108 of this title.

In subsection (a), the words ''of such area or areas'' and ''in extent'' are omitted as unnecessary.

In subsection (b), the words ''as provided in section 86 of this title'' are omitted as obsolete.

§ 8127. Part of Washington Aqueduct for playground purposes

(a) JURISDICTION OF MAYOR.—The Mayor of the District of Columbia has possession, control, and jurisdiction of the land of the Washington Aqueduct adjacent to the Champlain Avenue pumping station and lying outside of the fence around the pumping station as it—

(1) existed on August 31, 1918; and

(2) was transferred by the Chief of Engineers for playground purposes.

(b) JURISDICTION OF SECRETARY OF THE ARMY NOT AFFECTED.—This section does not affect the

superintendence and control of the Secretary of the Army over the Washington Aqueduct and the rights, appurtenances, and fixtures connected with the Aqueduct.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1208.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
8127	40:100.	Aug. 31, 1918, ch. 164, § 1 (6th par., words before ''and over'' in last par. under heading ''Washington Aqueduct.''), 40 Stat. 951.

In this section, the word ''Mayor'' is substituted for ''Commissioners'' [meaning the Board of Commissioners of the District of Columbia] [subsequently changed to ''Commissioner'' [meaning the Commissioner of the District of Columbia] because of section 401 of Reorganization Plan No. 3 of 1967 (eff. Nov. 3, 1967, 81 Stat. 951)] because of section 421 of the District of Columbia Home Rule Act (Public Law 93–198, 87 Stat. 789).

In subsection (a), before clause (1), the word ''use'' is omitted as included in ''possession, control, and jurisdiction''.

In subsection (b), the words ''Secretary of the Army'' are substituted for ''Secretary of War'' because of section 205(a) of the Act of July 26, 1947 (ch. 343, 61 Stat. 501). Section 205(a) was repealed by section 53 of the Act of August 10, 1956 (ch. 1041, 70A Stat. 676), the first section of which enacted Title 10, United States Code. Sections 3010–3013 of title 10 continued the Department of the Army under the administrative supervision of the Secretary of the Army.

SUBCHAPTER III—SERVICES FOR FACILITIES

§ 8141. Contract to rent buildings in the District of Columbia not to be made until appropriation enacted

A contract shall not be made for the rent of a building, or part of a building, to be used for the purposes of the Federal Government in the District of Columbia until Congress enacts an appropriation for the rent. This section is deemed to be notice to all contractors or lessors of the building or a part of the building.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1208.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
8141	40:34.	Mar. 3, 1877, ch. 106 (words after 2d semicolon in 3d par. under heading ''Miscellaneous''), 19 Stat. 370.

§ 8142. Rent of other buildings

An executive department of the Federal Government renting a building for public use in the District of Columbia may rent a different building instead if it is in the public interest to do so. This section does not authorize an increase in the number of buildings in use or in the amount paid for rent.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1208.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
8142	40:35.	Aug. 5, 1882, ch. 389 1 [sic] (2d sentence in 8th par. on p. 241), 22 Stat. 241.

The word ''now'' in the Act of August 5, 1882 is omitted as obsolete.

§ 8143. Heat

(a) CORCORAN GALLERY OF ART.—The Administrator of General Services may furnish heat from the central heating plant to the Corcoran Gallery of Art, if the Corcoran Gallery of Art agrees to—

(1) pay for heat furnished at rates the Administrator determines; and

(2) connect the building with the Federal Government mains in a manner satisfactory to the Administrator.

(b) BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM.—The Administrator may furnish steam from the central heating plant for the use of the Board of Governors of the Federal Reserve System on the property which the Board acquired in squares east of 87 and east of 88 in the District of Columbia if the Board agrees to—

(1) pay for the steam furnished at reasonable rates the Administrator determines but that are at least equal to cost; and

(2) provide the necessary connections with the Government mains at its own expense and in a manner satisfactory to the Administrator.

(c) NON-FEDERAL PUBLIC BUILDINGS.—The Administrator shall determine the rates to be paid for steam furnished to the Corcoran Gallery of Art, the Pan American Union Buildings, the American Red Cross Buildings, and other nonfederal public buildings authorized to receive steam from the central heating plant.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1208.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
8143(a)	40:22a.	June 19, 1934, ch. 648 (last par. on p. 1044), 48 Stat. 1044.
8143(b)	40:22b.	June 27, 1935, ch. 320, §§ 1, 2, 49 Stat. 425.
8143(c)	40:22c.	

In subsection (a), the words ''Administrator of General Services'' are substituted for ''Treasury Department'', ''Secretary of the Treasury'', and ['']Public Works Branch, Procurement Division, Treasury Department'' [subsequently changed to ''Federal Works Agency'', ['']Federal Works Administrator'', and ''Public Buildings Administration, Federal Works Agency'', respectively, because of sections 301 and 303 of Reorganization Plan No. I of 1939 (eff. July 1, 1939, 53 Stat. 1426, 1427)] because of section 103(a) of the Federal Property and Administrative Services Act of 1949 (ch. 288, 63 Stat. 380), which is restated as section 303(c) [303(b)] of the revised title. In clause (1), the words ''not less than cost'' are omitted because of 40:22c, restated as subsection (c).

In subsections (b) and (c), the word ''Administrator'' is substituted for ''Secretary of the Interior, through the National Park Service'' and ''Secretary of the Interior'' [both subsequently changed to ''Federal Works Administrator'' because of sections 301 and 303 of Reorganization Plan No. I of 1939 (eff. July 1, 1939, 53 Stat.

1426, 1427)] because of section 103(a) of the Federal Property and Administrative Services Act of 1949 (ch. 288, 63 Stat. 380), which is restated as section 303(c) [303(b)] of the revised title.

In subsection (b), before clause (1), the words ''Board of Governors of the Federal Reserve System'' are substituted for ''Federal Reserve Board'' because of section 203(a) of the Banking Act of 1935 (ch. 614, 49 Stat. 704).

In subsection (c), the words ''On and after June 27'' are omitted as obsolete. The words ''the Pan American Union buildings'' are substituted for ''the buildings, old and new, of the Pan American Union'' for clarity. The words ''as are or hereafter may be'' are omitted as unnecessary.

§ 8144. Delivery of fuel for use during ensuing fiscal year

During April, May, and June of each year, the Administrator of General Services may deliver to all branches of the Federal Government and the government of the District of Columbia as much fuel for their use during the following fiscal year as may be practicable to store at the points of consumption. The branches of the Federal Government and the government of the District of Columbia shall pay for the fuel from their applicable appropriations for that fiscal year.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1209.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
8144	40:113.	June 5, 1920, ch. 235 (2d complete par. on p. 913), 41 Stat. 913.

The words ''the months of'' are omitted as unnecessary. The words ''Administrator of General Services'' are substituted for ''Secretary of the Interior'' [subsequently changed to ['']Secretary of the Treasury'' because of Executive Order No. 4239 (eff. July 1, 1925) and section 1 of Executive Order No. 6166 (eff. June 10, 1933)] because of sections 109(a) and 201(a)(2) of the Federal Property and Administrative Services Act of 1949 (ch. 288, 63 Stat. 382, 384), restated as sections 321(b)(1) and 501(d) of the revised title. The word ''Government'' is substituted for ''service'' for clarity and for consistency in the revised title and with other titles of the United States Code. The word ''municipal'' is omitted as unnecessary.

SUBCHAPTER IV—MISCELLANEOUS

§ 8161. Reservation of parking spaces for Members of Congress

The Council of the District of Columbia shall designate, reserve, and properly mark appropriate and sufficient parking spaces on the streets adjacent to all public buildings in the District for the use of Members of Congress engaged in public business.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1209.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
8161	40:60a.	June 29, 1956, ch. 479 (3d par. under heading ''Department of Vehicles and Traffic''), 70 Stat. 447.

The words ''On and after June 29, 1956'' are omitted as obsolete. The words ''Council of the District of Columbia'' are substituted for ['']Commissioners'' [meaning the Board of Commissioners of the District of Columbia] [subsequently changed to ''District of Columbia Council'' because of section 402(300) of Reorganization Plan No. 3 of 1967 (eff. Nov. 3, 1967, 81 Stat. 969)] because of sections 401 and 404(a) of the District of Columbia Home Rule Act (Public Law 93–198, 87 Stat. 785, 787).

§ 8162. Ailanthus trees prohibited

Ailanthus trees shall not be purchased for, or planted in, the public grounds.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1209.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
8162	40:102.	R.S. § 1830.

The word ''ailanthus'' is substituted for ''ailantus'' to correct an error in the source provision.

§ 8163. Use of greenhouses and nursery for trees, shrubs, and plants

The greenhouses and nursery shall be used only for the propagation of trees, shrubs, and plants suitable for planting in the public reservations. Only those trees, shrubs, and plants shall be planted in the public reservations.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1209.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
8163	40:103.	June 20, 1878, ch. 359 (proviso in 2d par. under heading ''Building and Grounds in and Around Washington and the Executive Mansion''), 20 Stat. 220.

The words ''On and after June 20, 1878'' are omitted as obsolete. The words ''Only those trees, shrubs, and plants shall be planted in the public reservations'' are substituted for ''to which purpose only the said productions of the greenhouses and nursery shall be applied'' for clarity.

§ 8164. E. Barrett Prettyman United States Courthouse

(a) OPERATION, MAINTENANCE, AND REPAIR.—The operation, maintenance, and repair of the E. Barrett Prettyman United States Courthouse, used by the United States Court of Appeals for the District of Columbia and the United States District Court for the District of Columbia, is under the control of the Administrator of General Services.

(b) ALLOCATION OF SPACE.—The allocation of space in the Courthouse is vested in the chief judge of the United States Court of Appeals for the District of Columbia and the chief judge of the United States District Court for the District of Columbia.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1209.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
8164(a)	40:129a. 40:130 (words before last comma). 40:130a.	May 14, 1948, ch. 290, 62 Stat. 235.

HISTORICAL AND REVISION NOTES—CONTINUED

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
8164(b)	40:130 (words after last comma).	

In this section, the words ''United States District Court for the District of Columbia'' are substituted for ''District Court of the United States for the District of Columbia'' because of section 32(b) of the Act of June 25, 1948 (ch. 646, 62 Stat. 991), as amended by section 127 of the Act of May 24, 1949 (ch. 139, 63 Stat. 107).

In subsection (a), the words ''the E. Barrett Prettyman United States Courthouse'' are substituted for ''the completed building'' because of section 2 of the Act of July 1, 1996 (Public Law 104–151, 110 Stat. 1383). The words ''Administrator of General Services'' are substituted for ''Public Buildings Administration, in the Federal Works Agency'' because of 103(a) of the Federal Property and Administrative Services Act of 1949 (ch. 288, 63 Stat. 380), which is restated as section 303(c) [303(b)] of the revised title. The text of 40:129a (words before last proviso) is omitted as obsolete. The text of 40:129a (last proviso) is omitted because of section 173(a)(1) of the District of Columbia Court Reform and Criminal Procedure Act of 1970 (Public Law 91–358, 84 Stat. 591). The text of 40:130a is omitted as unnecessary.

In subsection (b), the words ''chief judge'' are substituted for ''chief justice'' in both places because of section 32(a) of the Act of June 25, 1948 (ch. 646, 62 Stat. 991), as amended by section 127 of the Act of May 24, 1949 (ch. 139, 63 Stat. 107).

WILLIAM B. BRYANT ANNEX DESIGNATION

Pub. L. 109–101, §§3, 4, Nov. 11, 2005, 119 Stat. 2171, provided that:

''SEC. 3. DESIGNATION OF WILLIAM B. BRYANT ANNEX.

''The annex, located on the 200 block of 3rd Street Northwest in the District of Columbia, to the E. Barrett Prettyman Federal Building and United States Courthouse located at Constitution Avenue Northwest in the District of Columbia shall be known and designated as the 'William B. Bryant Annex'.

''SEC. 4. REFERENCES.

''Any reference in a law, map, regulation, document, paper, or other record of the United States to the annex referred to in section 3 shall be deemed to be a reference to the 'William B. Bryant Annex'.''

E. BARRETT PRETTYMAN UNITED STATES COURTHOUSE DESIGNATION

Pub. L. 104–151, July 1, 1996, 110 Stat. 1383, provided that:

''SECTION 1. DESIGNATION OF COURTHOUSE.

''The United States courthouse located at 3rd Street and Constitution Avenue, Northwest, in Washington, District of Columbia, shall be designated and known as the 'E. Barrett Prettyman United States Courthouse'.

''SEC. 2. REFERENCES.

''Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in section 1 shall be deemed to be a reference to the 'E. Barrett Prettyman United States Courthouse'.''

§ 8165. Services for Office of Personnel Management

For carrying out the work of the Director of the Office of Personnel Management and the examinations provided for in sections 3304 and 3305 of title 5, the Administrator of General Services shall—

(1) assign or provide suitable and convenient rooms and accommodations, which are furnished, heated, and lighted, in Washington, D.C.;

(2) supply necessary stationery and other articles; and

(3) arrange for or provide necessary printing.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1210.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
8165	40:42.	Jan. 16, 1883, ch. 27, §4, 22 Stat. 405.

In this section, the words ''the Director of the Office of Personnel Management and the examinations provided for in sections 3304 and 3305 of title 5'' are substituted for ''said commission and said examinations'' in section 4 of the Act of January 16, 1883, because of section 102 of Reorganization Plan No. 2 of 1978 (eff. Jan. 1, 1979, 92 Stat. 3783) and section 7(b) of the Act of September 6, 1966 (Public Law 89–554, 80 Stat. 631), the first section of which enacted Title 5, United States Code. The words ''Administrator of General Services'' are substituted for ''Secretary of the Interior'' [subsequently changed to ''Civil Service Commission'' because of section 1 (1st complete par. on p. 642) of the Act of May 29, 1920 (ch. 214, 41 Stat. 642)] because of sections 1 and 2 of Reorganization Plan No. 18 of 1950 (eff. July 1, 1950, 64 Stat. 1270).

CHAPTER 83—WASHINGTON METROPOLITAN REGION DEVELOPMENT

Sec.
8301. Definition.
8302. Necessity for coordination in the development of the Washington metropolitan region.
8303. Declaration of policy of coordinated development and management.
8304. Priority projects.

§ 8301. Definition

In this chapter, the term ''Washington metropolitan region'' includes the District of Columbia, the counties of Montgomery and Prince Georges in Maryland, and the counties of Arlington and Fairfax and the cities of Alexandria and Falls Church in Virginia.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1210.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
8301	40:135.	Pub. L. 86–527, §6, June 27, 1960, 74 Stat. 224.

§ 8302. Necessity for coordination in the development of the Washington metropolitan region

Because the District of Columbia is the seat of the Federal Government and has become the urban center of a rapidly expanding Washington metropolitan region, the necessity for the continued and effective performance of the functions of the Government in the District of Columbia, the general welfare of the District of Columbia, the health and living standards of the people residing or working in the District of Columbia, and the conduct of industry, trade, and commerce in the District of Columbia require that to the fullest extent possible the development of the District of Columbia and the management of its public affairs, and the activities

of the departments, agencies, and instrumentalities of the Government which may be carried out in, or in relation to, the other areas of the Washington metropolitan region, shall be coordinated with the development of those other areas and with the management of their public affairs so that, with the cooperation and assistance of those other areas, all of the areas in the Washington metropolitan area shall be developed and their public affairs shall be managed so as to contribute effectively toward the solution of the community development problems of the Washington metropolitan region on a unified metropolitan basis.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1210.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
8302	40:131.	Pub. L. 86–527, §2, June 27, 1960, 74 Stat. 223.

The words ''The Congress hereby declares that'' are omitted as obsolete. The words ''at the seat of said Government'' are omitted as unnecessary.

§ 8303. Declaration of policy of coordinated development and management

The policy to be followed for the attainment of the objective established by section 8302 of this title, and for the more effective exercise by Congress, the executive branch of the Federal Government, the Mayor of the District of Columbia, and all other officers, agencies, and instrumentalities of the District of Columbia of their respective functions, powers, and duties in respect of the Washington metropolitan region, shall be that the functions, powers, and duties shall be exercised and carried out in a manner that (with proper recognition of the sovereignty of Maryland and Virginia in respect of those areas of the Washington metropolitan region that are located within their respective jurisdictions) will best facilitate the attainment of the coordinated development of the areas of the Washington metropolitan area and the coordinated management of their public affairs so as to contribute effectively to the solution of the community development problems of the Washington metropolitan region on a unified metropolitan basis.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1210.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
8303	40:132.	Pub. L. 86–527, §3, June 27, 1960, 74 Stat. 223.

The words ''The Congress further declares that'' are omitted as obsolete. The word ''Mayor'' is substituted for ''Board of Commissioners'' [subsequently changed to ''Commissioner'' because of section 401 of Reorganization Plan No. 3 of 1967 (eff. Nov. 3, 1967, 81 Stat. 951)] because of section 421 of the District of Columbia Self–Government and Governmental Reorganization Act (Public Law 93–198, 87 Stat. 789.)

§ 8304. Priority projects

In carrying out the policy pursuant to section 8303 of this title for the attainment of the objective established by section 8302 of this title, priority should be given to the solution, on a unified metropolitan basis, of the problems of water supply, sewage disposal, and water pollution and transportation.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1211.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
8304	40:133.	Pub. L. 86–527, §4, June 27, 1960, 74 Stat. 223.

The words ''The Congress further declares that'' are omitted as obsolete.

CHAPTER 85—NATIONAL CAPITAL SERVICE AREA AND DIRECTOR

Sec.
8501. National Capital Service Area.
8502. National Capital Service Director.

§ 8501. National Capital Service Area

(a) ESTABLISHMENT.—

(1) BOUNDARIES.—The National Capital Service Area is in the District of Columbia and includes the principal federal monuments, the White House, the Capitol Building, the United States Supreme Court Building, and the federal executive, legislative, and judicial office buildings located adjacent to the Mall and the Capitol Building, and is more particularly described as the area bounded as follows:

Beginning at that point on the present Virginia-District of Columbia boundary due west of the northernmost point of Theodore Roosevelt Island and running due east to the eastern shore of the Potomac River;

thence generally south along the shore at the mean high water mark to the northwest corner of the Kennedy Center;

thence east along the northern side of the Kennedy Center to a point where it reaches the E Street Expressway;

thence east on the expressway to E Street Northwest and thence east on E Street Northwest to Eighteenth Street Northwest;

thence south on Eighteenth Street Northwest to Constitution Avenue Northwest;

thence east on Constitution Avenue to Seventeenth Street Northwest;

thence north on Seventeenth Street Northwest to Pennsylvania Avenue Northwest;

thence east on Pennsylvania Avenue to Jackson Place Northwest;

thence north on Jackson Place to H Street Northwest;

thence east on H Street Northwest to Madison Place Northwest;

thence south on Madison Place Northwest to Pennsylvania Avenue Northwest;

thence east on Pennsylvania Avenue Northwest to Fifteenth Street Northwest;

thence south on Fifteenth Street Northwest to Pennsylvania Avenue Northwest;

thence southeast on Pennsylvania Avenue Northwest to John Marshall Place Northwest;

thence north on John Marshall Place Northwest to C Street Northwest;

thence east on C Street Northwest to Third Street Northwest;

thence north on Third Street Northwest to D Street Northwest;

thence east on D Street Northwest to Second Street Northwest;

thence south on Second Street Northwest to the intersection of Constitution Avenue Northwest and Louisiana Avenue Northwest;

thence northeast on Louisiana Avenue Northwest to North Capitol Street;

thence north on North Capitol Street to Massachusetts Avenue Northwest;

thence southeast on Massachusetts Avenue Northwest so as to encompass Union Square;

thence following Union Square to F Street Northeast;

thence east on F Street Northeast to Second Street Northeast;

thence south on Second Street Northeast to D Street Northeast;

thence west on D Street Northeast to First Street Northeast;

thence south on First Street Northeast to Maryland Avenue Northeast;

thence generally north and east on Maryland Avenue to Second Street Northeast;

thence south on Second Street Northeast to C Street Southeast;

thence west on C Street Southeast to New Jersey Avenue Southeast;

thence south on New Jersey Avenue Southeast to D Street Southeast;

thence west on D Street Southeast to Canal Street Parkway;

thence southeast on Canal Street Parkway to E Street Southeast;

thence west on E Street Southeast to the intersection of Washington Avenue Southwest and South Capitol Street;

thence northwest on Washington Avenue Southwest to Second Street Southwest;

thence south on Second Street Southwest to Virginia Avenue Southwest;

thence generally west on Virginia Avenue to Third Street Southwest;

thence north on Third Street Southwest to C Street Southwest;

thence west on C Street Southwest to Sixth Street Southwest;

thence north on Sixth Street Southwest to Independence Avenue;

thence west on Independence Avenue to Twelfth Street Southwest;

thence south on Twelfth Street Southwest to D Street Southwest;

thence west on D Street Southwest to Fourteenth Street Southwest;

thence south on Fourteenth Street Southwest to the middle of the Washington Channel;

thence generally south and east along the mid-channel of the Washington Channel to a point due west of the northern boundary line of Fort Lesley McNair;

thence due east to the side of the Washington Channel;

thence following generally south and east along the side of the Washington Channel at the mean high water mark, to the point of confluence with the Anacostia River, and along the northern shore at the mean high water mark to the northern most point of the Eleventh Street Bridge;

thence generally south and east along the northern side of the Eleventh Street Bridge to the eastern shore of the Anacostia River;

thence generally south and west along such shore at the mean high water mark to the point of confluence of the Anacostia and Potomac Rivers;

thence generally south along the eastern shore at the mean high water mark of the Potomac River to the point where it meets the present southeastern boundary line of the District of Columbia;

thence south and west along such southeastern boundary line to the point where it meets the present Virginia-District of Columbia boundary;

thence generally north and west up the Potomac River along the Virginia-District of Columbia boundary to the point of beginning.

(2) STREETS AND SIDEWALKS INCLUDED.—Where the area in paragraph (1) is bounded by a street, the street, and any sidewalk of the street, are included in the area.

(3) FEDERAL PROPERTY THAT AFFRONTED OR ABUTTED THE AREA DEEMED TO BE IN THE AREA.—Federal real property that on December 24, 1973, affronted or abutted the area described in paragraph (1) is deemed to be in the area. For the purposes of this paragraph, federal real property affronting or abutting the area described in paragraph (1)—

(A) is deemed to include Fort Lesley McNair, the Washington Navy Yard, the Anacostia Naval Annex, the United States Naval Station, Bolling Air Force Base, and the Naval Research Laboratory; and

(B) does not include any area situated outside of the District of Columbia boundary as it existed immediately prior to December 24, 1973, any part of the Anacostia Park situated east of the northern side of the Eleventh Street Bridge, or any part of the Rock Creek Park.

(b) APPLICABILITY OF OTHER PROVISIONS.—

(1) PROVISIONS COVERING BUILDINGS AND GROUNDS IN AREA NOT AFFECTED.—Except to the extent specifically provided by this section, this section does not—

(A) apply to the United States Capitol Buildings and Grounds as defined and described in sections 5101 and 5102 of this title, any other buildings and grounds under the care of the Architect of the Capitol, the Supreme Court Building and grounds as described in section 6101 of this title, and the Library of Congress buildings and grounds as defined in section 11 of the Act of August 4, 1950 (2 U.S.C. 167j); and

(B) repeal, amend, alter, modify, or supersede—

(i) chapter 51 of this title, section 9, 9A, 9B, 9C or 14 of the Act of July 31, 1946 (ch. 707, 60 Stat. 719, 720), any other general law of the United States, any law enacted by Congress and applicable exclusively to the District of Columbia, or any rule or regulation prescribed pursuant to any of those provisions, that was in effect on January 1, 1975, and that pertained to those buildings and grounds; or

(ii) any authority which existed on December 24, 1973, with respect to those buildings and grounds and was vested on January 1, 1975, in the Senate, the House of Representatives, Congress, any committee, commission, or board of the Senate, the House of Representatives, or Congress, the Architect of the Capitol or any other officer of the legislative branch, the Chief Justice of the United States, the Marshal of the Supreme Court, or the Librarian of Congress.

(2) CONTINUED APPLICATION OF LAWS, REGULATIONS, AND RULES.—Except to the extent otherwise specifically provided in this section, all general laws of the United States and all laws enacted by the Congress and applicable exclusively to the District of Columbia, including regulations and rules prescribed pursuant to any of those laws, that were in effect on January 1, 1975, and which applied to and in the areas included in the National Capital Service Area pursuant to this section continue to be applicable to and in the National Capital Service Area in the same manner and to the same extent as if this section had not been enacted and remain applicable until repealed, amended, altered, modified, or superseded.

(c) AVAILABILITY OF SERVICES AND FACILITIES.—As far as practicable, any service or facility authorized by the District of Columbia Home Rule Act (Public Law 93–198, 87 Stat. 774) to be rendered or furnished (including maintenance of streets and highways, and services under section 1537 of title 31) shall be made available to the Senate, the House of Representatives, Congress, any committee, commission, or board of the Senate, the House of Representatives, or Congress, the Architect of the Capitol, any other officer of the legislative branch who on January 1, 1975, was vested with authority over those buildings and grounds, the Chief Justice of the United States, the Marshal of the Supreme Court, and the Librarian of Congress on their request. If payment would be required for the rendition or furnishing of a similar service or facility to any other federal agency, the recipient, on presentation of proper vouchers and as agreed on by the parties, shall pay for the service or facility in advance or by reimbursement.

(d) RIGHT TO PARTICIPATE IN ELECTION NOT AFFECTED BY RESIDENCY.—An individual may not be denied the right to vote or otherwise participate in any manner in any election in the District of Columbia solely because the individual resides in the National Capital Service Area.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1211; Pub. L. 109–284, § 6(24), Sept. 27, 2006, 120 Stat. 1213.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
8501(a)	40:136(a), (f).	Pub. L. 93–198, title VII, § 739(a), (f), (h)–(j), Dec. 24, 1973, 87 Stat. 825, 826, 829.
8501(b)(1)	40:136(h)(1).	
8501(b)(2)	40:136(i).	
8501(c)	40:136(h)(2).	
8501(d)	40:136(j).	

In subsection (a)(1), the words ''Washington Avenue Southwest'' are substituted for ''Canal Street Southwest'' because of section 2 of D.C. Law 8–39. See section 7–451 note of the District of Columbia Code.

In subsection (b)(1)(A), reference to the Supreme Court Building is omitted because 40:13p only describes the Supreme Court grounds.

In subsection (b)(1)(B)(ii), the words ''by law, or otherwise'' are omitted as unnecessary.

In subsection (b)(2), the words ''and such laws, regulations, and rules shall thereafter be applicable to and within such area in the manner and to the extent so provided by any such amendment, alteration, or modification'' are omitted as unnecessary.

In subsection (c), the words ''Notwithstanding the foregoing provisions of this section'' are omitted as unnecessary. The words ''section 1537 of title 31'' are substituted for ''section 731 of this Act'' because of section 4(b) of the Act of September 13, 1982 (Public Law 97–258, 96 Stat. 1067), the first section of which enacted Title 31, United States Code. The words ''by law or otherwise'' and ''rendering and receiving such services'' are omitted as unnecessary.

REFERENCES IN TEXT

Sections 9, 9A, 9B, 9C, and 14 of the Act of July 31, 1946, referred to in subsec. (b)(1)(B)(i), are classified to sections 1961, 1966, 1967, 1922, and 1969, respectively, of Title 2, The Congress.

The District of Columbia Home Rule Act, referred to in subsec. (c), is Pub. L. 93–198, Dec. 24, 1973, 87 Stat. 774, as amended. For complete classification of this Act to the Code, see Tables.

AMENDMENTS

2006—Subsec. (b)(1)(A). Pub. L. 109–284 inserted ''of this title'' after ''sections 5101 and 5102''.

§ 8502. National Capital Service Director

(a) ESTABLISHMENT AND COMPENSATION.—There is in the Executive Office of the President the National Capital Service Director who shall be appointed by the President. The Director shall receive compensation at the maximum rate established for level IV of the Executive Schedule under section 5315 of title 5.

(b) PERSONNEL.—The Director may appoint and fix the rate of compensation of necessary personnel, subject to chapters 33 and 51 and subchapter III of chapter 53 of title 5.

(c) DUTIES.—

(1) PRESIDENT.—The President, through the Director and using District of Columbia governmental services to the extent practicable, shall ensure that there is provided in the area described in section 8501(a) of this title adequate fire protection and sanitation services.

(2) DIRECTOR.—Except with respect to that part of the National Capital Service Area comprising the United States Capitol Buildings and Grounds as defined and described in sections 5101 and 5102 of this title, the Supreme Court Building and grounds as described in section 6101 of this title, and the Library of Congress buildings and grounds as defined in section 11 of the Act of August 4, 1950 (2 U.S.C. 167j), the Director shall ensure that there is provided in the remainder of the area described in section 8501(a) of this title adequate police protection and maintenance of streets and highways.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1215; Pub. L. 109–284, § 6(25), (26), Sept. 27, 2006, 120 Stat. 1213.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
8502(a)	40:136(b) (1st sentence), (c) (1st sentence).	Pub. L. 93–198, title VII, § 739(b), (c), Dec. 24, 1973, 87 Stat. 825.
8502(b)	40:136(c) (last sentence).	
8502(c)	40:136(b) (2d, last sentences).	

In subsection (a), the words ''from time to time'' and ''of section 5314 [sic] of title 5'' are omitted as unnecessary. [The words ''of section 5314 of title 5'' were not omitted.]

In subsection (b), the reference to chapter 33 of title 5 is substituted for ''the provisions of title 5 governing appointments in the competitive service'' for clarity and for consistency in the revised title and with other titles of the United States Code. The words ''subchapter III'' are substituted for ''subchapter 3'' to correct an error in the source provision.

AMENDMENTS

2006—Subsec. (a). Pub. L. 109–284, § 6(25), substituted ''5315'' for ''5314''.

Subsec. (c)(2). Pub. L. 109–284, § 6(26), inserted ''of this title'' after ''sections 5101 and 5102''.

CHAPTER 87—PHYSICAL DEVELOPMENT OF NATIONAL CAPITAL REGION

SUBCHAPTER I—GENERAL

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8701. Findings and purposes.
8702. Definitions.

SUBCHAPTER II—PLANNING AGENCIES

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SUBCHAPTER III—PLANNING PROCESS

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SUBCHAPTER IV—ACQUIRING AND DISPOSING OF LAND

8731. Acquiring land for park, parkway, or playground purposes.
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8736. Execution of deeds.
8737. Authorization of appropriations.

SUBCHAPTER I—GENERAL

§ 8701. Findings and purposes

(a) FINDINGS.—Congress finds that—

(1) the location of the seat of government in the District of Columbia has brought about the development of a metropolitan region extending well into adjoining territory in Maryland and Virginia;

(2) effective comprehensive planning is necessary on a regional basis and of continuing importance to the federal establishment;

(3) the distribution of federal installations throughout the region has been and will continue to be a major influence in determining the extent and character of development;

(4) there is needed a central planning agency for the National Capital region to coordinate certain developmental activities of the many different agencies of the Federal and District of Columbia Governments so that those activities may conform with general objectives;

(5) there is an increasing mutuality of interest and responsibility between the various levels of government that calls for coordinate and unified policies in planning both federal and local development in the interest of order and economy;

(6) there are developmental problems of an interstate character, the planning of which requires collaboration between federal, state, and local governments in the interest of equity and constructive action; and

(7) the instrumentalities and procedures provided in this chapter will aid in providing Congress with information and advice requisite to legislation.

(b) PURPOSES.—

(1) IN GENERAL.—The purposes of this chapter (except sections 8733–8736) are—

(A) to secure comprehensive planning for the physical development of the National Capital and its environs;

(B) to provide for the participation of the appropriate planning agencies of the environs in the planning; and

(C) to establish the agency and procedures requisite to the administration of the functions of the Federal and District Governments related to the planning.

(2) OBJECTIVE.—The general objective of this chapter (except sections 8733–8736) is to enable appropriate agencies to plan for the development of the federal establishment at the seat of government in a manner—

(A) consistent with the nature and function of the National Capital and with due regard for the rights and prerogatives of the adjoining States and local governments to exercise control appropriate to their functions; and

(B) which will, in accordance with present and future needs, best promote public health, safety, morals, order, convenience, prosperity, and the general welfare, as well as efficiency and economy in the process of development.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1216.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
8701(a)	40:71(a) (2d sentence).	June 6, 1924, ch. 270, § 1(a), 43 Stat. 463; Apr. 30, 1926, ch. 198, 44 Stat. 374; May 24, 1928, ch. 726, 45 Stat. 726; July 19, 1952, ch. 949, § 1, 66 Stat. 781.
8701(b)(1)	40:71(a) (1st sentence).	
8701(b)(2)	40:71(a) (last sentence).	

In subsection (a)(7), the words ''from time to time'' are omitted as unnecessary.

In subsection (b), the text of 40:72a, restated as section 8732 of the revised title, is included in the purposes

and objectives of this chapter because by its terms, the authority of the National Capital Planning Commission is enlarged as provided in that section.

§ 8702. Definitions

In this chapter—

(1) ENVIRONS.—The term ''environs'' means the territory surrounding the District of Columbia included in the National Capital region.

(2) NATIONAL CAPITAL.—The term ''National Capital'' means the District of Columbia and territory the Federal Government owns in the environs.

(3) NATIONAL CAPITAL REGION.—The term ''National Capital region'' means—

(A) the District of Columbia;

(B) Montgomery and Prince Georges Counties in Maryland;

(C) Arlington, Fairfax, Loudoun, and Prince William Counties in Virginia; and

(D) all cities in Maryland or Virginia in the geographic area bounded by the outer boundaries of the combined area of the counties listed in subparagraphs (B) and (C).

(4) PLANNING AGENCY.—The term ''planning agency'' means any city, county, bi-county, part-county, or regional planning agency authorized under state and local laws to make and adopt comprehensive plans.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1216.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
8702	40:71(b).	June 6, 1924, ch. 270, § 1(b), 43 Stat. 463; Apr. 30, 1926, ch. 198, 44 Stat. 374; May 24, 1928, ch. 726, 45 Stat. 726; July 19, 1952, ch. 949, § 1, 66 Stat. 782.

In clause (3)(D), the words ''now or hereafter existing'' are omitted as unnecessary.

In clause (4), the words ''whether or not its jurisdiction is exclusive or concurrent'' are omitted as unnecessary.

SUBCHAPTER II—PLANNING AGENCIES

§ 8711. National Capital Planning Commission

(a) ESTABLISHMENT AND PURPOSE.—The National Capital Planning Commission is the central federal planning agency for the Federal Government in the National Capital, created to preserve the important historical and natural features of the National Capital, except for the United States Capitol Buildings and Grounds (as defined and described in sections 5101 and 5102 of this title), any extension of, or additions to, those Buildings and Grounds, and buildings and grounds under the care of the Architect of the Capitol.

(b) COMPOSITION.—

(1) MEMBERSHIP.—The National Capital Planning Commission is composed of—

(A) ex officio, the Secretary of the Interior, the Secretary of Defense, the Administrator of General Services, the Mayor of the District of Columbia, the Chairman of the Council of the District of Columbia, the chairman of the Committee on Governmental Affairs of the Senate, and the chairman of the Committee on Government Reform of the House of Representatives, or an alternate any of those individuals designates; and

(B) five citizens with experience in city or regional planning, three of whom shall be appointed by the President and two of whom shall be appointed by the Mayor.

(2) RESIDENCY REQUIREMENT.—The citizen members appointed by the Mayor shall be residents of the District of Columbia. Of the three appointed by the President, at least one shall be a resident of Virginia and at least one shall be a resident of Maryland.

(3) TERMS.—An individual appointed by the President serves for six years. An individual appointed by the Mayor serves for four years. An individual appointed to fill a vacancy shall be appointed only for the unexpired term of the individual being replaced.

(4) PAY AND EXPENSES.—Citizen members are entitled to $100 a day when performing duties vested in the Commission and to reimbursement for necessary expenses incurred in performing those duties.

(c) CHAIRMAN AND OFFICERS.—The President shall designate the Chairman of the National Capital Planning Commission. The Commission may elect from among its members other officers as it considers desirable.

(d) PERSONNEL.—The National Capital Planning Commission may employ a Director, an executive officer, and other technical and administrative personnel as it considers necessary. Without regard to section 3709 of the Revised Statues (41 U.S.C. 5) and section 3109, chapters 33 and 51, and subchapter III of chapter 53, of title 5, the Commission may employ, by contract or otherwise, the temporary or intermittent (not more than one year) services of city planners, architects, engineers, appraisers, and other experts or organizations of experts, as may be necessary to carry out its functions. The Commission shall fix the rate of compensation so as not to exceed the rate usual for similar services.

(e) PRINCIPAL DUTIES.—The principal duties of the National Capital Planning Commission include—

(1) preparing, adopting, and amending a comprehensive plan for the federal activities in the National Capital and making related recommendations to the appropriate developmental agencies; and

(2) serving as the central planning agency for the Government within the National Capital region and reviewing the development programs of the developmental agencies to advise as to consistency with the comprehensive plan.

(f) TRANSFER OF OTHER FUNCTIONS, POWERS, AND DUTIES.—The National Capital Planning Commission shall carry out all other functions, powers, and duties of the National Capital Park and Planning Commission, including those formerly vested in the Highway Commission established by the Act of March 2, 1893 (ch. 197, 27 Stat. 532), and those formerly vested in the National Capital Park Commission by the Act of June 6, 1924 (ch. 270, 43 Stat. 463).

(g) ESTIMATE.—The National Capital Planning Commission shall submit to the Office of Management and Budget before December 16 of each year its estimate of the total amount to be appropriated for expenditure under this chapter (except sections 8732–8736) during the next fiscal year.

(h) FEES.—The National Capital Planning Commission may charge fees to cover the full cost of Geographic Information System products and services the Commission supplies. The fees shall be credited to the applicable appropriation account as an offsetting collection and remain available until expended.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1217; Pub. L. 109–284, § 6(27), Sept. 27, 2006, 120 Stat. 1213.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
8711(a)	40:71a(a)(1).	June 6, 1924, ch. 270, § 2(a)(1), (b), (c), (e), as added July 19, 1952, ch. 949, § 1, 66 Stat. 782; Sept. 25, 1962, Pub. L. 87–683, 76 Stat. 575; Dec. 24, 1973, Pub. L. 93–198, title II, § 203(a), (b), 87 Stat. 779, 782.
8711(b)	40:71a(b).	
8711(c), (d)	40:71a(c).	
8711(e)	40:71a(e).	
8711(f)	40:71h.	June 6, 1924, ch. 270, § 9, as added July 19, 1952, ch. 949, § 1, 66 Stat. 790.
8711(g)	40:74.	June 6, 1924, ch. 270, § 13, formerly § 4, 43 Stat. 464; renumbered § 13, July 19, 1952, ch. 949, § 2 (1st sentence), 66 Stat. 791; Pub. L. 94–273, § 21, Apr. 21, 1976, 90 Stat. 379.
8711(h)	40:71a note.	Pub. L. 105–83, (last proviso in par. under heading ''National Capital Planning Commission''), Nov. 14, 1997, 111 Stat. 1589.

In this chapter, the word ''Mayor'' is substituted for ''Commissioners'' [meaning the Board of Commissioners of the District of Columbia] [subsequently changed to ''Commissioner'' [meaning the Commissioner of the District of Columbia] because of section 401 of Reorganization Plan No. 3 of 1967 (eff. Nov. 3, 1967, 81 Stat. 951)] because of section 421 of the District of Columbia Home Rule Act (Public Law 93–198, 87 Stat. 789). The words ''Council of the District of Columbia'' are substituted for ''Board of Commissioners of the District of Columbia'' [subsequently changed to ''District of Columbia Council'' because of section 402(21), (28), (32), and (199) of Reorganization Plan No. 3 of 1967 (eff. Nov. 3, 1967, 81 Stat. 952, 953, 963)] because of sections 401 and 404(a) of the Act (87 Stat. 785, 787).

In subsection (b)(1)(A), the words ''the Chairman of the Committee on Governmental Affairs of the Senate, and the Chairman of the Committee on Government Reform of the House of Representatives'' are substituted for ''and the chairman of the Committees of the District of Columbia of the Senate and the House of Representatives'' in section 2(b)(1) of the Act of June 24, 1924 (ch. 270), because of Rule XXV of the Standing Rules of the Senate, as amended by Senate Resolution 4 (popularly cited as the ''Committee System Reorganization Amendments of 1977''), approved February 4, 1977, section 1(b)(1) of the Act of June 3, 1995 (Public Law 104–14, 2:21 note prec.), and Rule X(1)(h) of House Resolution No. 5 (105th Congress, January 6, 1999).

In subsection (b)(2), the words ''bona fide'' are omitted as unnecessary.

In subsection (b)(3), the words ''except that of the members first appointed, the President shall designate one to serve two years and one to serve four years'' and ''The members first appointed under this section shall assume their office on January 2, 1975'' are omitted as obsolete.

In subsection (b)(4), the words ''are entitled to $100 a day when performing duties'' are substituted for ''shall each receive compensation at the rate of $100 for each day such member is engaged in the actual performance of duties'' to eliminate unnecessary words.

In subsection (d), the words ''chapters 33 and 51, and subchapter III of chapter 53'' are substituted for ''the civil service and classification laws'' because of section 7(b) of the Act of September 6, 1966 (Public Law 89–554, 80 Stat. 631), the first section of which enacted Title 5, United States Code.

In subsection (e), before clause (1), the words ''As hereinafter more specifically described in sections 71c to 71g of this title'' are omitted as unnecessary. The text of 40:71a(e)(3) is omitted as obsolete because the National Capital Regional Planning Council was abolished by section 1 of Reorganization Plan No. 5 of 1966 (eff. Sept. 8, 1966, 40:71b note). In clause (2), the words ''in such capacity'' are omitted as unnecessary.

Subsection (f) is substituted for 40:71h to eliminate obsolete language.

In subsection (g), the words ''Said Commission shall report to Congress annually on the first Monday of March the lands acquired during the preceding fiscal year, the method of acquisition, and the cost of each tract'' are omitted pursuant to section 3003 of the Federal Reports Elimination and Sunset Act of 1995 (31 U.S.C. 1113 note). See, also, page 180 of House Document No. 103–7. The words ''Office of Management and Budget'' are substituted for ''Bureau of the Budget'' in section 13 of the Act of June 6, 1924, because the Bureau of the Budget was redesignated the Office of Management and Budget by section 102 of Reorganization Plan No. 2 of 1970 (eff. July 1, 1970, 84 Stat. 2085). Section 102 of Reorganization Plan No. 2 of 1970 was repealed by section 5(b) of the Act of September 13, 1982 (Public Law 97–258, 96 Stat. 1085), the first section of which enacted Title 31, United States Code, but the successor provision, 31:501, continued the designation as Office of Management and Budget.

In subsection (h), the words ''beginning in fiscal year 1998 and thereafter'' are omitted as obsolete.

REFERENCES IN TEXT

Act of March 2, 1893, referred to in subsec. (f), is act Mar. 2, 1893, ch. 197, 27 Stat. 532, as amended, which is not classified to the Code.

Act of June 6, 1924, referred to in subsec. (f), is act June 6, 1924, ch. 270, 43 Stat. 463, as amended, which enacted sections 71 to 71i, 72, 73, and 74 of former Title 40, Public Buildings, Property, and Works. Sections 71, 71a, 71c, 71d, 71f to 71i, 72, 73, and 74 of former Title 40 were repealed and reenacted as sections 8701, 8702, 8711, 8721 to 8724, 8731, and 8737 of this title by Pub. L. 107–217, §§ 1, 6(b), Aug. 21, 2002, 116 Stat. 1062, 1304. Section 71b of former Title 40 was repealed by Pub. L. 107–217. Section 71e of former Title 40 was repealed by Pub. L. 93–198, title II, § 203(e), Dec. 24, 1973, 87 Stat. 782. For complete classification of this Act to the Code, see Tables.

AMENDMENTS

2006—Subsec. (a). Pub. L. 109–284 inserted ''of this title'' after ''sections 5101 and 5102''.

CHANGE OF NAME

Committee on Governmental Affairs of Senate changed to Committee on Homeland Security and Governmental Affairs of Senate, effective Jan. 4, 2005, by Senate Resolution No. 445, One Hundred Eighth Congress, Oct. 9, 2004.

Committee on Government Reform of House of Representatives changed to Committee on Oversight and Government Reform of House of Representatives by House Resolution No. 6, One Hundred Tenth Congress, Jan. 5, 2007.

COMPENSATION OF APPOINTED COMMISSION MEMBERS

Pub. L. 108–108, title II, Nov. 10, 2003, 117 Stat. 1301, provided in part: ''That for fiscal year 2004 and there-

after, all appointed members of the Commission will be compensated at a rate not to exceed the daily equivalent of the annual rate of pay for positions at level IV of the Executive Schedule for each day such member is engaged in the actual performance of duties.''

Similar provisions were contained in the following prior appropriation acts:

Pub. L. 108–7, div. F, title II, Feb. 20, 2003, 117 Stat. 269.

Pub. L. 107–63, title II, Nov. 5, 2001, 115 Stat. 464.

Pub. L. 106–291, title II, Oct. 11, 2000, 114 Stat. 986.

Pub. L. 106–113, div. B, § 1000(a)(3), [title II], Nov. 29, 1999, 113 Stat. 1535, 1501A–189.

Pub. L. 105–277, div. A, § 101(e) [title II], Oct. 21, 1998, 112 Stat. 2681–231, 2681–285.

Pub. L. 105–83, title II, Nov. 14, 1997, 111 Stat. 1589.

Pub. L. 104–208, div. A, title I, § 101(d) [title II], Sept. 30, 1996, 110 Stat. 3009–181, 3009–219.

Pub. L. 104–134, title I, § 101(c) [title II], Apr. 26, 1996, 110 Stat. 1321–195; renumbered title I, Pub. L. 104–140, § 1(a), May 2, 1996, 110 Stat. 1327.

Pub. L. 103–332, title II, Sept. 30, 1994, 108 Stat. 2535.

Pub. L. 103–138, title II, Nov. 11, 1993, 107 Stat. 1414.

Pub. L. 102–381, title II, Oct. 5, 1992, 106 Stat. 1414.

§ 8712. Mayor of the District of Columbia

(a) PLANNING RESPONSIBILITIES.—The Mayor of the District of Columbia is the central planning agency for the government of the District of Columbia in the National Capital and is responsible for coordinating the planning activities of the District government and for preparing and implementing the District elements of the comprehensive plan for the National Capital, which may include land use elements, urban renewal and redevelopment elements, a multiyear program of public works for the District, and physical, social, economic, transportation, and population elements. The Mayor's planning responsibility shall not extend to—

(1) federal or international projects and developments in the District, as determined by the National Capital Planning Commission; or

(2) the United States Capitol Buildings and Grounds as defined and described in sections 5101 and 5102 of this title, any extension of, or additions to, those Buildings and Grounds, and buildings and grounds under the care of the Architect of the Capitol.

(b) PARTICIPATION AND CONSULTATION.—In carrying out the responsibilities under this section and section 8721 of this title, the Mayor shall establish procedures for citizen participation in the planning process and for appropriate meaningful consultation with any state or local government or planning agency in the National Capital region affected by any aspect of a comprehensive plan, including amendments, affecting or relating to the District.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1218; Pub. L. 109–284, § 6(28), Sept. 27, 2006, 120 Stat. 1213.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
8712	40:71a(a)(2).	June 6, 1924, ch. 270, § 2(a)(2), as added July 19, 1952, ch. 949, § 1, 66 Stat. 782; Pub. L. 93–198, title II, § 203(a), Dec. 24, 1973, 87 Stat. 779.

AMENDMENTS

2006—Subsec. (a)(2). Pub. L. 109–284 inserted ''of this title'' after ''sections 5101 and 5102''.

SUBCHAPTER III—PLANNING PROCESS

§ 8721. Comprehensive plan for the National Capital

(a) PREPARATION AND ADOPTION BY COMMISSION.—The National Capital Planning Commission shall prepare and adopt a comprehensive, consistent, and coordinated plan for the National Capital. The plan shall include the Commission's recommendations or proposals for federal developments or projects in the environs and District elements of the comprehensive plan, or amendments to the elements, adopted by the Council of the District of Columbia and with respect to which the Commission has not determined a negative impact exists. Those elements or amendments shall be incorporated into the comprehensive plan without change. The Commission may include in its plan any part of a plan adopted by any planning agency in the environs and may make recommendations of collateral interest to the agencies. The Commission may adopt any part of an element. The Commission shall review and may amend or extend the plan so that its recommendations may be kept up to date.

(b) REVIEW BY DISTRICT OF COLUMBIA.—The Mayor of the District of Columbia shall submit each District element of the comprehensive plan, and any amendment, to the Council for revision or modification, and adoption, by act, following public hearings. Following adoption and prior to implementation, the Council shall submit each element or amendment to the Commission for review and comment with regard to the impact of the element or amendment on the interests or functions of the federal establishment in the National Capital.

(c) COMMISSION RESPONSE TO COUNCIL ACTION.—

(1) PERIOD OF REVIEW.—Within 60 days after receiving an element or amendment from the Council, the Commission shall certify to the Council whether the element or amendment has a negative impact on the interests or functions of the federal establishment in the National Capital.

(2) NO NEGATIVE IMPACT.—If the Commission takes no action in the 60-day period, the element or amendment is deemed to have no negative impact and shall be incorporated into the comprehensive plan for the National Capital and implemented.

(3) NEGATIVE IMPACT.—

(A) CERTIFICATION TO COUNCIL.—If the Commission finds a negative impact, it shall certify its findings and recommendations to the Council.

(B) RESPONSE OF COUNCIL.—On receipt of the Commission's findings and recommendations, the Council may—

(i) accept the findings and recommendations and modify the element or amendment accordingly; or

(ii) reject the findings and recommendations and resubmit a modified form of the element or amendment to the Commission for reconsideration.

(C) FINDINGS AND RECOMMENDATIONS ACCEPTED.—If the Council accepts the findings and recommendations and modifies the ele-

ment or amendment, the Council shall submit the element or amendment to the Commission for the Commission to determine whether the modification has been made in accordance with the Commission's findings and recommendations. If the Commission does not act on the modified element or amendment within 30 days after receiving it, the element or amendment is deemed to have been modified in accordance with the findings and recommendations and shall be incorporated into the comprehensive plan for the National Capital and implemented. If within the 30-day period the Commission again determines the element or amendment has a negative impact on the functions or interests of the federal establishment in the National Capital, the element or amendment shall not be implemented.

(D) FINDINGS AND RECOMMENDATIONS REJECTED.—If the Council rejects the findings and recommendations and resubmits a modified element or amendment, the Commission, within 60 days after receiving it, shall decide whether the modified element or amendment has a negative impact on the interests or functions of the federal establishment within the National Capital. If the Commission does not act within the 60-day period, the modified element or amendment is deemed to have no negative impact and shall be incorporated into the comprehensive plan and implemented. If the Commission finds a negative impact, it shall certify its findings (in sufficient detail that the Council can understand the basis of the objection of the Commission) and recommendations to the Council and the element or amendment shall not be implemented.

(d) RESUBMISSION DEEMED NEW ELEMENT OR AMENDMENT.—Any element or amendment which the Commission has determined has a negative impact on the federal establishment in the National Capital which is submitted again in a modified form not less than one year from the day it was last rejected by the Commission is deemed to be a new element or amendment for purposes of the review procedure specified in this section.

(e) REVIEW, HEARINGS, AND CITIZEN ADVISORY COUNCILS.—

(1) REVIEW.—Before the comprehensive plan, any element of the plan, or any revision is adopted, the Commission shall present the plan, element, or revision to the appropriate federal or District of Columbia authorities for comment and recommendations. The Commission may present the proposed revisions annually in a consolidated form. Recommendations by federal and District of Columbia authorities are not binding on the Commission, but the Commission shall give careful consideration to any views and recommendations submitted prior to final adoption.

(2) HEARINGS AND CITIZEN ADVISORY COUNCILS.—The Commission—

(A) may provide periodic opportunity for review and comments by nongovernmental agencies or groups through public hearings, meetings, or conferences, exhibitions, and publication of its plans; and

(B) in consultation with the Council, may encourage the formation of citizen advisory councils.

(f) EXTENSION OF TIME LIMITATIONS.—On request of the Commission, the Council may grant an extension of any time limitation contained in this section.

(g) PUBLISHING COMPREHENSIVE PLAN.—As appropriate, the Commission and the Mayor jointly shall publish a comprehensive plan for the National Capital, consisting of the elements of the comprehensive plan for the federal activities in the National Capital developed by the Commission and the District elements developed by the Mayor and the Council in accordance with this section.

(h) PROCEDURES FOR CONSULTATION.—

(1) COMMISSION AND MAYOR.—The Commission and the Mayor jointly shall establish procedures for appropriate meaningful continuing consultation throughout the planning process for the National Capital.

(2) GOVERNMENT AGENCIES.—In order that the National Capital may be developed in accordance with the comprehensive plan, the Commission, with the consent of each agency concerned as to its representation, may establish advisory and coordinating committees composed of representatives of agencies of the Federal and District of Columbia Governments as may be necessary or helpful to obtain the maximum amount of cooperation and correlation of effort among the various agencies. As it considers appropriate, the Commission may invite representatives of the planning and developmental agencies of the environs to participate in the work of the committees.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1219.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
8721(a)	40:71c(a), (d).	June 6, 1924, ch. 270, §4(a), (d), (e) (1st par.), as added July 19, 1952, ch. 949, §1, 66 Stat. 785, 787; Pub. L. 93–198, title II §203(c)(1), (2), Dec. 24, 1973, 87 Stat. 782.
8721(b)	40:71a(a)(3).	June 6, 1924, ch. 270, §2(a)(3), (4), as added July 19, 1952, ch. 949, §1, 66 Stat. 782; Pub. L. 93–198, title II, §203(a), Dec. 24, 1973, 87 Stat. 779.
8721(c), (d)	40:71a(a)(4)(A)–(C).	
8721(e)	40:71c(e) (1st par.).	
8721(f)	40:71a(a)(4)(E).	
8721(g)	40:71a(a)(4)(D).	
8721(h)(1)	40:71a(a)(4)(F).	
8721(h)(2)	40:71a(d).	June 6, 1924, ch. 270, §2(d), as added July 19, 1952, ch. 949, §1, 66 Stat. 783.

In subsection (a), the text of 40:71c(a) (2d, 3d sentences) and reference to the National Capital Regional Planning Council are omitted as obsolete because the Council was abolished by section 1 of Reorganization Plan No. 5 of 1966 (eff. Sept. 8, 1966, 40:71b note). The words ''from time to time'' are omitted as unnecessary.

In subsection (e)(2), before clause (A), the words ''in addition and at its discretion'' are omitted as unnecessary.

In subsection (g), the words ''from time to time'' are omitted as unnecessary.

TERMINATION OF ADVISORY COMMITTEES

Advisory committees established after Jan. 5, 1973, to terminate not later than the expiration of the 2-year

period beginning on the date of their establishment, unless, in the case of a committee established by the President or an officer of the Federal Government, such committee is renewed by appropriate action prior to the expiration of such 2-year period, or in the case of a committee established by the Congress, its duration is otherwise provided by law. See section 14 of Pub. L. 92–463, Oct. 6, 1972, 86 Stat. 776, set out in the Appendix to Title 5, Government Organization and Employees.

§ 8722. Proposed federal and district developments and projects

(a) AGENCIES TO USE COMMISSION AS CENTRAL PLANNING AGENCY.—Agencies of the Federal Government responsible for public developments and projects shall cooperate and correlate their efforts by using the National Capital Planning Commission as the central planning agency for federal activities in the National Capital region. To aid the Commission in carrying out this function, federal and District of Columbia governmental agencies on request of the Commission shall furnish plans, data, and records the Commission requires. The Commission on request shall furnish related plans, data, and records to federal and District of Columbia governmental agencies.

(b) CONSULTATION BETWEEN AGENCIES AND COMMISSION.—

(1) BEFORE CONSTRUCTION PLANS PREPARED.—To ensure the comprehensive planning and orderly development of the National Capital, a federal or District of Columbia agency, before preparing construction plans the agency originates for proposed developments and projects or before making a commitment to acquire land, to be paid for at least in part from federal or District amounts, shall advise and consult with the Commission as the agency prepares plans and programs in preliminary and successive stages that affect the plan and development of the National Capital. After receiving the plans, maps, and data, the Commission promptly shall make a preliminary report and recommendations to the agency. If the agency, after considering the report and recommendations of the Commission, does not agree, it shall advise the Commission and provide the reasons why it does not agree. The Commission then shall submit a final report. After consultation and suitable consideration of the views of the Commission, the agency may proceed to take action in accordance with its legal responsibilities and authority.

(2) EXCEPTIONS.—

(A) IN GENERAL.—Paragraph (1) does not apply to projects within the Capitol grounds or to structures erected by the Department of Defense during wartime or national emergency within existing military, naval, or Air Force reservations, except that the appropriate defense agency shall consult with the Commission as to any developments which materially affect traffic or require coordinated planning of the surrounding area.

(B) ADVANCE DECISIONS OF COMMISSION.—The Commission shall determine in advance the type or kinds of plans, developments, projects, improvements, or acquisitions which do not need to be submitted for review by the Commission as to conformity with its plans.

(c) ADDITIONAL PROCEDURE FOR DEVELOPMENTS AND PROJECTS WITHIN ENVIRONS.—

(1) SUBMISSION TO COMMISSION.—Within the environs, general plans showing the location, character, and extent of, and intensity of use for, proposed federal and District developments and projects involving the acquisition of land shall be submitted to the Commission for report and recommendations before a final commitment to the acquisition is made, unless the matter specifically has been approved by law.

(2) COMMISSION ACTION.—Before acting on any general plan, the Commission shall advise and consult with the appropriate planning agency having jurisdiction over the affected part of the environs. When the Commission decides that proposed developments or projects submitted to the Commission under subsection (b) involve a major change in the character or intensity of an existing use in the environs, the Commission shall advise and consult with the planning agency. The report and recommendations shall be submitted within 60 days and shall be accompanied by any reports or recommendations of the planning agency.

(3) WORKING WITH STATE OR LOCAL AUTHORITY OR AGENCY.—In carrying out its planning functions with respect to federal developments or projects in the environs, the Commission may work with, and make agreements with, any state or local authority or planning agency as the Commission considers necessary to have a plan or proposal adopted and carried out.

(d) APPROVAL OF FEDERAL PUBLIC BUILDINGS.—The provisions of the Act of June 20, 1938 (ch. 534, 52 Stat. 797) shall not apply to federal public buildings. In order to ensure the orderly development of the National Capital, the location, height, bulk, number of stories, and size of federal public buildings in the District of Columbia and the provision for open space in and around federal public buildings in the District of Columbia are subject to the approval of the Commission.

(e) APPROVAL OF DISTRICT GOVERNMENT BUILDINGS IN CENTRAL AREA.—Subsection (d) is extended to include public buildings erected by any agency of the Government of the District of Columbia in the central area of the District (as defined by concurrent action of the Commission and the Council of the District of Columbia), except that the Commission shall transmit its approval or disapproval within 30 days after the day the proposal was submitted to the Commission.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1221; Pub. L. 109–284, § 6(29), Sept. 27, 2006, 120 Stat. 1213.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
8722(a)	40:71d(e).	June 6, 1924, ch. 270, § 5, as added July 19, 1952, ch. 949, § 1, 66 Stat. 787; Pub. L. 93–198, title II, § 203(d), Dec. 24, 1973, 87 Stat. 782.
8722(b)(1)	40:71d(a) (1st sentence words before proviso, 2d–last sentences).	
8722(b)(2)(A)	40:71d(b).	

HISTORICAL AND REVISION NOTES—CONTINUED

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
8722(b)(2)(B)	40:71d(a) (1st sentence proviso).	
8722(c)(1), (2).	40:71d(d).	
8722(c)(3)	40:71c(e) (last par.).	June 6, 1924, ch. 270, § 4(e) (last par.), as added July 19, 1952, ch. 949, § 1, 66 Stat. 787.
8722(d)	(uncodified).	June 20, 1938, ch. 534, § 16, 52 Stat. 802.
8722(e)	40:71d(c).	

In subsection (a), the words ''including the acquisition of land'' are omitted as unnecessary.

In subsection (b)(1), the words ''received and'' are omitted as unnecessary.

In subsection (c)(2), reference to the National Capital Regional Planning Council is omitted as obsolete because the Council was abolished by section 1 of Reorganization Plan No. 5 of 1966 (eff. Sept. 8, 1966, 40:71b note).

In subsection (c)(3), the word ''work'' is substituted for ''act in conjunction and cooperation'' to eliminate unnecessary words.

In subsection (d), the word ''Commission'' [meaning the National Capital Planning Commission] is substituted for ''National Capital Park and Planning Commission'' because of section 9 of the Act of June 6, 1924 (ch. 270), as added by section 1 of the Act of July 19, 1952 (ch. 949, 66 Stat. 790). See section 8711(f) of the revised title.

In subsection (e), the words ''the boundaries of'' and ''and from time to time redefined'' are omitted as unnecessary.

REFERENCES IN TEXT

The Act of June 20, 1938, referred to in subsec. (d), is act June 20, 1938, ch. 534, 52 Stat. 797, as amended. While the Act was not classified to the Code, section 16 of the Act was repealed and reenacted as subsec. (d) of this section by Pub. L. 107–217, §§ 1, 6, Aug. 21, 2002, 116 Stat. 1062, 1304. See Historical and Revision Notes above.

AMENDMENTS

2006—Subsec. (d). Pub. L. 109–284 substituted ''52 Stat. 797'' for ''52 Stat. 802'' and ''are subject'' for ''is subject''.

§ 8723. Capital improvements

(a) SIX-YEAR PROGRAM OF PUBLIC WORKS PROJECTS.—The National Capital Planning Commission shall recommend a six-year program of public works projects for the Federal Government which the Commission shall review annually with the agencies concerned. Each federal agency shall submit to the Commission in the first quarter of each fiscal year a copy of its advance program of capital improvements within the National Capital and its environs.

(b) SUBMISSION OF MULTIYEAR CAPITAL IMPROVEMENT PLAN.—By February 1 of each year, the Mayor of the District of Columbia shall submit to the Commission a copy of the multiyear capital improvements plan for the District of Columbia that the Mayor develops under section 444 of the District of Columbia Home Rule Act (Public Law 93–198, 87 Stat. 800). The Commission has 30 days in which to comment on the plan but may not change or disapprove of the plan.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1223.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
8723	40:71f.	June 6, 1924, ch. 270, § 7, as added July 19, 1952, ch. 949, § 1, 66 Stat. 789; Pub. L. 93–198, title II, § 203(f), Dec. 24, 1973, 87 Stat. 782.

In subsection (b), the words ''District of Columbia Home Rule Act'' are substituted for ''District of Columbia of Columbia Self-Government and Governmental Reorganization Act'' because of section 11717(b) of the Balanced Budget Act of 1997 (Public Law 105–33, 111 Stat. 786).

REFERENCES IN TEXT

Section 444 of the District of Columbia Home Rule Act, referred to in subsec. (b), is section 444 of Pub. L. 93–198, title IV, Dec. 24, 1973, 87 Stat. 800, as amended, which is not classified to the Code.

§ 8724. Zoning regulations and maps

(a) AMENDMENTS OF ZONING REGULATIONS AND MAPS.—The National Capital Planning Commission may make a report and recommendation to the Zoning Commission of the District of Columbia, as provided in section 5 of the Act of June 20, 1938 (ch. 534, 52 Stat. 798), on the relation, conformity, or consistency of proposed amendments of the zoning regulations and maps with the comprehensive plan for the National Capital. The Planning Commission may also submit to the Zoning Commission proposed amendments or general revisions to the zoning regulations or the zoning map for the District of Columbia.

(b) ADDITIONAL REPORT BY PLANNING COMMISSION.—When requested by an authorized representative of the Planning Commission, the Zoning Commission may recess for a reasonable period of time any public hearing it is holding to consider a proposed amendment to the zoning regulations or map so that the Planning Commission may have an opportunity to present to the Zoning Commission an additional report on the proposed amendment.

(c) ZONING COMMITTEE OF NATIONAL CAPITAL PLANNING COMMISSION.—

(1) ESTABLISHMENT AND COMPOSITION.—There is a Zoning Committee of the National Capital Planning Commission. The Committee consists of at least three members of the Planning Commission the Planning Commission designates for that purpose. The number of members serving on the Committee may vary.

(2) DUTIES.—The Committee shall carry out the functions vested in the Planning Commission under this section and section 8725 of this title—

(A) to the extent the Planning Commission decides; and

(B) when requested by the Zoning Commission and approved by the Planning Commission.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1223.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
8724(a)	40:71g(a).	June 6, 1924, ch. 270, § 8(a)–(c), as added July 19, 1952, ch. 949, § 1, 66 Stat. 790; Pub. L. 93–198, title II, § 203(g), Dec. 24, 1973, 87 Stat. 783.
8724(b)	40:71g(b).	
8724(c)	40:71g(c).	

In subsection (a), the words ''Act of June 20, 1938'' are substituted for ''Act of March 1, 1920'' to correct an error in the law.

In subsection (b), the words ''properly'', ''at its discretion'', and ''or its representative'' are omitted as unnecessary.

In subsection (c)(1), the words ''from time to time'' are omitted as unnecessary.

REFERENCES IN TEXT

Section 5 of the Act of June 20, 1938, referred to in subsec. (a), is section 5 of act June 20, 1938, ch. 534, 52 Stat. 798, which is not classified to the Code.

§ 8725. Recommendations on platting and subdividing land

(a) BY COUNCIL OF THE DISTRICT OF COLUMBIA.—The Council of the District of Columbia shall submit any proposed change in, or addition to, the regulations or general orders regulating the platting and subdividing of lands and grounds in the District of Columbia to the National Capital Planning Commission for report and recommendation before the Council adopts the change or addition. The Council shall advise the Commission when it does not agree with the recommendations of the Commission and shall give the reasons why it disagrees. The Commission then shall submit a final report within 30 days. After considering the final report, the Council may act in accordance with its legal responsibilities and authority.

(b) BY PLANNING COMMISSION.—The Commission shall submit to the Council any proposed change in, or amendment to, the general orders that the Commission considers appropriate. The Council shall treat the amendments proposed in the same manner as other proposed amendments.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1224.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
8725	40:71g(d).	June 6, 1924, ch. 270, § 8(d), as added July 19, 1952, ch. 949, § 1, 66 Stat. 790.

In subsection (b), the words ''to the Council'' are added for clarity.

§ 8726. Authorization of appropriations

Amounts necessary to carry out this subchapter may be appropriated from money in the Treasury not otherwise appropriated and from any appropriate appropriation law, except the annual District of Columbia Appropriation Act.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1224.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
8726	40:71i.	June 6, 1924, ch. 270, § 10, as added July 19, 1952, ch. 949, § 1, 66 Stat. 791.

The words ''any existing provisions of law to the contrary notwithstanding'' are omitted as unnecessary.

SUBCHAPTER IV—ACQUIRING AND DISPOSING OF LAND

§ 8731. Acquiring land for park, parkway, or playground purposes

(a) AUTHORITY TO ACQUIRE LAND.—The National Capitol Planning Commission shall acquire land the Planning Commission believes is necessary and desirable in the District of Columbia and adjacent areas in Maryland and Virginia for suitable development of the National Capital park, parkway, and playground system. The acquisition must be within the limits of the appropriations made for those purposes. The Planning Commission shall request the advice of the Commission of Fine Arts in selecting land to be acquired.

(b) HOW LAND MAY BE ACQUIRED.—

(1) PURCHASE OR CONDEMNATION PROCEEDING.—The National Capital Planning Commission may buy land when the land can be acquired at a price the Planning Commission considers reasonable or by a condemnation proceeding when the land cannot be bought at a reasonable price.

(2) LAND IN THE DISTRICT OF COLUMBIA.—A condemnation proceeding to acquire land in the District of Columbia shall be conducted in accordance with section 1 of the Act of December 23, 1963 (Public Law 88–241, 77 Stat. 571).

(3) LAND IN MARYLAND OR VIRGINIA.—The Planning Commission may acquire land in Maryland or Virginia under arrangements agreed to by the Commission and the proper officials of Maryland or Virginia.

(c) CONTROL OF LAND.—

(1) LAND IN THE DISTRICT OF COLUMBIA.—Land acquired in the District of Columbia shall be a part of the park system of the District of Columbia and be under the control of the Director of the National Park Service. The National Capital Planning Commission may assign areas suitable for playground purposes to the control of the Mayor of the District of Columbia for playground purposes.

(2) LAND IN MARYLAND OR VIRGINIA.—Land acquired in Maryland or Virginia shall be controlled as determined by agreement between the Planning Commission and the proper officials of Maryland or Virginia.

(d) PRESIDENTIAL APPROVAL REQUIRED.—The designation of all land to be acquired by condemnation, all contracts to purchase land, and all agreements between the National Capital Planning Commission and the officials of Maryland and Virginia are subject to the approval of the President.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1224.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
8731(a)	40:72 (1st, 4th sentences).	June 6, 1924, ch. 270, § 11, formerly § 2, 43 Stat. 463; renumbered § 11, July 19, 1952, ch. 949, § 2 (1st sentence), 66 Stat. 791.
8731(b)	40:72 (2d, 3d sentence).	
8731(c)	40:73 (3d–last sentences).	June 6, 1924, ch. 270, § 12 (3d–last sentences), formerly § 3 (3d–last sentences), 43 Stat. 463; renumbered § 12, July 19, 1952, ch. 949, § 2 (1st sentence), 66 Stat. 791.
8731(d)	40:72 (last sentence).	

In subsection (a), the words ''or a majority thereof'' are omitted as unnecessary.

In subsection (b)(2), the words ''section 1 of the Act of December 23, 1963 (Public Law 88–241, 77 Stat. 572)'' are substituted for 40:72 (2d sentence words after ''in accordance with'') because provisions in section 3 of the Act of August 30, 1890 (ch. 837, 26 Stat. 412), established the act as permanent and general. The act therefore was classified to 40:120, which was superseded by the Act of March 1, 1929 (ch. 416, 45 Stat. 1415), which was classified to 40:361 et seq. That law was repealed by section 21(b) of the Act of December 23, 1963 (Public Law 88–241, 77 Stat. 627), with the subject matter of those sections being restated in section 1 of that Act.

In subsection (b)(3), the words ''either by purchase or condemnation proceedings'' and ''as to acquisition and payment for the lands as it shall determine upon'' are omitted as unnecessary.

In subsection (c)(1), the words ''Director of the National Park Service'' are substituted for ''Chief of Engineers of the United States Army'' [subsequently changed to ''Director of Public Buildings and Public Parks'' by section 3 of the Act of February 26, 1925 (ch. 339, 43 Stat. 983)] because of section 1(words before 3d comma in 2d complete par. on p. 389) of the Act of March 2, 1934 (ch. 38, 48 Stat. 389).

In subsection (c)(2), the words ''in Maryland or Virginia'' are substituted for ''outside the District of Columbia'' for clarity and for consistency in this section. The words ''such agreements to be subject to the approval of the President'' are omitted because of 40:72 (last sentence), restated as subsection (d).

REFERENCES IN TEXT

Section 1 of the Act of December 23, 1963, referred to in subsec. (b)(2), is section 1 of Pub. L. 88–241, Dec. 23, 1963, 77 Stat. 478, which enacted general and permanent laws relating to judiciary and judicial procedure in the District of Columbia, and which is not classified to the Code.

§ 8732. Acquiring land subject to limited rights reserved to grantor and limited permanent rights in land adjoining park property

(a) IN GENERAL.—The National Capital Planning Commission in accordance with this chapter may acquire, for and on behalf of the Federal Government, by gift, devise, purchase, or condemnation—

(1) fee title to land subject to limited rights, but not for business purposes, reserved to the grantor; and

(2) permanent rights in land adjoining park property sufficient to prevent the use of the land in certain specified ways which would essentially impair the value of the park property for its purposes.

(b) PREREQUISITES TO ACQUISITION.—

(1) FEE TITLE TO LAND SUBJECT TO LIMITED RIGHTS.—The reservation of rights to the grantor shall not continue beyond the life of the grantor of the fee. The Commission must decide that the permanent public park purposes for which control over the land is needed are not essentially impaired by the reserved rights and that there is a substantial saving in cost by acquiring the land subject to the limited rights as compared with the cost of acquiring unencumbered title to the land.

(2) PERMANENT RIGHTS IN LAND ADJOINING PARK PROPERTY.—The Commission must decide that the protection and maintenance of the essential public values of the park can be secured more economically by acquiring the permanent rights than by acquiring the land.

(c) PRESIDENTIAL APPROVAL REQUIRED.—All contracts to acquire land or rights under this section are subject to the approval of the President.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1225.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
8732(a)	40:72a (1st par., last par. less provisos).	Dec. 22, 1928, ch. 48, § 1, 45 Stat. 1070.
8732(b)	40:72a (last par. 1st–3d provisos).	
8732(c)	40:72a (last par. last proviso).	

In subsection (a), the text of 40:72a (1st par.) is omitted as unnecessary.

§ 8733. Lease of land acquired for park, parkway, or playground purposes

The Secretary of the Interior may lease, for not more than five years, land or an existing building or structure on land acquired for park, parkway, or playground purposes, and may renew the lease for an additional five years. A lease or renewal under this section is—

(1) subject to the approval of the National Capital Planning Commission;

(2) subject to the need for the immediate use of the land, building, or structure in other ways by the public; and

(3) on terms the Administrator decides.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1225.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
8733	40:72b.	Dec. 22, 1928, ch. 48, § 2, 45 Stat. 1070.

The words ''Administrator of General Services'' are substituted for ''Director of Public Buildings and Public Parks of the National Capital'' [subsequently changed to ''Director of the National Park Service'' because of section 2 of Executive Order No. 6166 (eff. June 10, 1933) and the Act of March 2, 1934 (ch. 38, 48 Stat. 389), and ''Public Buildings Administrator'' because of sections 301 and 303 of Reorganization Plan No. I of 1939 (eff. July 1, 1939, 53 Stat. 1426, 1427)] because of section 103(a) of the Federal Property and Administrative Services Act of 1949 (ch. 288, 63 Stat. 380), which is restated as section 303(c) [303(b)] of the revised title. The words ''National Capital Planning Commission'' are substituted for ''National Capital Park and Planning Commission'' because of section 9 of the Act of June 6, 1924 (ch. 270), as added by section 1 of the Act of July 19, 1952 (ch. 949, 66 Stat. 790). See section 8711(f) of the revised title.

§ 8734. Sale of land by Mayor

(a) AUTHORITY TO SELL.—With the approval of the National Capital Planning Commission, the Mayor of the District of Columbia, for the best interests of the District of Columbia, may sell to the highest bidder at public or private sale real estate in the District of Columbia owned in fee simple by the District of Columbia for municipal use that the Council of the District of Columbia and the Commission find to be no longer required for public purposes.

(b) PAYING EXPENSES AND DEPOSITING PROCEEDS.—The Mayor—

(1) may pay the reasonable and necessary expenses of the sale of each parcel of land sold; and

(2) shall deposit the net proceeds of each sale in the Treasury to the credit of the District of Columbia.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1226.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
8734(a)	40:72c.	Aug. 5, 1939, ch. 449, §§1, 2, 53 Stat. 1211.
8734(b)	40:72d.	

In subsection (a), the words ''in his discretion'', ''and convey, in whole or in part'', and ''now or hereafter'' are omitted as unnecessary.

§ 8735. Sale of land by Secretary of the Interior

(a) AUTHORITY TO SELL.—With the approval of the National Capital Planning Commission, the Secretary of the Interior, for the best interests of the Federal Government, may sell, by deed or instrument, real estate held by the Government in the District of Columbia and under the jurisdiction of the National Park Service which may be no longer needed for public purposes. The land may be sold for cash or on a deferred-payment plan the Secretary approves, at a price not less than the Government paid for it and not less than its present appraised value as determined by the Secretary.

(b) SALE TO HIGHEST BIDDER.—In selling any parcel of land under this section, the Secretary shall have public or private solicitation for bids or offers be made as the Secretary considers appropriate. The Secretary shall sell the parcel to the party agreeing to pay the highest price if the price is otherwise satisfactory. If the price offered or bid by the owner of land abutting the land to be sold equals the highest price offered or bid by any other party, the parcel may be sold to the owner of the abutting land.

(c) PAYING EXPENSES AND DEPOSITING PROCEEDS.—The Secretary—

(1) may pay the reasonable and necessary expenses of the sale of each parcel of land sold; and

(2) shall deposit the net proceeds of each sale in the Treasury to the credit of the Government and the District of Columbia in the proportion that each—

(A) paid the appropriations used to acquire the parcels; or

(B) was obligated to pay the appropriations, at the time of acquisition, by reimbursement.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1226.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
8735(a)	40:74a.	Aug. 5, 1939, ch. 449, §§4–6, 53 Stat. 1211.
8735(b)	40:74b.	
8735(c)	40:74c.	

In subsection (a), the words ''in his discretion'', ''and convey, in whole or in part'', and ''proper'' are omitted as unnecessary.

In subsection (b), reference to sections 72c to 72e is omitted as unnecessary because the Secretary of the Interior does not have authority to sell land under those sections.

§ 8736. Execution of deeds

The Mayor of the District of Columbia may execute deeds of conveyance for real estate sold under this subchapter. The deeds shall contain a full description of the land sold as required by law.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1227.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
8736	40:72e.	Aug. 5, 1939, ch. 449, §3, 53 Stat. 1211.

The word ''proper'' is omitted as unnecessary. The words ''as required by'' are substituted for ''either by metes and bounds, or otherwise according to'' to eliminate unnecessary words.

§ 8737. Authorization of appropriations

An amount equal to not more than one cent for each inhabitant of the continental United States as determined by the last preceding decennial census may be appropriated each year in the District of Columbia Appropriation Act for the National Capital Planning Commission to use for the payment of its expenses and for the acquisition of land the Commission may acquire under section 8731 of this title for the purposes named, including compensation for the land, surveys, ascertainment of title, condemnation proceedings, and necessary conveyancing. The appropriated amounts shall be paid from the revenues of the District of Columbia and the general amounts of the Treasury in the same proportion as other expenses of the District of Columbia.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1227.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
8737	40:73 (1st, 2d sentences).	June 6, 1924, ch. 270, §12 (1st, 2d sentences), formerly §3 (1st, 2d sentences), 43 Stat. 463; renumbered §12, July 19, 1952, ch. 949, §2 (1st sentence), 66 Stat. 791.

CHAPTER 89—NATIONAL CAPITAL MEMORIALS AND COMMEMORATIVE WORKS

Sec.
8901. Purposes.
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§ 8901. Purposes

The purposes of this chapter are—

(1) to preserve the integrity of the comprehensive design of the L'Enfant and McMillan plans for the Nation's Capital;

(2) to ensure the continued public use and enjoyment of open space in the District of Columbia and its environs, and to encourage the location of commemorative works within the urban fabric of the District of Columbia;

(3) to preserve, protect and maintain the limited amount of open space available to residents of, and visitors to, the Nation's Capital; and

(4) to ensure that future commemorative works in areas administered by the National Park Service and the Administrator of General Services in the District of Columbia and its environs—

(A) are appropriately designed, constructed, and located; and

(B) reflect a consensus of the lasting national significance of the subjects involved.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1227; Pub. L. 108–126, title II, § 203(a), Nov. 17, 2003, 117 Stat. 1349.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
8901	40:1001.	Pub. L. 99–652, §1, Nov. 14, 1986, 100 Stat. 3650.

AMENDMENTS

2003—Par. (2). Pub. L. 108–126 substituted ''Columbia and its environs, and to encourage the location of commemorative works within the urban fabric of the District of Columbia;'' for ''Columbia;''.

EFFECTIVE DATE OF 2003 AMENDMENT

Pub. L. 108–126, title II, § 205, Nov. 17, 2003, 117 Stat. 1353, provided that: ''Except for the provision in the amendment made by section 202(b) [amending section 8908 of this title] prohibiting a visitor center from being located in the Reserve (as defined in section 8902 of title 40, United States Code), nothing in this title [see Short Title of 2003 Amendment note set out under section 101 of this title] shall apply to a commemorative work for which a site was approved in accordance with chapter 89 of title 40, United States Code, prior to the date of enactment of this title [Nov. 17, 2003].''

FINDINGS

Pub. L. 108–126, title II, § 202(a), Nov. 17, 2003, 117 Stat. 1349, provided that: ''Congress finds that—

''(1) the great cross-axis of the Mall in the District of Columbia, which generally extends from the United States Capitol to the Lincoln Memorial, and from the White House to the Jefferson Memorial, is a substantially completed work of civic art; and

''(2) to preserve the integrity of the Mall, a reserve area should be designated within the core of the great cross-axis of the Mall where the siting of new commemorative works is prohibited.''

§ 8902. Definitions and nonapplication

(a) DEFINITIONS.—In this chapter:

(1) COMMEMORATIVE WORK.—The term ''commemorative work'' means any statue, monument, sculpture, memorial, plaque, inscription, or other structure or landscape feature, including a garden or memorial grove, designed to perpetuate in a permanent manner the memory of an individual, group, event or other significant element of American history, except that the term does not include any such item which is located within the interior of a structure or a structure which is primarily used for other purposes.

(2) THE DISTRICT OF COLUMBIA AND ITS ENVIRONS.—The term ''the District of Columbia and its environs'' means those lands and properties administered by the National Park Service and the General Services Administration located in the Reserve, Area I, and Area II as depicted on the map entitled ''Commemorative Areas Washington, DC and Environs'', numbered 869/86501 B, and dated June 24, 2003.

(3) RESERVE.—The term ''Reserve'' means the great cross-axis of the Mall, which generally extends from the United States Capitol to the Lincoln Memorial, and from the White House to the Jefferson Memorial, as depicted on the map referenced in paragraph (2).

(4) SPONSOR.—The term ''sponsor'' means a public agency, or an individual, group or organization that is described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code, and which is authorized by Congress to establish a commemorative work in the District of Columbia and its environs.

(b) NONAPPLICATION.—This chapter does not apply to commemorative works authorized by a law enacted before January 3, 1985.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1227; Pub. L. 108–126, title II, § 203(b), Nov. 17, 2003, 117 Stat. 1350.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
8902(a)	40:1002.	Pub. L. 99–652, §2, Nov. 14, 1986, 100 Stat. 3650; Pub. L. 103–321, §2(a), Aug. 26, 1994, 108 Stat. 1793.
8902(b)	40:1010(e).	Pub. L. 99–652, §10(e), Nov. 14, 1986, 100 Stat. 3654.

In subsection (a), the text of 40:1002(a) and (b) is omitted as unnecessary because the complete names of the Secretary of the Interior and the Administrator of General Services are used the first time the terms appear in a section.

In subsection (a)(3), the words ''notwithstanding any other provision of law'' are omitted as unnecessary. The words ''Administrator of General Services'' are substituted for ''General Services Administration'' because of section 101(b) of the Federal Property and Administrative Services Act of 1949 (ch. 288, 63 Stat. 379), which is restated as section 302(a) of the revised title.

In subsection (b), the words ''January 3, 1985'' are substituted for ''the commencement of the Ninety-ninth Congress'' for clarity.

[1] Section catchline amended by Pub. L. 108–126 without corresponding amendment of analysis.

REFERENCES IN TEXT

Section 501 of the Internal Revenue Code of 1986, referred to in subsec. (a)(4), is classified to section 501 of Title 26, Internal Revenue Code.

AMENDMENTS

2003—Subsec. (a). Pub. L. 108–126 added subsec. (a) and struck out heading and text of former subsec. (a). Text read as follows: ''In this chapter, the following definitions apply:

''(1) COMMEMORATIVE WORK.—The term 'commemorative work'—

''(A) means any statue, monument, sculpture, memorial, plaque, inscription, or other structure or landscape feature, including a garden or memorial grove, designed to perpetuate in a permanent manner the memory of an individual, group, event or other significant element of American history; but

''(B) does not include an item described in subclause (A) that is located within the interior of a structure or a structure which is primarily used for other purposes.

''(2) PERSON.—The term 'person' means—

''(A) a public agency; and

''(B) an individual, group or organization—

''(i) described in section 501(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 501(c)(3)) and exempt from tax under section 501(a) of the Code (26 U.S.C. 501(a)); and

''(ii) authorized by Congress to establish a commemorative work in the District of Columbia and its environs.

''(3) THE DISTRICT OF COLUMBIA AND ITS ENVIRONS.—The term 'the District of Columbia and its environs' means land and property located in Areas I and II as depicted on the map numbered 869/86581, and dated May 1, 1986, that the National Park Service and the Administrator of General Services administer.''

EFFECTIVE DATE OF 2003 AMENDMENT

Amendments by Pub. L. 108–126 not applicable to a commemorative work for which a site was approved in accordance with this chapter prior to Nov. 17, 2003, see section 205 of Pub. L. 108–126, set out as a note under section 8901 of this title.

§ 8903. Congressional authorization of commemorative works

(a) IN GENERAL.—Commemorative works—

(1) may be established on federal lands referred to in section 8901(4) of this title only as specifically authorized by law; and

(2) are subject to applicable provisions of this chapter.

(b) MILITARY COMMEMORATIVE WORKS.—A military commemorative work may be authorized only to commemorate a war or similar major military conflict or a branch of the armed forces. A commemorative work solely commemorating a limited military engagement or a unit of an armed force may not be authorized. Commemorative works to a war or similar major military conflict may not be authorized until at least 10 years after the officially designated end of such war or conflict.

(c) WORKS COMMEMORATING EVENTS, INDIVIDUALS, OR GROUPS.—A commemorative work commemorating an event, individual, or group of individuals, except a military commemorative work as described in subsection (b), may not be authorized until after the 25th anniversary of the event, death of the individual, or death of the last surviving member of the group.

(d) CONSULTATION WITH NATIONAL CAPITAL MEMORIAL ADVISORY COMMISSION.—In considering legislation authorizing commemorative works in the District of Columbia and its environs, the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate shall solicit the views of the National Capital Memorial Advisory Commission.

(e) EXPIRATION OF LEGISLATIVE AUTHORITY.—Any legislative authority for a commemorative work shall expire at the end of the seven-year period beginning on the date of the enactment of such authority, or at the end of the seven-year period beginning on the date of the enactment of legislative authority to locate the commemorative work within Area I, if such additional authority has been granted, unless—

(1) the Secretary of the Interior or the Administrator of General Services (as appropriate) has issued a construction permit for the commemorative work during that period; or

(2) the Secretary or the Administrator (as appropriate), in consultation with the National Capital Memorial Advisory Commission, has made a determination that—

(A) final design approvals have been obtained from the National Capital Planning Commission and the Commission of Fine Arts; and

(B) 75 percent of the amount estimated to be required to complete the commemorative work has been raised.

If these two conditions have been met, the Secretary or the Administrator (as appropriate) may extend the seven-year legislative authority for a period not to exceed three additional years. Upon expiration of the legislative authority, any previous site and design approvals shall also expire.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1228; Pub. L. 108–126, title II, § 203(c), Nov. 17, 2003, 117 Stat. 1350; Pub. L. 111–11, title VII, § 7116(e)(1), Mar. 30, 2009, 123 Stat. 1203.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
8903(a)	40:1003(a).	Pub. L. 99–652, § 3, Nov. 14, 1986, 100 Stat. 3651; Pub. L. 100–202, § 101(f) [title II, § 3], Dec. 22, 1987, 101 Stat. 1329–196; Pub. L. 100–230, § 3, Jan. 5, 1988, 101 Stat. 1564; Pub. L. 103–321, § 2(b), Aug. 26, 1994, 108 Stat. 1793; Pub. L 104–186, title II, § 221(18), Aug. 20, 1996, 110 Stat. 1750.
8903(b)	40:1003(b).	
8903(c)	40:1003(c).	
8903(d)	40:1003(d).	
8903(e)	40:1010(b).	Pub. L. 99–652, § 10(b), Nov. 14, 1986, 100 Stat. 3654; Pub. L. 102–216, § 1, Dec. 11, 1991, 105 Stat. 1666.

In subsection (a)(1), the words ''in the District of Columbia and its environs'' are omitted as unnecessary.

In subsection (d), the words ''House Administration'' are substituted for ''House Oversight'' because the name of the Committee was changed in the 106th Congress. See Rule X(1)(i) of the Rules of the House of Representatives.

AMENDMENTS

2009—Subsec. (d). Pub. L. 111–11, which directed insertion of ''Natural'' before ''Resources'', was executed by

making the insertion before ''Resources of the House'', to reflect the probable intent of Congress.

2003—Subsec. (b). Pub. L. 108–126, § 203(c)(1), substituted ''work solely commemorating a limited military engagement'' for ''work commemorating a lesser conflict'' and ''such war or conflict'' for ''the event''.

Subsec. (d). Pub. L. 108–126, § 203(c)(2), substituted ''Memorial Advisory Commission'' for ''Memorial Commission'' in heading, and in text substituted ''Resources'' for ''House Administration'' and inserted ''Advisory'' before ''Commission''.

Subsec. (e). Pub. L. 108–126, § 203(c)(3), added subsec. (e) and struck out heading and text of former subsec. (e). Text read as follows: ''Legislative authority for a commemorative work expires at the end of the seven–year period beginning on the date the authority is enacted unless the Secretary of the Interior or Administrator of General Services, as appropriate, has issued a construction permit for the commemorative work during that period.''

EFFECTIVE DATE OF 2003 AMENDMENT

Amendments by Pub. L. 108–126 not applicable to a commemorative work for which a site was approved in accordance with this chapter prior to Nov. 17, 2003, see section 205 of Pub. L. 108–126, set out as a note under section 8901 of this title.

COMMEMORATIVE WORKS

Adams Memorial.—Pub. L. 107–62, Nov. 5, 2001, 115 Stat. 411; Pub. L. 107–315, Dec. 2, 2002, 116 Stat. 2763; Pub. L. 108–7, div. F, title I, § 142, Feb. 20, 2003, 117 Stat. 244.

African-Americans Civil War Union Memorial.—Pub. L. 102–412, Oct. 14, 1992, 106 Stat. 2104.

Air Force Memorial.—Pub. L. 103–163, Dec. 2, 1993, 107 Stat. 1973; Pub. L. 106–302, Oct. 13, 2000, 114 Stat. 1062; Pub. L. 107–107, div. B, title XXVIII, § 2863(a)–(e), Dec. 28, 2001, 115 Stat. 1330–1332.

American Armored Force Memorial.—Pub. L. 99–620, Nov. 6, 1986, 100 Stat. 3493.

Benjamin Banneker Memorial.—Pub. L. 105–355, title V, § 512, Nov. 6, 1998, 112 Stat. 3266.

Black Revolutionary War Patriots Memorial.—Pub. L. 99–500, § 101(h) [title I, § 118], Oct. 18, 1986, 100 Stat. 1783–242, 1783–266, and Pub. L. 99–591, § 101(h) [title I, § 118], Oct. 30, 1986, 100 Stat. 3341–242, 3341–266; Pub. L. 99–558, Oct. 27, 1986, 100 Stat. 3144; Pub. L. 99–590, title VIII, §§ 801, 802, Oct. 30, 1986, 100 Stat. 3339; Pub. L. 100–265, Mar. 25, 1988, 102 Stat. 39; Pub. L. 103–321, § 1(a)(1), Aug. 26, 1994, 108 Stat. 1793; Pub. L. 104–333, div. I, title V, § 506, Nov. 12, 1996, 110 Stat. 4155; Pub. L. 105–345, § 1, Nov. 2, 1998, 112 Stat. 3205; Pub. L. 106–442, Nov. 6, 2000, 114 Stat. 1926.

Brigadier General Francis Marion Commemorative Work.—Pub. L. 110–229, title III, § 331, May 8, 2008, 122 Stat. 781.

Disabled Veterans' LIFE Memorial.—Pub. L. 106–348, Oct. 24, 2000, 114 Stat. 1358; Pub. L. 109–396, title II, § 201, Dec. 15, 2006, 120 Stat. 2713; Pub. L. 110–106, § 1, Oct. 25, 2007, 121 Stat. 1022.

Dwight D. Eisenhower Memorial.—Pub. L. 106–79, title VIII, § 8162, Oct. 25, 1999, 113 Stat. 1274; Pub. L. 107–117, div. A, title VIII, § 8120(a), (b), Jan. 10, 2002, 115 Stat. 2273, 2274; Pub. L. 109–220, May 5, 2006, 120 Stat. 335; Pub. L. 110–229, title III, § 332, May 8, 2008, 122 Stat. 782.

Francis Scott Key Memorial.—Pub. L. 99–531, Oct. 27, 1986, 100 Stat. 3022.

Frederick Douglass Memorial and Gardens.—Pub. L. 106–479, Nov. 9, 2000, 114 Stat. 2184.

George Mason Memorial.—Pub. L. 101–358, Aug. 10, 1990, 104 Stat. 419; Pub. L. 102–277, Apr. 28, 1992, 106 Stat. 127; Pub. L. 105–182, § 1, June 19, 1998, 112 Stat. 516.

Japanese American Patriotism in World War II Memorial.—Pub. L. 102–502, Oct. 24, 1992, 106 Stat. 3273; Pub. L. 104–333, div. I, title V, § 514, Nov. 12, 1996, 110 Stat. 4165.

COMMEMORATIVE WORKS—CONTINUED

Korean War Veterans Memorial.—Pub. L. 99–572, Oct. 28, 1986, 100 Stat. 3226; Pub. L. 100–202, § 101(f) [title II, §§ 1, 2], Dec. 22, 1987, 101 Stat. 1329–195, 1329–196; Pub. L. 100–230, §§ 1, 2, Jan. 5, 1988, 101 Stat. 1563; Pub. L. 100–267, Mar. 28, 1988, 102 Stat. 41; Pub. L. 105–262, title VIII, § 8122, Oct. 17, 1998, 112 Stat. 2332.

Lincoln Memorial, ''I Have a Dream Speech'' Commemorative Plaque.—Pub. L. 106–365, Oct. 27, 2000, 114 Stat. 1409; Pub. L. 108–352, § 4, Oct. 21, 2004, 118 Stat. 1395.

Mahatma Gandhi Memorial.—Pub. L. 105–284, § 1, Oct. 26, 1998, 112 Stat. 2701.

Martin Luther King, Jr., Memorial.—Pub. L. 104–333, div. I, title V, § 508, Nov. 12, 1996, 110 Stat. 4157; Pub. L. 105–201, § 1, July 16, 1998, 112 Stat. 675; Pub. L. 106–176, title I, § 108, Mar. 10, 2000, 114 Stat. 26; Pub. L. 108–125, § 1, Nov. 11, 2003, 117 Stat. 1347; Pub. L. 109–54, title I, § 134(c), Aug. 2, 2005, 119 Stat. 527; Pub. L. 110–453, title III, § 301, Dec. 2, 2008, 122 Stat. 5034; Pub. L. 111–88, div. A, title I, § 129, Oct. 30, 2009, 123 Stat. 2933.

National Peace Garden.—Pub. L. 100–63, June 30, 1987, 101 Stat. 379; Pub. L. 103–321, § 1(a)(3), (b), Aug. 26, 1994, 108 Stat. 1793; Pub. L. 105–202, July 16, 1998, 112 Stat. 676.

Thomas Paine Memorial.—Pub. L. 102–407, Oct. 13, 1992, 106 Stat. 1991; Pub. L. 102–459, Oct. 23, 1992, 106 Stat. 2268; Pub. L. 103–422, Oct. 25, 1994, 108 Stat. 4356; Pub. L. 106–113, div. B, § 1000(a)(3) [title I, § 142], Nov. 29, 1999, 113 Stat. 1535, 1501A–171.

Tomas G. Masaryk Memorial.—Pub. L. 107–61, Nov. 5, 2001, 115 Stat. 410.

Ukrainian Famine-Genocide Victims Memorial.—Pub. L. 109–340, Oct. 13, 2006, 120 Stat. 1864.

Victims of Communism Memorial.—Pub. L. 103–199, title IX, § 905, Dec. 17, 1993, 107 Stat. 2331; Pub. L. 105–277, div. A, § 101(e) [title III, § 326], Oct. 21, 1998, 112 Stat. 2681–231, 2681–291.

Vietnam Women's Memorial.—Pub. L. 100–660, Nov. 15, 1988, 102 Stat. 3922; Pub. L. 101–187, Nov. 28, 1989, 103 Stat. 1350.

Women in Military Service for America Memorial.—Pub. L. 99–500, § 101(h) [title I, § 117], Oct. 18, 1986, 100 Stat. 1783–242, 1783–266, and Pub. L. 99–591, § 101(h) [title I, § 117], Oct. 30, 1986, 100 Stat. 3341–242, 3341–266; Pub. L. 99–590, title IX, §§ 901, 902, Oct. 30, 1986, 100 Stat. 3339; Pub. L. 99–610, Nov. 6, 1986, 100 Stat. 3477; Pub. L. 103–321, § 1(a)(2), Aug. 26, 1994, 108 Stat. 1793; Pub. L. 103–337, div. B, title XXVIII, § 2855, Oct. 5, 1994, 108 Stat. 3073.

World War II Memorial.—Pub. L. 103–32, May 25, 1993, 107 Stat. 90; Pub. L. 103–422, Oct. 25, 1994, 108 Stat. 4356; Pub. L. 106–58, title VI, § 652, Sept. 29, 1999, 113 Stat. 480; Pub. L. 106–117, title VI, § 601(b), Nov. 30, 1999, 113 Stat. 1578; Pub. L. 107–11, May 28, 2001, 115 Stat. 19.

§ 8904. National Capital Memorial Advisory Commission

(a) ESTABLISHMENT AND COMPOSITION.—There is established the National Capital Memorial Advisory Commission, which shall be composed of—

(1) the Director of the National Park Service;

(2) the Architect of the Capitol;

(3) the Chairman of the American Battle Monuments Commission;

(4) the Chairman of the Commission of Fine Arts;

(5) the Chairman of the National Capital Planning Commission;

(6) the Mayor of the District of Columbia;

(7) the Commissioner of the Public Buildings Service of the General Services Administration; and

(8) the Secretary of Defense.

(b) CHAIRMAN.—The Director is the Chairman of the National Capital Memorial Advisory Commission.

(c) ADVISORY ROLE.—The National Capital Memorial Advisory Commission shall advise the Secretary of the Interior and the Administrator of General Services (as appropriate) on policy and procedures for establishment of, and proposals to establish, commemorative works in the District of Columbia and its environs and on other matters concerning commemorative works in the Nation's Capital as the Commission considers appropriate.

(d) MEETINGS.—The National Capital Memorial Advisory Commission shall meet at least twice annually.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1229; Pub. L. 108–126, title II, § 203(d), Nov. 17, 2003, 117 Stat. 1351; Pub. L. 111–11, title VII, § 7116(e)(2), Mar. 30, 2009, 123 Stat. 1203.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
8904(a), (b)	40:1004(a).	Pub. L. 99–652, § 4, Nov. 14, 1986, 100 Stat. 3651.
8904(c)	40:1004(b) (1st sentence).	
8904(d)	40:1004(b) (last sentence).	

AMENDMENTS

2009—Subsec. (b). Pub. L. 111–11 inserted ''Advisory'' before ''Commission''.

2003—Pub. L. 108–126, § 203(d)(1), inserted ''Advisory'' before ''Commission'' in section catchline.

Subsec. (a). Pub. L. 108–126, § 203(d)(2), substituted ''There is established the National Capital Memorial Advisory Commission, which shall be composed of'' for ''There is a National Capital Memorial Commission. The membership of the Commission consists of'' in introductory provisions.

Subsec. (c). Pub. L. 108–126, § 203(d)(3), inserted ''Advisory'' before ''Commission shall'' and substituted ''Services (as appropriate)'' for ''Services''.

Subsec. (d). Pub. L. 108–126, § 203(d)(4), inserted ''Advisory'' before ''Commission''.

EFFECTIVE DATE OF 2003 AMENDMENT

Amendments by Pub. L. 108–126 not applicable to a commemorative work for which a site was approved in accordance with this chapter prior to Nov. 17, 2003, see section 205 of Pub. L. 108–126, set out as a note under section 8901 of this title.

TERMINATION OF ADVISORY COMMISSIONS

Advisory commissions established after Jan. 5, 1973, to terminate not later than the expiration of the 2-year period beginning on the date of their establishment, unless, in the case of a commission established by the President or an officer of the Federal Government, such commission is renewed by appropriate action prior to the expiration of such 2-year period, or in the case of a commission established by the Congress, its duration is otherwise provided for by law. See sections 3(2) and 14 of Pub. L. 92–463, Oct. 6, 1972, 86 Stat. 770, 776, set out in the Appendix to Title 5, Government Organization and Employees.

§ 8905. Site and design approval

(a) CONSULTATION ON, AND SUBMISSION OF, PROPOSALS.—A sponsor authorized by law to establish a commemorative work in the District of Columbia and its environs may request a permit for construction of the commemorative work only after the following requirements are met:

(1) CONSULTATION.—The sponsor must consult with the National Capital Memorial Advisory Commission regarding the selection of alternative sites and design concepts for the commemorative work.

(2) SUBMITTAL.—Following consultation in accordance with clause (1), the Secretary of the Interior or the Administrator of General Services, as appropriate, must submit, on behalf of the sponsor, site and design proposals to the Commission of Fine Arts and the National Capital Planning Commission for their approval.

(b) DECISION CRITERIA.—In considering site and design proposals, the Commission of Fine Arts, National Capital Planning Commission, and the Secretary or Administrator (as appropriate) shall be guided by, but not limited by, the following criteria:

(1) SURROUNDINGS.—To the maximum extent possible, a commemorative work shall be located in surroundings that are relevant to the subject of the work.

(2) LOCATION.—A commemorative work shall be located so that—

(A) it does not interfere with, or encroach on, an existing commemorative work; and

(B) to the maximum extent practicable, it protects open space, existing public use, and cultural and natural resources.

(3) MATERIAL.—A commemorative work shall be constructed of durable material suitable to the outdoor environment.

(4) LANDSCAPE FEATURES.—Landscape features of commemorative works shall be compatible with the climate.

(5) MUSEUMS.—No commemorative work primarily designed as a museum may be located on lands under the jurisdiction of the Secretary in Area I or in East Potomac Park as depicted on the map referenced in section 8902(2).[1]

(6) SITE-SPECIFIC GUIDELINES.—The National Capital Planning Commission and the Commission of Fine Arts may develop such criteria or guidelines specific to each site that are mutually agreed upon to ensure that the design of the commemorative work carries out the purposes of this chapter.

(7) DONOR CONTRIBUTIONS.—Donor contributions to commemorative works shall not be acknowledged in any manner as part of the commemorative work or its site.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1229; Pub. L. 108–126, title II, §§ 203(e), 204, Nov. 17, 2003, 117 Stat. 1351, 1352.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
8905(a)	40:1007(a).	Pub. L. 99–652, § 7, Nov. 14, 1986, 100 Stat. 3652; Pub. L. 103–321, § 2(d), Aug. 26, 1994, 108 Stat. 1794.
8905(b)	40:1007(b).	

[1] So in original. Probably should be section ''8902(a)(2).''

AMENDMENTS

2003—Subsec. (a). Pub. L. 108–126, § 203(e)(1)(A), substituted ''sponsor'' for ''person'' wherever appearing.

Subsec. (a)(1). Pub. L. 108–126, § 203(e)(1)(B), inserted ''Advisory'' before ''Commission'' and substituted ''design concepts'' for ''designs''.

Subsec. (b). Pub. L. 108–126, § 203(e)(2)(A), substituted ''and the Secretary or Administrator (as appropriate)'' for ''Secretary, and Administrator'' in introductory provisions.

Subsec. (b)(2)(B). Pub. L. 108–126, § 203(e)(2)(B), substituted ''open space, existing public use, and cultural and natural resources.'' for ''open space and existing public use.''

Subsec. (b)(5) to (7). Pub. L. 108–126, § 204, added pars. (5) to (7).

EFFECTIVE DATE OF 2003 AMENDMENT

Amendments by Pub. L. 108–126 not applicable to a commemorative work for which a site was approved in accordance with this chapter prior to Nov. 17, 2003, see section 205 of Pub. L. 108–126, set out as a note under section 8901 of this title.

§ 8906. Criteria for issuance of construction permit

(a) CRITERIA FOR ISSUING PERMIT.—Before issuing a permit for the construction of a commemorative work in the District of Columbia and its environs, the Secretary of the Interior or Administrator of General Services, as appropriate, shall determine that—

(1) the site and design have been approved by the Secretary or Administrator, the National Capital Planning Commission and the Commission of Fine Arts;

(2) knowledgeable individuals qualified in the field of preservation and maintenance have been consulted to determine structural soundness and durability of the commemorative work and to ensure that the commemorative work meets high professional standards;

(3) the sponsor authorized to construct the commemorative work has submitted contract documents for construction of the commemorative work to the Secretary or Administrator; and

(4) the sponsor authorized to construct the commemorative work has available sufficient amounts to complete construction of the project.

(b) DONATION FOR PERPETUAL MAINTENANCE AND PRESERVATION.—

(1) In addition to the criteria described above in subsection (a), no construction permit shall be issued unless the sponsor authorized to construct the commemorative work has donated an amount equal to 10 percent of the total estimated cost of construction to offset the costs of perpetual maintenance and preservation of the commemorative work. All such amounts shall be available for those purposes pursuant to the provisions of this subsection. The provisions of this subsection shall not apply in instances when the commemorative work is constructed by a Department or agency of the Federal Government and less than 50 percent of the funding for such work is provided by private sources.

(2) Notwithstanding any other provision of law, money on deposit in the Treasury on the date of enactment of the Commemorative Works Clarification and Revision Act of 2003 provided by a sponsor for maintenance pursuant to this subsection shall be credited to a separate account in the Treasury.

(3) Money provided by a sponsor pursuant to the provisions of this subsection after the date of enactment of the Commemorative Works Clarification and Revision Act of 2003 shall be credited to a separate account with the National Park Foundation.

(4) Upon request of the Secretary or Administrator (as appropriate), the Secretary of the Treasury or the National Park Foundation shall make all or a portion of such moneys available to the Secretary or the Administrator (as appropriate) for the maintenance of a commemorative work. Under no circumstances may the Secretary or Administrator request funds from a separate account exceeding the total money in the account established under paragraph (2) or (3). The Secretary and the Administrator shall maintain an inventory of funds available for such purposes. Funds provided under this paragraph shall be available without further appropriation and shall remain available until expended.

(c) SUSPENSION FOR MISREPRESENTATION IN FUNDRAISING.—The Secretary of the Interior or Administrator may suspend any activity under this chapter that relates to the establishment of a commemorative work if the Secretary or Administrator determines that fundraising efforts relating to the work have misrepresented an affiliation with the work or the Federal Government.

(d) ANNUAL REPORT.—The person authorized to construct a commemorative work under this chapter must submit to the Secretary of the Interior or Administrator an annual report of operations, including financial statements audited by an independent certified public accountant. The person shall pay for the report.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1230; Pub. L. 108–126, title II, § 203(f), Nov. 17, 2003, 117 Stat. 1351.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
8906(a)	40:1008(a).	Pub. L. 99–652, § 8, Nov. 14, 1986, 100 Stat. 3652; Pub. L. 103–321, § 2(e), Aug. 26, 1994, 108 Stat. 1794.
8906(b)(1)	40:1008(b) (words before proviso), cl. (1).	
8906(b)(2), (3).	40:1008(b)(2).	
8906(b)(4)	40:1008(b) (proviso).	
8906(c)	40:1008(c)(1).	
8906(d)	40:1008(c)(2).	

In subsection (b)(1), the words ''Notwithstanding any other provision of law'' are omitted as unnecessary.

In subsection (b)(2), the words ''Congress authorizes and directs that'' are omitted as unnecessary.

REFERENCES IN TEXT

The date of enactment of the Commemorative Works Clarification and Revision Act of 2003, referred to in subsec. (b)(2), (3), is the date of enactment of Pub. L. 108–126, which was approved on Nov. 17, 2003.

AMENDMENTS

2003—Subsec. (a)(3), (4). Pub. L. 108–126, § 203(f)(1), substituted ''sponsor'' for ''person''.

Subsec. (b). Pub. L. 108–126, § 203(f)(2), added subsec. (b) and struck out heading and text of former subsec. (b). Text read as follows:

''(1) AMOUNT.—In addition to the criteria described in subsection (a), a construction permit may not be issued unless the person authorized to construct the commemorative work has donated an amount equal to 10 percent of the total estimated cost of construction to offset the costs of perpetual maintenance and preservation of the commemorative work. The amounts shall be credited to a separate account in the Treasury.

''(2) AVAILABILITY.—The Secretary of the Treasury shall make any part of the donated amount available to the Secretary of the Interior or Administrator for maintenance at the request of the Secretary of the Interior or Administrator. The Secretary of the Interior or Administrator shall not request more from the separate account than the total amount deposited by persons establishing commemorative works in areas the Secretary of the Interior or Administrator administers.

''(3) INVENTORY OF AVAILABLE AMOUNTS.—The Secretary of the Interior and Administrator shall maintain an inventory of amounts available under this subsection. The amounts are not subject to annual appropriations.

''(4) NONAPPLICABILITY.—This subsection does not apply when a department or agency of the Federal Government constructs the work and less than 50 percent of the funding for the work is provided by private sources.''

EFFECTIVE DATE OF 2003 AMENDMENT

Amendments by Pub. L. 108–126 not applicable to a commemorative work for which a site was approved in accordance with this chapter prior to Nov. 17, 2003, see section 205 of Pub. L. 108–126, set out as a note under section 8901 of this title.

§ 8907. Temporary site designation

(a) CRITERION FOR DESIGNATION.—If the Secretary of the Interior, in consultation with the National Capital Memorial Commission, determines that a site where commemorative works may be displayed on a temporary basis is necessary to aid in the preservation of the limited amount of open space available to residents of, and visitors to, the Nation's Capital, a site may be designated on land the Secretary administers in the District of Columbia.

(b) PLAN.—A designation may be made under subsection (a) only if, at least 120 days before the designation, the Secretary, in consultation with the Commission, prepares and submits to Congress a plan for the site. The plan shall include specifications for the location, construction, and administration of the site and criteria for displaying commemorative works at the site.

(c) RISK AND AGREEMENT TO INDEMNIFY.—A commemorative work displayed at the site shall be installed, maintained, and removed at the sole expense and risk of the person authorized to display the work. The person shall agree to indemnify the United States for any liability arising from the display of the commemorative work under this section.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1231.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
8907(a)	40:1009(a) (1st sentence).	Pub. L. 99–652, § 9, Nov. 14, 1986, 100 Stat. 3653; Pub. L. 103–321, § 2(f), Aug. 26, 1994, 108 Stat. 1795.
8907(b)	40:1009(a) (2d, last sentences).	

HISTORICAL AND REVISION NOTES—CONTINUED

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
8907(c)	40:1009(b).	

§ 8908. Areas I and II

(a) AVAILABILITY OF MAP.—The Secretary of the Interior or the Administrator of General Services (as appropriate) shall make available, for public inspection at appropriate offices of the National Park Service and the General Services Administration, the map entitled ''Commemorative Areas Washington, DC and Environs'', numbered 869/86501 B, and dated June 24, 2003.

(b) SPECIFIC CONDITIONS APPLICABLE TO AREA I AND AREA II.—

(1) AREA I.—After seeking the advice of the National Capital Memorial Advisory Commission, the Secretary or Administrator, as appropriate, may recommend the location of a commemorative work in Area I only if the Secretary or Administrator decides that the subject of the commemorative work is of preeminent historical and lasting significance to the United States. The Secretary or Administrator shall notify the Commission, the Committee on Natural Resources of the House of Representatives, and the Committee on Energy and Natural Resources of the Senate of the recommendation that a commemorative work should be located in Area I. The location of a commemorative work in Area I is deemed to be authorized only if the recommendation is approved by law not later than 150 calendar days after the notification.

(2) AREA II.—Commemorative works of subjects of lasting historical significance to the American people may be located in Area II.

(c) RESERVE.—After the date of enactment of the Commemorative Works Clarification and Revision Act of 2003, no commemorative work or visitor center shall be located within the Reserve.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1231; Pub. L. 108–126, title II, §§ 202(b), 203(g), Nov. 17, 2003, 117 Stat. 1349, 1352; Pub. L. 111–11, title VII, § 7116(e)(3), Mar. 30, 2009, 123 Stat. 1203.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
8908(a)	40:1005.	Pub. L. 99–652, § 5, Nov. 14, 1986, 100 Stat. 3651.
8908(b)	40:1006.	Pub. L. 99–652, § 6, Nov. 14, 1986, 100 Stat. 3651; Pub. L. 103–321, § 2(c), Aug. 26, 1994, 108 Stat. 1794.

In subsection (b)(1), the words ''the Committee on House Administration of the House of Representatives, and the Committee on Energy and Natural Resources of the Senate'' are substituted for ''the committees of Congress specified in section 1003(b) [sic] of this title'' for clarity. The reference to section 1003(b) should be to section 1003(d).

REFERENCES IN TEXT

The date of enactment of the Commemorative Works Clarification and Revision Act of 2003, referred to in subsec. (c), is the date of enactment of Pub. L. 108–126, which was approved Nov. 17, 2003.

AMENDMENTS

2009—Subsec. (b)(1). Pub. L. 111–11 inserted ''Advisory'' before ''Commission'' in first sentence and substituted ''Natural Resources of the House'' for ''House Administration of the House'' in second sentence.

2003—Subsec. (a). Pub. L. 108–126, § 203(g)(2), which directed substitution of ''entitled 'Commemorative Areas Washington, DC and Environs', numbered 869/86501 B, and dated June 24, 2003'' for ''numbered 869/86581, and dated May 1, 1986'', was executed by making the substitution for ''numbered 869/86501, and dated May 1, 1986'' to reflect the probable intent of Congress.

Pub. L. 108–126, § 203(g)(1), substituted ''Secretary of the Interior or the Administrator of General Services (as appropriate)'' for ''Secretary of the Interior and Administrator of General Services''.

Subsec. (c). Pub. L. 108–126, § 202(b), added subsec. (c).

EFFECTIVE DATE OF 2003 AMENDMENT

Amendments by Pub. L. 108–126, except for the provision in the amendment made by section 202(b) prohibiting a visitor center from being located in the Reserve (as defined in section 8902 of this title), are not applicable to a commemorative work for which a site was approved in accordance with this chapter prior to Nov. 17, 2003, see section 205 of Pub. L. 108–126, set out as a note under section 8901 of this title.

§ 8909. Administrative

(a) MAINTENANCE OF DOCUMENTATION OF DESIGN AND CONSTRUCTION.—Complete documentation of design and construction of each commemorative work located in the District of Columbia and its environs shall be provided to the Secretary of the Interior or Administrator of General Services, as appropriate, and shall be permanently maintained in the manner provided by law.

(b) RESPONSIBILITY FOR MAINTENANCE OF COMPLETED WORK.—On completion of any commemorative work in the District of Columbia and its environs, the Secretary or Administrator, as appropriate, shall assume responsibility for maintaining the work.

(c) REGULATIONS OR STANDARDS.—The Secretary and Administrator shall prescribe appropriate regulations or standards to carry out this chapter.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1231.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
8909(a)	40:1010(a).	Pub. L. 99–652, § 10(a), (c), Nov. 14, 1986, 100 Stat. 3654.
8909(b)	40:1010(c).	
8909(c)	40:1010(d).	Pub. L. 99–652, § 10(d), Nov. 14, 1986, 100 Stat. 3654; Pub. L. 103–321, § 2(g), Aug. 26, 1994, 108 Stat. 1795.

CHAPTER 91—COMMISSION OF FINE ARTS

Sec.
9101. Establishment, composition, and vacancies.
9102. Duties.
9103. Personnel.
9104. Authorization of appropriations.

§ 9101. Establishment, composition, and vacancies

(a) ESTABLISHMENT.—There is a Commission of Fine Arts.

(b) COMPOSITION.—The Commission is composed of seven well-qualified judges of the fine arts, appointed by the President, who serve for four years each or until their successors are appointed and qualified.

(c) VACANCIES.—The President shall fill vacancies on the Commission.

(d) EXPENSES.—Members of the Commission shall be paid actual expenses in traveling to and from the District of Columbia to attend Commission meetings and while attending those meetings.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1232.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
9101(a), (b)	40:104 (1st sentence).	May 17, 1910, ch. 243, § 1 (1st, 2d sentences, last sentence words after comma), 36 Stat. 371.
9101(c)	40:104 (2d sentence).	
9101(d)	40:104 (last sentence words after comma).	

In subsection (a), the word ''permanent'' is omitted as obsolete.

In subsection (d), the words ''the District of Columbia'' are substituted for ''Washington'' for consistency in the revised title and with other titles of the United States Code.

§ 9102. Duties

(a) IN GENERAL.—The Commission of Fine Arts shall advise on—

(1) the location of statues, fountains, and monuments in the public squares, streets, and parks in the District of Columbia;

(2) the selection of models for statues, fountains, and monuments erected under the authority of the Federal Government;

(3) the selection of artists to carry out clause (2); and

(4) questions of art generally when required to do so by the President or a committee of Congress.

(b) DUTY TO REQUEST ADVICE.—The officers required to decide the questions described in subsection (a)(1)–(3) shall request the Commission to provide the advice.

(c) NONAPPLICATION.—This section does not apply to the Capitol Building and the Library of Congress buildings.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1232.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
9102(a)	40:104 (3d, 6th sentences).	May 17, 1910, ch. 243, § 1 (3d–6th sentences), 36 Stat. 371.
9102(b)	40:104 (4th sentence).	
9102(c)	40:104 (5th sentence).	

In subsection (b), the words ''in each case'' are omitted as unnecessary. The words ''request the Commission to provide'' are substituted for ''call for'' for clarity.

In subsection (c), the words ''buildings of the Library of Congress'' are substituted for ''building of the Library of Congress'' for clarity because the Library of Congress comprises more than one building.

§ 9103. Personnel

The Commission of Fine Arts has a secretary and other assistance the Commission authorizes. The secretary is the executive officer of the Commission.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1232.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
9103	40:104 (last sentence words before comma). 40:105.	May 17, 1910, ch. 243, § 1 (last sentence words before comma), 36 Stat. 371. June 25, 1910, ch. 384 1 [sic] (8th complete par. on p. 728 (less appropriations)), 36 Stat. 728.

The text of 40:105 (related to officer in charge of public buildings and grounds) is omitted as obsolete.

§ 9104. Authorization of appropriations

Necessary amounts may be appropriated to carry out this chapter.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1232.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
9104	40:106.	May 17, 1910, ch. 243, § 2, 36 Stat. 371; May 25, 1955, ch. 76, 69 Stat. 66; May 13, 1960, Pub. L. 86–461, 74 Stat. 128.

CHAPTER 93—THEODORE ROOSEVELT ISLAND

Sec.
9301. Maintenance and administration.
9302. Consent of Theodore Roosevelt Association required for development.
9303. Access to Theodore Roosevelt Island.
9304. Source of appropriations.

§ 9301. Maintenance and administration

The Director of the National Park Service shall maintain and administer Theodore Roosevelt Island as a natural park for the recreation and enjoyment of the public.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1233.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
9301	40:124 (words before proviso).	May 21, 1932, ch. 200, § 1 (words before proviso), 47 Stat. 163; Feb. 11, 1933, ch. 48, § 1, 47 Stat. 799.

In this chapter, the words ''Director of the National Park Service'' are substituted for ''Director of Public Buildings and Public Parks of the National Capital'' and ''director'' because of section 2 of Executive Order No. 6166 (eff. June 10, 1933) and the Act of June 10, 1934 (ch. 38, 48 Stat. 389).

In this section, the text of section 1 (words before 1st semicolon) of the Act of May 21, 1932 (ch. 200, 47 Stat. 163) is omitted as executed.

DESIGNATION OF THEODORE ROOSEVELT ISLAND

Act Feb. 11, 1933, ch. 48, § 2, 47 Stat. 799, provided that: ''In all public documents, records, and maps of the United States in which Roosevelt Island is designated or referred to it shall be designated as 'Theodore Roosevelt Island'.''

§ 9302. Consent of Theodore Roosevelt Association required for development

(a) GENERAL PLAN FOR DEVELOPMENT.—The Theodore Roosevelt Association must approve every general plan for the development of Theodore Roosevelt Island.

(b) DEVELOPMENT INCONSISTENT WITH PLAN.—As long as the Association remains in existence, development inconsistent with the general plan may not be carried out without the Association's consent.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1233; Pub. L. 109–284, § 6(30), Sept. 27, 2006, 120 Stat. 1213.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
9302	40:124 (proviso).	May 21, 1932, ch. 200, § 1 (proviso), 47 Stat. 163.

The words ''Theodore Roosevelt Association'' are substituted for ''Roosevelt Memorial Association'' because of section 2 of the Act of May 21, 1953 (ch. 63, 36:210101 note).

AMENDMENTS

2006—Subsec. (b). Pub. L. 109–284 substituted ''With'' for ''with'' in heading.

§ 9303. Access to Theodore Roosevelt Island

Subject to the approval of the National Capital Planning Commission and the availability of appropriations, the Director of the National Park Service may provide suitable means of access to and on Theodore Roosevelt Island.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1233.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
9303	40:125 (words before semicolon).	May 21, 1932, ch. 200, § 2 (words before semicolon), 47 Stat. 164; Feb. 11, 1933, ch. 48, § 1, 47 Stat. 799.

The words ''National Capital Planning Commission'' are substituted for ''National Capital Park and Planning Commission'' because of section 9 of the Act of June 6, 1924 (ch. 270), as added by section 1 of the Act of July 19, 1952 (ch. 949, 66 Stat. 790). See section 8711(f) of the revised title. The words ''from time to time'' are omitted as unnecessary.

§ 9304. Source of appropriations

The appropriations needed for construction of suitable means of access to and on Theodore Roosevelt Island and annually for the care, maintenance, and improvement of the land and improvements may be made from amounts not otherwise appropriated from the Treasury.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1233.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
9304	40:125 (words after semicolon).	May 21, 1932, ch. 200, § 2 (words after semicolon), 47 Stat. 164.

CHAPTER 95—WASHINGTON AQUEDUCT AND OTHER PUBLIC WORKS IN THE DISTRICT OF COLUMBIA

Sec.
9501. Chief of Engineers.
9502. Authority of Chief of Engineers.
9503. Record of property.
9504. Reports.
9505. Paying for main pipes.
9506. Civil penalty.
9507. Control of expenditures.

§ 9501. Chief of Engineers

(a) SUPERINTENDENCE DUTIES.—

(1) WASHINGTON AQUEDUCT AND OTHER PUBLIC WORKS AND IMPROVEMENTS IN THE DISTRICT OF COLUMBIA.—The Chief of Engineers has the immediate superintendence of—

(A) the Washington Aqueduct, together with all rights, appurtenances, and fixtures connected with the Aqueduct and belonging to the Federal Government; and

(B) all other public works and improvements in the District of Columbia in which the Government has an interest and which are not otherwise specially provided for by law.

(2) OBEYING REGULATIONS.—In carrying out paragraph (1), the Chief of Engineers shall obey regulations the President prescribes, through the Secretary of the Army.

(b) NO INCREASE IN COMPENSATION.—The Chief of Engineers shall not receive additional compensation for the services required under this chapter.

(c) OFFICE.—The Chief of Engineers shall be furnished an office in one of the public buildings in the District of Columbia, as the Administrator of General Services directs, and shall be supplied by the Federal Government with stationery, instruments, books, and furniture which may be required for the performance of the duties of the Chief of Engineers.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1233.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
9501(a)(1)	40:45.	R.S. § 1800.
9501(a)(2)	40:48.	R.S. § 1801.
9501(b)	40:46.	R.S. § 1807.
9501(c)	40:47.	R.S. § 1808.

In subsection (a)(2), the words ''pursuant to law'' are omitted as unnecessary. The words ''Secretary of the Army'' are substituted for ''Department of War'' [subsequently changed to ''Department of the Army'' because of section 205(a) of the National Security Act of 1947 (ch. 343, 61 Stat. 501)] because of 10:3013(a)(1).

In subsection (b), the word ''additional'' is substituted for ''other than his regular pay as an officer of the Corps of Engineers'' to eliminate unnecessary words. The words ''of him'' are omitted as unnecessary. The words ''this chapter'' are substituted for ''title 21 of the Revised Statutes'' because the only provisions of title 21 related to the Chief of Engineers that have not been repealed are contained in the revised chapter.

In subsection (c), the words ''an office'' are substituted for ''official apartments'' for clarity. The words ''District of Columbia'' are substituted for ''city of Washington'' for consistency in the revised title and with other titles of the United States Code. The words ''Administrator of General Services'' are substituted for ''President'' [subsequently changed to ''Public Buildings Commission'' because of section 10 of the Act of March 1, 1919 (ch. 86, 40 Stat. 1269), ''National Park Service'' because of section 2 of Executive Order No. 6166 (eff. June 10, 1933) and the Act of March 2, 1934 (ch. 38, 48 Stat. 389), and ''Public Buildings Administrator in the Federal Works Agency'' because of sections 301 and 303 of Reorganization Plan No. I of 1939 (eff. July 1, 1939, 53 Stat. 1426, 1427)] because of section 103(a) of the Federal Property and Administrative Services Act of 1949 (ch. 288, 63 Stat. 380), which is restated as section 303(c) [303(b)] of the revised title.

§ 9502. Authority of Chief of Engineers

(a) IN GENERAL.—The Chief of Engineers and necessary assistants may use all lawful means to carry out their duties.

(b) SUPPLY OF WATER IN DISTRICT OF COLUMBIA.—

(1) PROVIDING WATER.—The Chief of Engineers has complete control over the Washington Aqueduct to regulate the manner in which the authorities of the District of Columbia may tap the supply of water to the inhabitants of the District of Columbia.

(2) STOPPAGE OF WATER FLOW.—The Chief of Engineers shall stop the authorities of the District of Columbia from tapping the supply of water when the supply is no more than adequate to the wants of the public buildings and grounds.

(3) APPEAL OF DECISION.—The decision of the Chief of Engineers on all questions concerning the supply of water under this subsection may be appealed only to the Secretary of the Army.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1234.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
9502(a), (b)(1), (2).	40:51.	R.S. § 1810.
9502(b)(3)	40:52.	R.S. § 1811.

In subsection (b)(3), the words ''Secretary of the Army'' are substituted for ''Department of War'' [subsequently changed to ''Department of the Army'' because of section 205(a) of the National Security Act of 1947 (ch. 343, 61 Stat. 501)] because of 10:3013(a)(1).

§ 9503. Record of property

The Chief of Engineers shall keep in the office a complete record of all land and other property connected with or belonging to the Washington Aqueduct and other public works under the charge of the Chief of Engineers, together with accurate plans and surveys of the public grounds and reservations in the District of Columbia.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1234.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
9503	40:49.	R.S. § 1809.

§ 9504. Reports

As superintendent of the Washington Aqueduct, the Chief of Engineers annually shall submit to the Secretary of the Army, within nine months after the end of the fiscal year, a report

of the Chief of Engineers' operations for that year and a report of the condition, progress, repairs, casualties, and expenditures of the Washington Aqueduct and other public works under the charge of the Chief of Engineers.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1234.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
9504	40:50.	R.S. § 1812; Pub. L. 96–470, title II, § 202(a), Oct. 19, 1980, 94 Stat. 2242.

The provisions of section 1812 of the Revised Statues which authorized the Chief of Engineers, as Superintendent of Public Buildings and Grounds, to report to the Secretary of War concerning the Chief of Engineers' operations for the preceding year, including an account of the manner in which all appropriations for public buildings and grounds had been applied, are omitted because the Office of Public Buildings and Grounds under the Chief of Engineers was abolished and the functions of the Chief of Engineers and the Secretary of War with respect to the Superintendent of Public Buildings and Grounds were transferred to the Director of Public Buildings and Public Parks of the National Capital by section 3 of the Act of February 26, 1925 (ch. 339, 43 Stat. 983). Those functions subsequently were transferred to the National Park Service by section 2 of Executive Order No. 6166 (eff. June 10, 1933) and the Act of March 2, 1934 (ch. 38, 48 Stat. 389), the Public Buildings Administrator in the Federal Works Agency by sections 301 and 303 of Reorganization Plan No. I of 1939 (eff. July 1, 1939, 53 Stat. 1426, 1427), and the Administrator of General Services by section 103(a) of the Federal Property and Administrative Services Act of 1949 (ch. 288, 63 Stat. 380), which is restated as section 303(c) [303(b)] of the revised title. The words ''Secretary of the Army'' are substituted for ''Department of War'' [subsequently changed to ''Department of the Army'' because of section 205(a) of the National Security Act of 1947 (ch. 343, 61 Stat. 501)] because of 10:3013(a)(1).

§ 9505. Paying for main pipes

(a) FEDERAL GOVERNMENT.—The Federal Government shall only pay for the number of main pipes of the Washington Aqueduct needed to furnish public buildings, offices, and grounds with the necessary supply of water.

(b) DISTRICT OF COLUMBIA.—The District of Columbia shall pay the cost of any main pipe of the Washington Aqueduct which supplies water to the inhabitants of the District of Columbia, in the manner provided by law.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1234.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
9505	40:55.	R.S. § 1805.

In subsection (b), the words ''its inhabitants'' are substituted for ''inhabitants of Washington and Georgetown'' in section 1805 of the Revised Statutes because of the Act of February 11, 1895 (ch. 79, 28 Stat. 650).

§ 9506. Civil penalty

A person that, without the consent of the Chief of Engineers, taps or opens the mains or pipes laid by the Federal Government is liable to the Government for a civil penalty of at least $50 and not more than $500.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1234.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
9506	40:56.	R.S. § 1803.

The words ''in charge of public buildings and works'' in section 1803 of the Revised Statutes are omitted because the Office of Public Buildings and Grounds under the Chief of Engineers was abolished and the functions of the Chief of Engineers with respect to public buildings and works were transferred to the Director of Public Buildings and Public Parks of the National Capital by section 3 of the Act of February 26, 1925 (ch. 339, 43 Stat. 983). Those functions subsequently were transferred to the National Park Service by section 2 of Executive Order No. 6166 (eff. June 10, 1933) and the Act of March 2, 1934 (ch. 38, 48 Stat. 389), the Public Buildings Administrator in the Federal Works Agency by sections 301 and 303 of Reorganization Plan No. I of 1939 (eff. July 1, 1939, 53 Stat. 1426, 1427), and the Administrator of General Services by section 103(a) of the Federal Property and Administrative Services Act of 1949 (ch. 288, 63 Stat. 380), which is restated as section 303(c) [303(b)] of the revised title. The words ''or hereafter to be laid'' are omitted as unnecessary. The words ''is liable to the government for a civil penalty'' are substituted for ''under a penalty'' for consistency in the revised title and with other titles of the United States Code.

§ 9507. Control of expenditures

Unless expressly provided for by law, the Secretary of the Army shall direct the expenditure of amounts appropriated for the Washington Aqueduct and for other public works in the District of Columbia.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1235.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
9507	40:54.	R.S. § 1802.

The words ''Secretary of the Army'' are substituted for ''Department of War'' [subsequently changed to ''Department of the Army'' because of section 205(a) of the National Security Act of 1947 (ch. 343, 61 Stat. 501)] because of 10:3013(a)(1).

SUBTITLE III—INFORMATION TECHNOLOGY MANAGEMENT

Chapter		Sec.
111.	**GENERAL**	**11101**
113.	**RESPONSIBILITY FOR ACQUISITIONS OF INFORMATION TECHNOLOGY**	**11301**
115.	**INFORMATION TECHNOLOGY ACQUISITION PILOT PROGRAM**	**11501**
117.	**ADDITIONAL INFORMATION RESOURCES MANAGEMENT MATTERS**	**11701**

AMENDMENTS

2002—Pub. L. 107–314, div. A, title VIII, § 825(b)(3)(G), Dec. 2, 2002, 116 Stat. 2616, and Pub. L. 107–347, title II, § 210(h)(3)(H), Dec. 17, 2002, 116 Stat. 2939, amended item for chapter 115 identically, substituting ''PROGRAM'' for ''PROGRAMS''.

CHAPTER 111—GENERAL

Sec.
11101. Definitions.