

(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

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Sec.	
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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 cen-

tral 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 6101(b) to (d) of title 41 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; Pub. L. 111–350, §5(l)(23), Jan. 4, 2011, 124 Stat. 3852.)

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

2011—Subsec. (d). Pub. L. 111-350, which directed substitution of “section 6101(b) to (d) of title 41” for “section 3709 of the Revised Statutes (41 U.S.C. 5)”, was executed by making the substitution for “section 3709 of the Revised Statutes (41 U.S.C. 5)” to reflect the probable intent of Congress.

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 thereafter, 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 element 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 pre-

pares 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) 8722(b)(2)(B)	40:71d(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)	(unclassified).	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

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 1: 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

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 1: 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. Row 2: 8724(b), 40:71g(b). Row 3: 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

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
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

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
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

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
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

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Rows for 8732(a), 8732(b), and 8732(c).

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

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row for 8733.

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

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Rows for 8734(a) and 8734(b).

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.
- 8902. Definitions and nonapplication.
- 8903. Congressional authorization of commemorative works.
- 8904. National Capital Memorial Commission.¹
- 8905. Site and design approval.
- 8906. Criteria for issuance of construction permit.
- 8907. Temporary site designation.
- 8908. Areas I and II.
- 8909. Administrative.

§ 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;”.

¹ Section catchline amended by Pub. L. 108–126 without corresponding amendment of analysis.