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# House Calendar No. 161

107TH CONGRESS
2D SESSION

# H. R. 2068

**[Report No. 107–479]**

To revise, codify, and enact without substantive change certain general and permanent laws, related to public buildings, property, and works, as title 40, United States Code, ''Public Buildings, Property, and Works''.

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IN THE HOUSE OF REPRESENTATIVES

JUNE 6, 2001

Mr. SENSENBRENNER introduced the following bill; which was referred to the Committee on the Judiciary

MAY 20, 2002

Additional sponsor: Mr. CONYERS

MAY 20, 2002

Reported with an amendment, referred to the House Calendar, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on June 6, 2001]

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# A BILL

To revise, codify, and enact without substantive change certain general and permanent laws, related to public buildings, property, and works, as title 40, United States Code, ''Public Buildings, Property, and Works''.

1 *Be it enacted by the Senate and House of Representatives of the United*
2 *States of America in Congress assembled,*

***SECTION 1. TITLE 40, UNITED STATES CODE.***

*Certain general and permanent laws of the United States, related to public buildings, property, and works, are revised, codified, and enacted as title 40, United States Code, "Public Buildings, Property, and Works", as follows:*

# *TITLE 40—PUBLIC BUILDINGS, PROPERTY, AND WORKS*


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| II. | PUBLIC BUILDINGS AND WORKS | 3101 |
| III. | INFORMATION TECHNOLOGY MANAGEMENT | 11101 |
| IV. | APPALACHIAN REGIONAL DEVELOPMENT | 14101 |
| V. | MISCELLANEOUS | 17101 |


## *SUBTITLE I—FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES*


| CHAPTER | | Sec. |
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| 3. | ORGANIZATION OF GENERAL SERVICES ADMINISTRATION | 301 |
| 5. | PROPERTY MANAGEMENT | 501 |
| 7. | FOREIGN EXCESS PROPERTY | 701 |
| 9. | URBAN LAND USE | 901 |
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### *CHAPTER 1—GENERAL*

*SUBCHAPTER I—PURPOSE AND DEFINITIONS*


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*102. Definitions.*


*SUBCHAPTER II—SCOPE*


*111. Application to Federal Property and Administrative Services Act of 1949.*
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*121. Administrative.*
*122. Prohibition on sex discrimination.*
*123. Civil remedies for fraud.*
*124. Agency use of amounts for property management.*
*125. Library memberships.*
*126. Reports to Congress.*


*SUBCHAPTER I—PURPOSE AND DEFINITIONS*

### *§ 101. Purpose*

*The purpose of this subtitle is to provide the Federal Government with an economical and efficient system for the following activities:*

*(1) Procuring and supplying property and nonpersonal services, and performing related functions including contracting, inspection, storage, issue, setting specifications, identification and classification, transportation and traffic management, establishment of pools or systems for transportation of Government personnel and property by motor vehicle within specific areas, management of public utility services, repairing and converting, establishment of inventory levels, establishment of forms*

*and procedures, and representation before federal and state regulatory bodies.*

*(2) Using available property.*

*(3) Disposing of surplus property.*

*(4) Records management.*

### *§ 102. Definitions*

*The following definitions apply in chapters 1 through 7 of this title and in title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.):*

*(1) CARE AND HANDLING.—The term "care and handling" includes—*

*(A) completing, repairing, converting, rehabilitating, operating, preserving, protecting, insuring, packing, storing, handling, conserving, and transporting excess and surplus property; and*

*(B) rendering innocuous, or destroying, property that is dangerous to public health or safety.*

*(2) CONTRACTOR INVENTORY.—The term "contractor inventory" means—*

*(A) property, in excess of amounts needed to complete full performance, that is acquired by and in possession of a contractor or subcontractor under a contract pursuant to which title is vested in the Federal Government; and*

*(B) property that the Government is obligated or has the option to take over, under any type of contract, as a result of changes in specifications or plans under the contract, or as a result of termination of the contract (or a subcontract), prior to completion of the work, for the convenience or at the option of the Government.*

*(3) EXCESS PROPERTY.—The term "excess property" means property under the control of a federal agency that the head of the agency determines is not required to meet the agency's needs or responsibilities.*

*(4) EXECUTIVE AGENCY.—The term "executive agency" means—*

*(A) an executive department or independent establishment in the executive branch of the Government; and*

*(B) a wholly owned Government corporation.*

*(5) 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 of the Capitol).*

*(6) FOREIGN EXCESS PROPERTY.—The term "foreign excess property" means excess property that is not located in the States of the United States, the District of Columbia, Puerto Rico, American Samoa, Guam,*

*the Northern Mariana Islands, the Federated States of Micronesia, the Marshall Islands, Palau, and the Virgin Islands.*

*(7) MOTOR VEHICLE.—The term "motor vehicle" means any vehicle, self-propelled or drawn by mechanical power, designed and operated principally for highway transportation of property or passengers, excluding—*

*(A) a vehicle designed or used for military field training, combat, or tactical purposes, or used principally within the confines of a regularly established military post, camp, or depot; and*

*(B) a vehicle regularly used by an agency to perform investigative, law enforcement, or intelligence duties, if the head of the agency determines that exclusive control of the vehicle is essential for effective performance of duties.*

*(8) NONPERSONAL SERVICES.—The term "nonpersonal services" means contractual services designated by the Administrator of General Services, other than personal and professional services.*

*(9) PROPERTY.—The term "property" means any interest in property except—*

*(A)(i) the public domain;*

*(ii) land reserved or dedicated for national forest or national park purposes;*

*(iii) minerals in land or portions of land withdrawn or reserved from the public domain which the Secretary of the Interior determines are suitable for disposition under the public land mining and mineral leasing laws; and*

*(iv) land withdrawn or reserved from the public domain except land or portions of land so withdrawn or reserved which the Secretary, with the concurrence of the Administrator, determines are not suitable for return to the public domain for disposition under the general public land laws because the lands are substantially changed in character by improvements or otherwise;*

*(B) naval vessels that are battleships, cruisers, aircraft carriers, destroyers, or submarines; and*

*(C) records of the Government.*

*(10) SURPLUS PROPERTY.—The term "surplus property" means excess property that the Administrator determines is not required to meet the needs or responsibilities of all federal agencies.*

*SUBCHAPTER II—SCOPE*

### *§ 111. Application to Federal Property and Administrative Services Act of 1949*

*In the following provisions, the words "this subtitle" are deemed to refer also to title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.):*

*(1) Section 101 of this title.*

*(2) Section 112(a) of this title.*

*(3) Section 113 of this title.*

*(4) Section 121(a) of this title.*

*(5) Section 121(c)(1) of this title.*

*(6) Section 121(c)(2) of this title.*

*(7) Section 121(d)(1) and (2) of this title.*

*(8) Section 121(e)(1) of this title.*

*(9) Section 121(f) of this title.*

*(10) Section 121(g) of this title.*

*(11) Section 122(a) of this title.*

*(12) Section 123(a) of this title.*

*(13) Section 123(c) of this title.*

*(14) Section 124 of this title.*

*(15) Section 126 of this title.*

*(16) Section 311(c) of this title.*

*(17) Section 313(a) of this title.*

*(18) Section 528 of this title.*

*(19) Section 541 of this title.*

*(20) Section 549(e)(3)(H)(i)(II) of this title.*

*(21) Section 557 of this title.*

*(22) Section 558(a) of this title.*

*(23) Section 559(f) of this title.*

*(24) Section 571(b) of this title.*

*(25) Section 572(a)(2)(A) of this title.*

*(26) Section 572(b)(4) of this title.*

### *§ 112. Applicability of certain policies, procedures, and directives in effect on July 1, 1949*

*(a) IN GENERAL.—A policy, procedure, or directive described in subsection (b) remains in effect until superseded or amended under this subtitle or other appropriate authority.*

*(b) DESCRIPTION.—A policy, procedure, or directive referred to in subsection (a) is one that was in effect on July 1, 1949, and that was prescribed by—*

*(1) the Director of the Bureau of Federal Supply or the Secretary of the Treasury and that related to a function transferred to or vested in the Administrator of General Services on June 30, 1949, by the Federal Property and Administrative Services Act of 1949;*

*(2) an officer of the Federal Government under authority of the Surplus Property Act of 1944 (ch. 479, 58 Stat. 765) or other authority related to surplus property or foreign excess property;*

*(3) the Federal Works Administrator or the head of a constituent agency of the Federal Works Agency; or*

*(4) the Archivist of the United States or another officer or body whose functions were transferred on June 30, 1949, by title I of the Federal Property and Administrative Services Act of 1949.*

***§ 113. Limitations***

*(a) IN GENERAL.—Except as otherwise provided in this section, the authority conferred by this subtitle is in addition to any other authority conferred by law and is not subject to any inconsistent provision of law.*

*(b) LIMITATION REGARDING THE OFFICE OF FEDERAL PROCUREMENT POLICY ACT.—The authority conferred by this subtitle is subject to the Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.).*

*(c) LIMITATION REGARDING CERTAIN GOVERNMENT CORPORATIONS AND AGENCIES.—Sections 121(b) and 506(c) of this title do not apply to a Government corporation or agency that is subject to chapter 91 of title 31.*

*(d) LIMITATION REGARDING CONGRESS.—This subtitle does not apply to the Senate or the House of Representatives (including the Architect of the Capitol and any building, activity, or function under the direction of the Architect). However, services and facilities authorized by this subtitle shall, as far as practicable, be made available to the Senate, the House of Representatives, and the Architect of the Capitol on their request. If payment would be required for providing a similar service or facility to an executive agency, payment shall be made by the recipient, on presentation of proper vouchers, in advance or by reimbursement (as may be agreed upon by the Administrator of General Services and the officer or body making the request). The payment may be credited to the applicable appropriation of the executive agency receiving the payment.*

*(e) OTHER LIMITATIONS.—Nothing in this subtitle impairs or affects the authority of—*

*(1) the President under the Philippine Property Act of 1946 (22 U.S.C. 1381 et seq.);*

*(2) an executive agency, with respect to any program conducted for purposes of resale, price support, grants to farmers, stabilization, transfer to foreign governments, or foreign aid, relief, or rehabilitation, but*

*the agency carrying out the program shall, to the maximum extent practicable, consistent with the purposes of the program and the effective, efficient conduct of agency business, coordinate its operations with the requirements of this subtitle and with policies and regulations prescribed under this subtitle;*

*(3) an executive agency named in chapter 137 of title 10, and the head of the agency, with respect to the administration of that chapter;*

*(4) the Secretary of Defense with respect to property required for or located in occupied territories;*

*(5) the Secretary of Defense with respect to the administration of section 2535 of title 10;*

*(6) the Secretary of Defense and the Secretaries of the Army, Navy, and Air Force with respect to the administration of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98 et seq.);*

*(7) the Secretary of State under the Foreign Service Buildings Act, 1926 (22 U.S.C. 292 et seq.);*

*(8) the Secretary of Agriculture under—*

*(A) the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.);*

*(B) the Farmers Home Administration Act of 1946 (ch. 964, 60 Stat. 1062);*

*(C) section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), with respect to the exportation and domestic consumption of agricultural products;*

*(D) section 201 of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1291); or*

*(E) section 203(j) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1622(j));*

*(9) an official or entity under the Farm Credit Act of 1971 (12 U.S.C. 2001 et seq.), with respect to the acquisition or disposal of property;*

*(10) the Secretary of Housing and Urban Development or the Federal Deposit Insurance Corporation (or an officer of the Corporation) with respect to the disposal of—*

*(A) residential property; or*

*(B) other property—*

*(i) acquired or held as part of, or in connection with, residential property; or*

*(ii) held in connection with the insurance of mortgages, loans, or savings association accounts under the National Housing Act (12 U.S.C. 1701 et seq.), the Federal Deposit Insurance Act (12 U.S.C. 1811 et seq.), or any other law;*

*(11) the Tennessee Valley Authority with respect to nonpersonal services, with respect to section 501(c) of this title, and with respect to property acquired in connection with a program of processing, manufacture, production, or force account construction, but the Authority shall, to the maximum extent it considers practicable, consistent with the purposes of its program and the effective, efficient conduct of its business, coordinate its operations with the requirements of this subtitle and with policies and regulations prescribed under this subtitle;*

*(12) the Secretary of Energy with respect to atomic energy;*

*(13) the Secretary of Transportation or the Secretary of Commerce with respect to the disposal of airport property and airway property (as those terms are defined in section 47301 of title 49) for use as such property;*

*(14) the United States Postal Service;*

*(15) the Maritime Administration with respect to the acquisition, procurement, operation, maintenance, preservation, sale, lease, charter, construction, reconstruction, or reconditioning (including outfitting and equipping incidental to construction, reconstruction, or reconditioning) of a merchant vessel or shipyard, ship site, terminal, pier, dock, warehouse, or other installation necessary or appropriate for carrying out a program of the Administration authorized by law or nonadministrative activities incidental to a program of the Administration authorized by law, but the Administration shall, to the maximum extent it considers practicable, consistent with the purposes of its programs and the effective, efficient conduct of its activities, coordinate its operations with the requirements of this subtitle and with policies and regulations prescribed under this subtitle;*

*(16) the Central Intelligence Agency;*

*(17) the Joint Committee on Printing, under title 44 or any other law;*

*(18) the Secretary of the Interior with respect to procurement for program operations under the Bonneville Project Act of 1937 (16 U.S.C. 832 et seq.); or*

*(19) the Secretary of State with respect to the furnishing of facilities in foreign countries and reception centers within the United States.*

*SUBCHAPTER III—ADMINISTRATIVE AND GENERAL*

### *§ 121. Administrative*

*(a) POLICIES PRESCRIBED BY THE PRESIDENT.—The President may prescribe policies and directives that the President considers necessary to carry out this subtitle. The policies must be consistent with this subtitle.*

*(b) ACCOUNTING PRINCIPLES AND STANDARDS.—*

*(1) PRESCRIPTION.—The Comptroller General, after considering the needs and requirements of executive agencies, shall prescribe principles and standards of accounting for property.*

*(2) PROPERTY ACCOUNTING SYSTEMS.—The Comptroller General shall cooperate with the Administrator of General Services and with executive agencies in the development of property accounting systems and approve the systems when they are adequate and in conformity with prescribed principles and standards.*

*(3) COMPLIANCE REVIEW.—From time to time the Comptroller General shall examine the property accounting systems established by executive agencies to determine the extent of compliance with prescribed principles and standards and approved systems. The Comptroller General shall report to Congress any failure to comply with the principles and standards or to adequately account for property.*

*(c) REGULATIONS BY ADMINISTRATOR.—*

*(1) GENERAL AUTHORITY.—The Administrator may prescribe regulations to carry out this subtitle.*

*(2) REQUIRED REGULATIONS AND ORDERS.—The Administrator shall prescribe regulations that the Administrator considers necessary to carry out the Administrator's functions under this subtitle and the head of each executive agency shall issue orders and directives that the agency head considers necessary to carry out the regulations.*

*(d) DELEGATION OF AUTHORITY BY ADMINISTRATOR.—*

*(1) IN GENERAL.—Except as provided in paragraph (2), the Administrator may delegate authority conferred on the Administrator by this subtitle to an official in the General Services Administration or to the head of another federal agency. The Administrator may authorize successive redelegation of authority conferred by this subtitle.*

*(2) EXCEPTIONS.—The Administrator may not delegate—*

*(A) the authority to prescribe regulations on matters of policy applying to executive agencies;*

*(B) the authority to transfer functions and related allocated amounts from one component of the Administration to another under paragraphs (1)(C) and (2)(A) of subsection (e); or*

*(C) other authority for which delegation is prohibited by this subtitle.*

*(3) RETENTION AND USE OF RENTAL PAYMENTS.—A department or agency to which the Administrator has delegated authority to operate, maintain or repair a building or facility under this subsection shall retain the portion of the rental payment that the Administrator determines is available to operate, maintain or repair the building or facility. The*

*department or agency shall directly expend the retained amounts to operate, maintain, or repair the building or facility. Any amounts retained under this paragraph shall remain available until expended for these purposes.*

*(e) ASSIGNMENT OF FUNCTIONS BY ADMINISTRATOR.—*

*(1) IN GENERAL.—The Administrator may provide for the performance of a function assigned under this subtitle by any of the following methods:*

*(A) The Administrator may direct the Administration to perform the function.*

*(B) The Administrator may designate or establish a component of the Administration and direct the component to perform the function.*

*(C) The Administrator may transfer the function from one component of the Administration to another.*

*(D) The Administrator may direct an executive agency to perform the function for itself, with the consent of the agency or by direction of the President.*

*(E) The Administrator may direct one executive agency to perform the function for another executive agency, with the consent of the agencies concerned or by direction of the President.*

*(F) The Administrator may provide for performance of a function by a combination of the methods described in this paragraph.*

*(2) TRANSFER OF RESOURCES.—*

*(A) WITHIN ADMINISTRATION.—If the Administrator transfers a function from one component of the Administration to another, the Administrator may also provide for the transfer of appropriate allocated amounts from the component that previously carried out the function to the component being directed to carry out the function. A transfer under this subparagraph must be reported to the Director of the Office of Management and Budget.*

*(B) BETWEEN AGENCIES.—If the Administrator transfers a function from one executive agency to another (including a transfer to or from the Administration), the Administrator may also provide for the transfer of appropriate personnel, records, property, and allocated amounts from the executive agency that previously carried out the function to the executive agency being directed to carry out the function. A transfer under this subparagraph is subject to approval by the Director.*

*(f) ADVISORY COMMITTEES.—The Administrator may establish advisory committees to provide advice on any function of the Administrator under this*

*subtitle. Members of the advisory committees shall serve without compensation but are entitled to transportation and not more than $25 a day instead of expenses under section 5703 of title 5.*

*(g) CONSULTATION WITH FEDERAL AGENCIES.—The Administrator shall advise and consult with interested federal agencies and seek their advice and assistance to accomplish the purposes of this subtitle.*

*(h) ADMINISTERING OATHS.—In carrying out investigative duties, an officer or employee of the Administration, if authorized by the Administrator, may administer an oath to an individual.*

### *§ 122. Prohibition on sex discrimination*

*(a) PROHIBITION.—With respect to a program or activity carried on or receiving federal assistance under this subtitle, an individual may not be excluded from participation, denied benefits, or otherwise discriminated against based on sex.*

*(b) ENFORCEMENT.—Subsection (a) shall be enforced through agency provisions and rules similar to those already established with respect to racial and other discrimination under title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.). However, this remedy is not exclusive and does not prejudice or remove any other legal remedies available to an individual alleging discrimination.*

### *§ 123. Civil remedies for fraud*

*(a) IN GENERAL.—In connection with the procurement, transfer or disposition of property under this subtitle, a person that uses or causes to be used, or enters into an agreement, combination, or conspiracy to use or cause to be used, a fraudulent trick, scheme, or device for the purpose of obtaining or aiding to obtain, for any person, money, property, or other benefit from the Federal Government—*

*(1) shall pay to the Government an amount equal to the sum of—*

*(A) $2,000 for each act;*

*(B) two times the amount of damages sustained by the Government because of each act; and*

*(C) the cost of suit;*

*(2) if the Government elects, shall pay to the Government, as liquidated damages, an amount equal to two times the consideration that the Government agreed to give to the person, or that the person agreed to give to the Government; or*

*(3) if the Government elects, shall restore to the Government the money or property fraudulently obtained, with the Government retaining as liquidated damages, the money, property, or other consideration given to the Government.*

*(b) ADDITIONAL REMEDIES AND CRIMINAL PENALTIES.—The civil remedies provided in this section are in addition to all other civil remedies and criminal penalties provided by law.*

*(c) IMMUNITY OF GOVERNMENT OFFICIALS.—An officer or employee of the Government is not liable (except for an individual's own fraud) or accountable for collection of a purchase price that is determined to be uncollectible by the federal agency responsible for property if the property is transferred or disposed of in accordance with this subtitle and with regulations prescribed under this subtitle.*

*(d) JURISDICTION AND VENUE.—*

*(1) DEFINITION.—In this subsection, the term "district court" means a district court of the United States or a district court of a territory or possession of the United States.*

*(2) IN GENERAL.—A district court has original jurisdiction of an action arising under this section, and venue is proper, if at least one defendant resides or may be found in the court's judicial district. Jurisdiction and venue are determined without regard to the place where acts were committed.*

*(3) ADDITIONAL DEFENDANT OUTSIDE JUDICIAL DISTRICT.—A defendant that does not reside and may not be found in the court's judicial district may be brought in by order of the court, to be served personally, by publication, or in another reasonable manner directed by the court.*

### *§ 124. Agency use of amounts for property management*

*Amounts appropriated, allocated, or available to a federal agency for purposes similar to the purposes in section 121 of this title or subchapter I (except section 506), II, or III of chapter 5 of this title may be used by the agency for the disposition of property under this subtitle, and for the care and handling of property pending the disposition, if the Director of the Office of Management and Budget authorizes the use.*

### *§ 125. Library memberships*

*Amounts appropriated may be used, when authorized by the Administrator of General Services, for payment in advance for library memberships in societies whose publications are available to members only, or to members at a lower price than that charged to the general public.*

### *§ 126. Reports to Congress*

*The Administrator of General Services, at times the Administrator considers desirable, shall submit a report to Congress on the administration of this subtitle. The report shall include any recommendation for amendment of this subtitle that the Administrator considers appropriate and shall identify any law that is obsolete because of the enactment or operation of this subtitle.*

# *CHAPTER 3—ORGANIZATION OF GENERAL SERVICES ADMINISTRATION*

*SUBCHAPTER I—GENERAL*

*Sec.*
*301. Establishment.*
*302. Administrator and Deputy Administrator.*
*303. Functions.*
*304. Federal information centers.*

*SUBCHAPTER II—ADMINISTRATIVE*

*311. Personnel.*
*312. Transfer and use of amounts for major equipment acquisitions.*
*313. Tests of materials.*

*SUBCHAPTER III—FUNDS*

*321. General Supply Fund.*
*322. Information Technology Fund.*
*323. Consumer Information Center Fund.*

## *SUBCHAPTER I—GENERAL*

### *§ 301. Establishment*

*The General Services Administration is an agency in the executive branch of the Federal Government.*

### *§ 302. Administrator and Deputy Administrator*

*(a) ADMINISTRATOR.—The Administrator of General Services is the head of the General Services Administration. The Administrator is appointed by the President with the advice and consent of the Senate. The Administrator shall perform functions subject to the direction and control of the President.*

*(b) DEPUTY ADMINISTRATOR.—The Administrator shall appoint a Deputy Administrator of General Services. The Deputy Administrator shall perform functions designated by the Administrator. The Deputy Administrator is Acting Administrator of General Services during the absence or disability of the Administrator and, unless the President designates another officer of the Federal Government, when the office of Administrator is vacant.*

### *§ 303. Functions*

*(a) BUREAU OF FEDERAL SUPPLY.—*

*(1) TRANSFER OF FUNCTIONS.—Subject to paragraph (2), the functions of the Administrator of General Services include functions related to the Bureau of Federal Supply in the Department of the Treasury that, immediately before July 1, 1949, were functions of—*

*(A) the Bureau;*

*(B) the Director of the Bureau;*

*(C) the personnel of the Bureau; or*

*(D) the Secretary of the Treasury.*

*(2) FUNCTIONS NOT TRANSFERRED.—The functions of the Administrator of General Services do not include functions retained in the Department of the Treasury under section 102(c) of the Federal Property and Administrative Services Act of 1949 (ch. 288, 63 Stat. 380).*

*(b) FEDERAL WORKS AGENCY AND COMMISSIONER OF PUBLIC BUILDINGS.—The functions of the Administrator of General Services include functions related to the Federal Works Agency and functions related to the Commissioner of Public Buildings that, immediately before July 1, 1949, were functions of—*

*(1) the Federal Works Agency;*

*(2) the Federal Works Administrator; or*

*(3) the Commissioner of Public Buildings.*

### *§ 304. Federal information centers*

*The Administrator of General Services may establish within the General Services Administration a nationwide network of federal information centers for the purpose of providing the public with information about the programs and procedures of the Federal Government and for other appropriate and related purposes.*

*SUBCHAPTER II—ADMINISTRATIVE*

### *§ 311. Personnel*

*(a) APPOINTMENT AND COMPENSATION.—The Administrator of General Services, subject to chapters 33 and 51 and subchapter III of chapter 53 of title 5, may appoint and fix the compensation of personnel necessary to carry out chapters 1, 3, and 5 of this title and title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.).*

*(b) TEMPORARY EMPLOYMENT.—The Administrator may procure the temporary or intermittent services of experts or consultants under section 3109 of title 5 to the extent the Administrator finds necessary to carry out chapters 1, 3, and 5 of this title and title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.).*

*(c) PERSONNEL FROM OTHER AGENCIES.—Notwithstanding section 973 of title 10 or any other law, in carrying out functions under this subtitle the Administrator may use the services of personnel (including armed services personnel) from an executive agency other than the General Services Administration with the consent of the head of the agency.*

*(d) DETAIL OF FIELD PERSONNEL TO DISTRICT OF COLUMBIA.—The Administrator, in the Administrator's discretion, may detail field personnel of the Administration to the District of Columbia for temporary duty for a period of not more than 30 days in any one case. Subsistence or similar expenses may not be allowed for an employee on temporary duty in the District of Columbia under this paragraph.*

### *§ 312. Transfer and use of amounts for major equipment acquisitions*

*(a) IN GENERAL.—Subject to subsection (b), 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 Salaries and Expenses, General Management and Administration appropriation account for—*

*(1) agency-wide acquisition of capital equipment, automated data processing systems; and*

*(2) financial management and management information systems needed to implement the Chief Financial Officers Act of 1990 (Public Law 101–576, 104 Stat. 2838) and other laws or regulations.*

*(b) REQUIREMENTS AND AVAILABILITY.—*

*(1) 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.*

*(2) 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.*

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

***§ 313. Tests of materials***

*(a) SCOPE.—This section applies to any article or commodity tendered by a producer or vendor for sale or lease to the General Services Administration or to any procurement authority acting under the direction and control of the Administrator of General Services pursuant to this subtitle.*

*(b) AUTHORITY TO CONDUCT TESTS.—The Administrator, in the Administrator's discretion and with the consent of the producer or vendor, may have tests conducted, in a manner the Administrator specifies, to—*

*(1) determine whether an article or commodity conforms to prescribed specifications and standards; or*

*(2) aid in the development of specifications and standards.*

*(c) FEES.—*

*(1) IN GENERAL.—The Administrator shall charge the producer or vendor a fee for the tests.*

*(2) AMOUNT OF FEE IF TESTS PREDOMINANTLY SERVE INTEREST OF PRODUCER OR VENDOR.—If the Administrator determines that conducting the tests predominantly serves the interest of the producer or vendor, the Administrator shall fix the fee in an amount that will recover the costs of conducting the tests, including all components of the costs, determined in accordance with accepted accounting principles.*

*(3) AMOUNT OF FEE IF TESTS DO NOT PREDOMINANTLY SERVE INTEREST OF PRODUCER OR VENDOR.—If the Administrator determines that conducting the tests does not predominantly serve the interest of the pro-*

*ducer or vendor, the Administrator shall fix the fee in an amount the Administrator determines is reasonable for furnishing the testing service.*

*SUBCHAPTER III—FUNDS*

***§ 321. General Supply Fund***

*(a) EXISTENCE.—The General Supply Fund is a special fund in the Treasury.*

*(b) COMPOSITION.—*

*(1) IN GENERAL.—The Fund is composed of amounts appropriated to the Fund and the value, as determined by the Administrator of General Services, of personal property transferred from executive agencies to the Administrator under section 501(d) of this title to the extent that payment is not made or credit allowed for the property.*

*(2) OTHER CREDITS.—*

*(A) IN GENERAL.—The Fund shall be credited with all reimbursements, advances, and refunds or recoveries relating to personal property or services procured through the Fund, including—*

*(i) the net proceeds of disposal of surplus personal property; and*

*(ii) receipts from carriers and others for loss of, or damage to, personal property.*

*(B) REAPPROPRIATION.—Amounts credited under this paragraph are reappropriated for the purposes of the Fund.*

*(3) DEPOSIT OF FEES.—Fees collected by the Administrator under section 313 of this title may be deposited in the Fund to be used for the purposes of the Fund.*

*(c) USES.—*

*(1) IN GENERAL.—The Fund is available for use by or under the direction and control of the Administrator for—*

*(A) procuring, for the use of federal agencies in the proper discharge of their responsibilities—*

*(i) personal property (including the purchase from or through the Public Printer, for warehouse issue, of standard forms, blankbook work, standard specifications, and other printed material in common use by federal agencies and not available through the Superintendent of Documents); and*

*(ii) nonpersonal services;*

*(B) paying the purchase price, cost of transportation of personal property and services, and cost of personal services employed directly in the repair, rehabilitation, and conversion of personal property; and*

*(C) paying other direct costs of, and indirect costs that are reasonably related to, contracting, procurement, inspection, storage, management, distribution, and accountability of property and nonpersonal services provided by the General Services Administration or by special order through the Administration.*

*(2) OTHER USES.—The Fund may be used for the procurement of personal property and nonpersonal services authorized to be acquired by—*

*(A) mixed-ownership Government corporations;*

*(B) the municipal government of the District of Columbia; or*

*(C) a requisitioning non-federal agency when the function of a federal agency authorized to procure for it is transferred to the Administration.*

*(d) PAYMENT FOR PROPERTY AND SERVICES.—*

*(1) IN GENERAL.—For property or services procured through the Fund for requisitioning agencies, the agencies shall pay prices the Administrator fixes under this subsection.*

*(2) PRICES FIXED BY ADMINISTRATOR.—The Administrator shall fix prices at levels sufficient to recover—*

*(A) so far as practicable—*

*(i) the purchase price;*

*(ii) the transportation cost;*

*(iii) inventory losses;*

*(iv) the cost of personal services employed directly in the repair, rehabilitation, and conversion of personal property; and*

*(v) the cost of amortization and repair of equipment used for lease or rent to executive agencies; and*

*(B) properly allocable costs payable by the Fund under subsection (c)(1)(C).*

*(3) TIMING OF PAYMENTS.—*

*(A) PAYMENT IN ADVANCE.—A requisitioning agency shall pay in advance when the Administrator determines that there is insufficient capital otherwise available in the Fund. Payment in advance may also be made under an agreement between a requisitioning agency and the Administrator.*

*(B) PROMPT REIMBURSEMENT.—If payment is not made in advance, the Administration shall be reimbursed promptly out of amounts of the requisitioning agency in accordance with accounting procedures approved by the Comptroller General.*

*(C) FAILURE TO MAKE PROMPT REIMBURSEMENT.—The Administrator may obtain reimbursement by the issuance of transfer and counterwarrants, or other lawful transfer documents, supported by*

*itemized invoices, if payment is not made by a requisitioning agency within 45 days after the later of—*

*(i) the date of billing by the Administrator; or*

*(ii) the date on which actual liability for personal property or services is incurred by the Administrator.*

*(e) REIMBURSEMENT FOR EQUIPMENT PURCHASED FOR CONGRESS.—The Administrator may accept periodic reimbursement from the Senate and from the House of Representatives for the cost of any equipment purchased for the Senate or the House of Representatives with money from the Fund. The amount of each periodic reimbursement shall be computed by amortizing the total cost of each item of equipment over the useful life of the equipment, as determined by the Administrator, in consultation with the Sergeant at Arms and Doorkeeper of the Senate or the Chief Administrative Officer of the House of Representatives, as appropriate.*

*(f) TREATMENT OF SURPLUS.—*

*(1) SURPLUS DEPOSITED IN TREASURY.—As of September 30 of each year, any surplus in the Fund above the amounts transferred or appropriated to establish and maintain the Fund (all assets, liabilities, and prior losses considered) shall be deposited in the Treasury as miscellaneous receipts.*

*(2) SURPLUS RETAINED.—From any surplus generated by operation of the Fund, the Administrator may retain amounts necessary to maintain a sufficient level of inventory of personal property to meet the needs of the federal agencies.*

*(g) AUDITS.—The Comptroller General shall audit the Fund in accordance with the provisions of chapter 35 of title 31 and report the results of the audits.*

### *§ 322. Information Technology Fund*

*(a) EXISTENCE.—There is an Information Technology Fund in the Treasury.*

*(b) COST AND CAPITAL REQUIREMENTS.—*

*(1) IN GENERAL.—The Administrator of General Services shall determine the cost and capital requirements of the Fund for each fiscal year. The cost and capital requirements may include amounts—*

*(A) needed to purchase (if the Administrator has determined that purchase is the least costly alternative) information processing and transmission equipment, software, systems, and operating facilities necessary to provide services;*

*(B) resulting from operations of the Fund, including the net proceeds from the disposal of excess or surplus personal property and*

*receipts from carriers and others for loss or damage to property; and*

*(C) that are appropriated, authorized to be transferred, or otherwise made available to the Fund.*

*(2) SUBMITTING PLANS TO OFFICE OF MANAGEMENT AND BUDGET.—The Administrator shall submit plans concerning the cost and capital requirements determined under this section, and other information as may be requested, for review and approval by the Director of the Office of Management and Budget. Plans submitted under this section fulfill the requirements of sections 1512 and 1513 of title 31.*

*(3) ADJUSTMENTS.—Any change to the cost and capital requirements of the Fund for a fiscal year shall be made in the same manner as the initial fiscal year determination.*

*(c) USE.—*

*(1) IN GENERAL.—The Fund is available for expenses, including personal services and other costs, and for procurement (by lease, purchase, transfer, or otherwise) to efficiently provide information technology resources to federal agencies and to efficiently manage, coordinate, operate, and use those resources.*

*(2) SPECIFICALLY INCLUDED ITEMS.—Information technology resources provided under this section include information processing and transmission equipment, software, systems, operating facilities, supplies, and related services including maintenance and repair.*

*(3) CANCELLATION COSTS.—Any cancellation costs incurred for a contract entered into under subsection (e) shall be paid from money currently available in the Fund.*

*(4) NO FISCAL YEAR LIMITATION.—The Fund is available without fiscal year limitation.*

*(d) CHARGES TO AGENCIES.—If the Director approves plans submitted by the Administrator under subsection (b), the Administrator shall establish rates, consistent with the approval, to be charged to agencies for information technology resources provided through the Fund.*

*(e) CONTRACT AUTHORITY.—*

*(1) IN GENERAL.—In operating the Fund, the Administrator may enter into multiyear contracts, not longer than 5 years, to provide information technology hardware, software, or services if—*

*(A) amounts are available and adequate to pay the costs of the contract for the first fiscal year and any costs of cancellation or termination;*

*(B) the contract is awarded on a fully competitive basis; and*

*(C) the Administrator determines that—*

*(i) the need for the information technology hardware, software, or services being provided will continue over the period of the contract;*

*(ii) the use of the multiyear contract will yield substantial cost savings when compared with other methods of providing the necessary resources; and*

*(iii) the method of contracting will not exclude small business participation.*

*(2) EFFECT ON OTHER LAW.—This subsection does not limit the authority of the Administrator to procure equipment and services under sections 501–505 of this title.*

*(f) TRANSFER OF UNCOMMITTED BALANCE.—After the close of each fiscal year, any uncommitted balance remaining in the Fund, after making provision for anticipated operating needs as determined by the Office of Management and Budget, shall be transferred to the Treasury as miscellaneous receipts.*

*(g) ANNUAL REPORT.—The Administrator shall report annually to the Director on the operation of the Fund. The report must address the inventory, use, and acquisition of information processing equipment and identify any proposed increases to the capital of the Fund.*

***§ 323. Consumer Information Center Fund***

*(a) EXISTENCE.—There is in the Treasury a Consumer Information Center Fund, General Services Administration, for the purpose of disseminating Federal Government consumer information to the public and for other related purposes.*

*(b) DEPOSITS.—Money shall be deposited into the Fund from—*

*(1) appropriations from the Treasury for Consumer Information Center activities;*

*(2) user fees from the public;*

*(3) reimbursements from other federal agencies for costs of distributing publications; and*

*(4) any other income incident to Center activities.*

*(c) EXPENDITURES.—Money deposited into the Fund is available for expenditure for Center activities in amounts specified in appropriation laws. The Fund shall assume all liabilities, obligations, and commitments of the Center account.*

*(d) UNOBLIGATED BALANCES.—Any unobligated balances at the end of a fiscal year remain in the Fund and are available for authorization in appropriation laws for subsequent fiscal years.*

*(e) GIFT ACCOUNT.—The Center may accept and deposit to this account gifts for purposes of defraying the costs of printing, publishing, and distrib-*

*uting consumer information and educational materials and undertaking other consumer information activities. In addition to amounts appropriated or otherwise made available, the Center may expend the gifts for these purposes and any balance remains available for expenditure.*

## *CHAPTER 5—PROPERTY MANAGEMENT*

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## *SUBCHAPTER I—PROCUREMENT AND WAREHOUSING*

### ***§ 501. Services for executive agencies***

*(a) AUTHORITY OF ADMINISTRATOR OF GENERAL SERVICES.—*

*(1) IN GENERAL.—The Administrator of General Services shall take action under this subchapter for an executive agency—*

*(A) to the extent that the Administrator of General Services determines that the action is advantageous to the Federal Government in terms of economy, efficiency, or service; and*

*(B) with due regard to the program activities of the agency.*

*(2) EXEMPTION FOR DEFENSE.—The Secretary of Defense may exempt the Department of Defense from an action taken by the Administrator of General Services under this subchapter, unless the President directs otherwise, whenever the Secretary determines that an exemption is in the best interests of national security.*

*(b) PROCUREMENT AND SUPPLY.—*

*(1) FUNCTIONS.—*

*(A) IN GENERAL.—The Administrator of General Services shall procure and supply personal property and nonpersonal services for executive agencies to use in the proper discharge of their responsibilities, and perform functions related to procurement and supply including contracting, inspection, storage, issue, property identification and classification, transportation and traffic management, management of public utility services, and repairing and converting.*

*(B) PUBLIC UTILITY CONTRACTS.—A contract for public utility services may be made for a period of not more than 10 years.*

*(2) POLICIES AND METHODS.—*

*(A) IN GENERAL.—The Administrator of General Services shall prescribe policies and methods for executive agencies regarding the procurement and supply of personal property and nonpersonal services and related functions.*

*(B) CONTROLLING REGULATION.—Policies and methods prescribed by the Administrator of General Services under this paragraph are subject to regulations prescribed by the Administrator for Federal Procurement Policy under the Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.).*

*(c) REPRESENTATION.—For transportation and other public utility services used by executive agencies, the Administrator of General Services shall represent the agencies—*

*(1) in negotiations with carriers and other public utilities; and*

*(2) in proceedings involving carriers or other public utilities before federal and state regulatory bodies.*

*(d) FACILITIES.—The Administrator of General Services shall operate, for executive agencies, warehouses, supply centers, repair shops, fuel yards, and other similar facilities. After consultation with the executive agencies affected, the Administrator of General Services shall consolidate, take over, or arrange for executive agencies to operate the facilities.*

***§ 502. Services for other entities***

*(a) FEDERAL AGENCIES, MIXED-OWNERSHIP GOVERNMENT CORPORATIONS, AND THE DISTRICT OF COLUMBIA.—On request, the Administrator of General Services shall provide, to the extent practicable, any of the services specified in section 501 of this title to—*

*(1) a federal agency;*

*(2) a mixed-ownership Government corporation (as defined in section 9101 of title 31); or*

*(3) the District of Columbia.*

*(b) QUALIFIED NONPROFIT AGENCIES.—*

*(1) IN GENERAL.—On request, the Administrator may provide, to the extent practicable, any of the services specified in section 501 of this title to an agency that is—*

*(A)(i) a qualified nonprofit agency for the blind (as defined in section 5(3) of the Javits-Wagner-O'Day Act (41 U.S.C. 48b(3))); or*

*(ii) a qualified nonprofit agency for other severely handicapped (as defined in section 5(4) of the Javits-Wagner-O'Day Act (41 U.S.C. 48b(4))); and*

*(B) providing a commodity or service to the Federal Government under the Javits-Wagner-O'Day Act (41 U.S.C. 46 et seq.).*

*(2) USE OF SERVICES.—A nonprofit agency receiving services under this subsection shall use the services directly in making or providing to the Government a commodity or service that has been determined by the Committee for Purchase From People Who Are Blind or Severely Dis-*

*abled under section 2 of the Javits-Wagner-O'Day Act (41 U.S.C. 47) to be suitable for procurement by the Government.*

### *§ 503. Exchange or sale of similar items*

*(a) AUTHORITY OF EXECUTIVE AGENCIES.—In acquiring personal property, an executive agency may exchange or sell similar items and may apply the exchange allowance or proceeds of sale in whole or in part payment for the property acquired.*

*(b) APPLICABLE REGULATION AND LAW.—*

*(1) REGULATIONS PRESCRIBED BY ADMINISTRATOR OF GENERAL SERVICES.—A transaction under subsection (a) must be carried out in accordance with regulations the Administrator of General Services prescribes, subject to regulations prescribed by the Administrator for Federal Procurement Policy under the Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.).*

*(2) IN WRITING.—A transaction under subsection (a) must be evidenced in writing.*

*(3) SECTION 3709 OF REVISED STATUTES.—Section 3709 of the Revised Statutes (41 U.S.C. 5) applies to a sale of property under subsection (a), except that fixed price sales may be conducted in the same manner and subject to the same conditions as are applicable to the sale of property under section 545(d) of this title.*

### *§ 504. Agency cooperation for inspection*

*(a) RECEIVING ASSISTANCE.—An executive agency may use the services, work, materials, and equipment of another executive agency, with the consent of the other executive agency, to inspect personal property incident to procuring the property.*

*(b) PROVIDING ASSISTANCE.—Notwithstanding section 1301(a) of title 31 or any other law, an executive agency may provide services, work, materials, and equipment for purposes of this section without reimbursement or transfer of amounts.*

*(c) POLICIES AND METHODS.—The use or provision of services, work, materials, and equipment under this section must be in conformity with policies and methods the Administrator of General Services prescribes under section 501 of this title.*

### *§ 505. Exchange or transfer of medical supplies*

*(a) EXCESS PROPERTY DETERMINATION.—*

*(1) IN GENERAL.—Medical materials or supplies an executive agency holds for national emergency purposes are considered excess property for purposes of subchapter II when the head of the agency determines that—*

*(A) the remaining storage or shelf life is too short to justify continued retention for national emergency purposes; and*

*(B) transfer or other disposal is in the national interest.*

*(2) TIMING.—To the greatest extent practicable, the head of the agency shall make the determination in sufficient time to allow for the transfer or other disposal and use of medical materials or supplies before their shelf life expires and they are rendered unfit for human use.*

*(b) TRANSFER OR EXCHANGE.—*

*(1) IN GENERAL.—In accordance with regulations the Administrator of General Services prescribes, medical materials or supplies considered excess property may be transferred to another federal agency or exchanged with another federal agency for other medical materials or supplies.*

*(2) USE OF PROCEEDS.—Any proceeds derived from a transfer under this section may be credited to the current applicable appropriation or fund of the transferor agency and shall be available only to purchase medical materials or supplies to be held for national emergency purposes.*

*(3) DISPOSAL AS SURPLUS PROPERTY.—If the materials or supplies are not transferred to or exchanged with another federal agency, they shall be disposed of as surplus property.*

### *§ 506. Inventory controls and systems*

*(a) ACTIVITIES OF THE ADMINISTRATOR OF GENERAL SERVICES.—*

*(1) IN GENERAL.—Subject to paragraph (2), and after adequate advance notice to affected executive agencies, the Administrator of General Services may undertake the following activities as necessary to carry out functions under this chapter:*

*(A) SURVEYS AND REPORTS.—Survey and obtain executive agency reports on Federal Government property and property management practices.*

*(B) INVENTORY LEVELS.—Cooperate with executive agencies to establish reasonable inventory levels for property stocked by them, and report any excessive inventory levels to Congress and to the Director of the Office of Management and Budget.*

*(C) FEDERAL SUPPLY CATALOG SYSTEM.—Establish and maintain a uniform federal supply catalog system that is appropriate to identify and classify personal property under the control of federal agencies.*

*(D) STANDARD PURCHASE SPECIFICATIONS AND STANDARD FORMS AND PROCEDURES.—Prescribe standard purchase specifications and standard forms and procedures (except forms and procedures that the Comptroller General prescribes by law) subject to regulations the Administrator for Federal Procurement Policy pre-*

*scribes under the Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.).*

*(2) SPECIAL CONSIDERATIONS REGARDING DEPARTMENT OF DEFENSE.—*

*(A) IN GENERAL.—The Administrator of General Services shall carry out activities under paragraph (1) with due regard to the requirements of the Department of Defense, as determined by the Secretary of Defense.*

*(B) FEDERAL SUPPLY CATALOG SYSTEM.—In establishing and maintaining a uniform federal supply catalog system under paragraph (1)(C), the Administrator of General Services and the Secretary shall coordinate to avoid unnecessary duplication.*

*(b) ACTIVITIES OF FEDERAL AGENCIES.—Each federal agency shall use the uniformed federal supply catalog system, the standard purchase specifications, and the standard forms and procedures established under subsection (a), except as the Administrator of General Services, considering efficiency, economy, or other interests of the Government, may otherwise provide.*

*(c) AUDIT OF PROPERTY ACCOUNTS.—The Comptroller General shall audit all types of property accounts and transactions. Audits shall be conducted at the time and in the manner the Comptroller General decides and as far as practicable at the place where the property or records of the executive agencies are kept. Audits shall include an evaluation of the effectiveness of internal controls and audits, and a general audit of the discharge of accountability for Government-owned or controlled property, based on generally accepted principles of auditing.*

*SUBCHAPTER II—USE OF PROPERTY*

### *§ 521. Policies and methods*

*Subject to section 523 of this title, in order to minimize expenditures for property, the Administrator of General Services shall—*

*(1) prescribe policies and methods to promote the maximum use of excess property by executive agencies; and*

*(2) provide for the transfer of excess property—*

*(A) among federal agencies; and*

*(B) to the organizations specified in section 321(c)(2) of this title.*

### *§ 522. Reimbursement for transfer of excess property*

*(a) IN GENERAL.—Subject to subsections (b) and (c) of this section, the Administrator of General Services, with the approval of the Director of the Office of Management and Budget, shall prescribe the amount of reimbursement required for a transfer of excess property.*

*(b) REIMBURSEMENT AT FAIR VALUE.—The amount of reimbursement required for a transfer of excess property is the fair value of the property, as determined by the Administrator, if—*

*(1) net proceeds are requested under section 574(a) of this title; or*

*(2) either the transferor or the transferee agency (or the organizational unit affected) is—*

*(A) subject to chapter 91 of title 31; or*

*(B) an organization specified in section 321(c)(2) of this title.*

*(c) DISTRIBUTION THROUGH GENERAL SERVICES ADMINISTRATION SUPPLY CENTERS.—Excess property determined by the Administrator to be suitable for distribution through the supply centers of the General Services Administration shall be retransferred at prices set by the Administrator with due regard to prices established under section 321(d) of this title.*

***§ 523. Excess real property located on Indian reservations***

*(a) PROCEDURES FOR TRANSFER.—The Administrator of General Services shall prescribe procedures necessary to transfer to the Secretary of the Interior, without compensation, excess real property located within the reservation of any group, band, or tribe of Indians that is recognized as eligible for services by the Bureau of Indian Affairs.*

*(b) PROPERTY HELD IN TRUST.—*

*(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary shall hold excess real property transferred under this section in trust for the benefit and use of the group, band, or tribe of Indians, within whose reservation the excess real property is located.*

*(2) SPECIAL REQUIREMENT FOR OKLAHOMA.—The Secretary shall hold excess real property that is located in Oklahoma and transferred under this section in trust for Oklahoma Indian tribes recognized by the Secretary if the real property—*

*(A) is located within boundaries of former reservations in Oklahoma, as defined by the Secretary, and was held in trust by the Federal Government for an Indian tribe when the Government acquired it; or*

*(B) is contiguous to real property presently held in trust by the Government for an Oklahoma Indian tribe and was held in trust by the Government for an Indian tribe at any time.*

***§ 524. Duties of executive agencies***

*(a) REQUIRED.—Each executive agency shall—*

*(1) maintain adequate inventory controls and accountability systems for property under its control;*

*(2) continuously survey property under its control to identify excess property;*

*(3) promptly report excess property to the Administrator of General Services;*

*(4) perform the care and handling of excess property; and*

*(5) transfer or dispose of excess property as promptly as possible in accordance with authority delegated and regulations prescribed by the Administrator.*

*(b) REQUIRED AS FAR AS PRACTICABLE.—Each executive agency, as far as practicable, shall—*

*(1) reassign property to another activity within the agency when the property is no longer required for the purposes of the appropriation used to make the purchase;*

*(2) transfer excess property under its control to other federal agencies and to organizations specified in section 321(c)(2) of this title; and*

*(3) obtain excess property from other federal agencies.*

***§ 525. Excess personal property for federal agency grantees***

*(a) GENERAL PROHIBITION.—A federal agency is prohibited from obtaining excess personal property for the purpose of furnishing the property to a grantee of the agency, except as provided in this section.*

*(b) EXCEPTION FOR PUBLIC AGENCIES AND TAX-EXEMPT NONPROFIT ORGANIZATIONS.—*

*(1) IN GENERAL.—Under regulations the Administrator of General Services may prescribe, a federal agency may obtain excess personal property for the purpose of furnishing it to a public agency or an organization that is nonprofit and exempt from taxation under section 501 of the Internal Revenue Code of 1986 (26 U.S.C. 501), if—*

*(A) the agency or organization is conducting a federally sponsored project pursuant to a grant made for a specific purpose with a specific termination provision;*

*(B) the property is to be furnished for use in connection with the grant; and*

*(C)(i) the sponsoring federal agency pays an amount equal to 25 percent of the original acquisition cost (except for costs of care and handling) of the excess property; and*

*(ii) the amount is deposited in the Treasury as miscellaneous receipts.*

*(2) TITLE.—Title to excess property obtained under this subsection vests in the grantee. The grantee shall account for and dispose of the property in accordance with procedures governing accountability for personal property acquired under grant agreements.*

*(c) EXCEPTION FOR CERTAIN PROPERTY FURNISHED BY SECRETARY OF AGRICULTURE.—*

*(1) DEFINITION.—In this subsection, the term "State" means a State of the United States, Puerto Rico, Guam, American Samoa, the Northern Mariana Islands, the Federated States of Micronesia, the Marshall Islands, Palau, the Virgin Islands, and the District of Columbia.*

*(2) IN GENERAL.—Under regulations and restrictions the Administrator may prescribe, subsection (a) does not apply to property furnished by the Secretary of Agriculture to—*

*(A) a state or county extension service engaged in cooperative agricultural extension work under the Smith-Lever Act (7 U.S.C. 341 et seq.);*

*(B) a state experiment station engaged in cooperative agricultural research work under the Hatch Act of 1887 (7 U.S.C. 361a et seq.); or*

*(C) an institution engaged in cooperative agricultural research or extension work under section 1433, 1434, 1444, or 1445 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3195, 3196, 3221, or 3222), or the Act of October 10, 1962 (16 U.S.C. 582a et seq.), if the Federal Government retains title.*

*(d) OTHER EXCEPTIONS.—Under regulations and restrictions the Administrator may prescribe, subsection (a) does not apply to—*

*(1) property furnished under section 608 of the Foreign Assistance Act of 1961 (22 U.S.C. 2358), to the extent that the Administrator determines that the property is not needed for donation under section 549 of this title;*

*(2) scientific equipment furnished under section 11(e) of the National Science Foundation Act of 1950 (42 U.S.C. 1870(e));*

*(3) property furnished under section 203 of the Department of Agriculture Organic Act of 1944 (16 U.S.C. 580a), in connection with the Cooperative Forest Fire Control Program, if the Government retains title; or*

*(4) property furnished in connection with a grant to a tribe, as defined in section 3(c) of the Indian Financing Act of 1974 (25 U.S.C. 1452(c)).*

***§ 526. Temporary assignment of excess real property***

*(a) ASSIGNMENT OF SPACE.—The Administrator of General Services may temporarily assign or reassign space in excess real property to a federal agency, for use as office or storage space or for a related purpose, if the Administrator determines that assignment or reassignment is more advantageous than permanent transfer. The Administrator shall determine the duration of the assignment or reassignment.*

*(b) REIMBURSEMENT FOR MAINTENANCE.—If there is no appropriation available to the Administrator for the expense of maintaining the space, the Administrator may obtain appropriate reimbursement from the federal agency.*

### *§ 527. Abandonment, destruction, or donation of property*

*The Administrator of General Services may authorize the abandonment or destruction of property, or the donation of property to a public body, if—*

*(1) the property has no commercial value; or*

*(2) the estimated cost of continued care and handling exceeds the estimated proceeds from sale.*

### *§ 528. Utilization of excess furniture*

*A department or agency of the Federal Government may not use amounts provided by law to purchase furniture if the Administrator of General Services determines that requirements can reasonably be met by transferring excess furniture, including rehabilitated furniture, from other departments or agencies pursuant to this subtitle.*

### *§ 529. Annual executive agency reports on excess personal property*

*(a) IN GENERAL.—During the calendar quarter following the close of each fiscal year, each executive agency shall submit to the Administrator of General Services a report on personal property—*

*(1) obtained as—*

*(A) excess property; or*

*(B) personal property determined to be no longer required for the purpose of the appropriation used to make the purchase; and*

*(2) furnished within the United States to a recipient other than a federal agency.*

*(b) REQUIRED INFORMATION.—The report must set out the categories of equipment and show—*

*(1) the acquisition cost of the property;*

*(2) the recipient of the property; and*

*(3) other information the Administrator may require.*

## *SUBCHAPTER III—DISPOSING OF PROPERTY*

### *§ 541. Supervision and direction*

*Except as otherwise provided in this subchapter, the Administrator of General Services shall supervise and direct the disposition of surplus property in accordance with this subtitle.*

### *§ 542. Care and handling*

*The disposal of surplus property, and the care and handling of the property pending disposition, may be performed by the General Services Administration or, when the Administrator of General Services decides, by the executive*

*agency in possession of the property or by any other executive agency that agrees.*

### *§ 543. Method of disposition*

*An executive agency designated or authorized by the Administrator of General Services to dispose of surplus property may do so by sale, exchange, lease, permit, or transfer, for cash, credit, or other property, with or without warranty, on terms and conditions that the Administrator considers proper. The agency may execute documents to transfer title or other interest in the property and may take other action it considers necessary or proper to dispose of the property under this chapter.*

### *§ 544. Validity of transfer instruments*

*A deed, bill of sale, lease, or other instrument executed by or on behalf of an executive agency purporting to transfer title or other interest in surplus property under this chapter is conclusive evidence of compliance with the provisions of this chapter concerning title or other interest of a bona fide grantee or transferee for value and without notice of lack of compliance.*

### *§ 545. Procedure for disposal*

*(a) PUBLIC ADVERTISING FOR BIDS.—*

*(1) REQUIREMENT.—*

*(A) IN GENERAL.—Except as provided in subparagraph (B), the Administrator of General Services may make or authorize a disposal or a contract for disposal of surplus property only after public advertising for bids, under regulations the Administrator prescribes.*

*(B) EXCEPTIONS.—This subsection does not apply to disposal or a contract for disposal of surplus property—*

*(i) under subsection (b) or (d); or*

*(ii) by abandonment, destruction, or donation or through a contract broker.*

*(2) TIME, METHOD, AND TERMS.—The time, method, and terms and conditions of advertisement must permit full and free competition consistent with the value and nature of the property involved.*

*(3) PUBLIC DISCLOSURE.—Bids must be publicly disclosed at the time and place stated in the advertisement.*

*(4) AWARDS.—An award shall be made with reasonable promptness by notice to the responsible bidder whose bid, conforming to the invitation for bids, is most advantageous to the Federal Government, price and other factors considered. However, all bids may be rejected if it is in the public interest to do so.*

*(b) NEGOTIATED DISPOSAL.—Under regulations the Administrator prescribes, disposals and contracts for disposal may be negotiated without regard*

*to subsection (a), but subject to obtaining competition that is feasible under the circumstances, if—*

*(1) necessary in the public interest—*

*(A) during the period of a national emergency declared by the President or Congress, with respect to a particular lot of personal property; or*

*(B) for a period not exceeding three months, with respect to a specifically described category of personal property as determined by the Administrator;*

*(2) the public health, safety, or national security will be promoted by a particular disposal of personal property;*

*(3) public exigency will not allow delay incident to advertising certain personal property;*

*(4) the nature and quantity of personal property involved are such that disposal under subsection (a) would impact an industry to an extent that would adversely affect the national economy, and the estimated fair market value of the property and other satisfactory terms of disposal can be obtained by negotiation;*

*(5) the estimated fair market value of the property involved does not exceed $15,000;*

*(6) after advertising under subsection (a), the bid prices for the property, or part of the property, are not reasonable or have not been independently arrived at in open competition;*

*(7) with respect to real property, the character or condition of the property or unusual circumstances make it impractical to advertise publicly for competitive bids and the fair market value of the property and other satisfactory terms of disposal can be obtained by negotiation;*

*(8) the disposal will be to a State, territory, or possession of the United States, or to a political subdivision of, or a tax-supported agency in, a State, territory, or possession, and the estimated fair market value of the property and other satisfactory terms of disposal are obtained by negotiation; or*

*(9) otherwise authorized by law.*

*(c) DISPOSAL THROUGH CONTRACT BROKERS.—Disposals and contracts for disposal of surplus real and related personal property through contract realty brokers employed by the Administrator shall be made in the manner followed in similar commercial transactions under regulations the Administrator prescribes. The regulations must require that brokers give wide public notice of the availability of the property for disposal.*

*(d) NEGOTIATED SALE AT FIXED PRICE.—*

*(1) AUTHORIZATION.—The Administrator may make a negotiated sale of personal property at a fixed price, either directly or through the use of a disposal contractor, without regard to subsection (a). However, the sale must be publicized to an extent consistent with the value and nature of the property involved and the price established must reflect the estimated fair market value of the property. Sales under this subsection are limited to categories of personal property for which the Administrator determines that disposal under this subsection best serves the interests of the Government.*

*(2) FIRST OFFER.—Under regulations and restrictions the Administrator prescribes, an opportunity to purchase property at a fixed price under this subsection may be offered first to an entity specified in subsection (b)(8) that has expressed an interest in the property.*

*(e) EXPLANATORY STATEMENTS FOR NEGOTIATED DISPOSALS.—*

*(1) REQUIREMENT.—*

*(A) IN GENERAL.—Except as provided in subparagraph (B), an explanatory statement of the circumstances shall be prepared for each disposal by negotiation of—*

*(i) personal property that has an estimated fair market value in excess of $15,000;*

*(ii) real property that has an estimated fair market value in excess of $100,000, except that real property disposed of by lease or exchange is subject only to clauses (iii)–(v) of this subparagraph;*

*(iii) real property disposed of by lease for a term of not more than 5 years, if the estimated fair annual rent is more than $100,000 for any year;*

*(iv) real property disposed of by lease for a term of more than 5 years, if the total estimated rent over the term of the lease is more than $100,000; or*

*(v) real property or real and related personal property disposed of by exchange, regardless of value, or any property for which any part of the consideration is real property.*

*(B) EXCEPTION.—An explanatory statement is not required for a disposal of personal property under subsection (d), or for a disposal of real or personal property authorized by any other law to be made without advertising.*

*(2) TRANSMITTAL TO CONGRESS.—The explanatory statement shall be transmitted to the appropriate committees of Congress in advance of the disposal, and a copy of the statement shall be preserved in the files of the executive agency making the disposal.*

*(3) LISTING IN REPORT.—A report of the Administrator under section 126 of this title must include a listing and description of any negotiated disposals of surplus property having an estimated fair market value of more than $15,000, in the case of real property, or $5,000, in the case of any other property, other than disposals for which an explanatory statement has been transmitted under this subsection.*

*(f) APPLICABILITY OF OTHER LAW.—Section 3709 of the Revised Statutes (41 U.S.C. 5) does not apply to a disposal or contract for disposal made under this section.*

### *§ 546. Contractor inventories*

*Subject to regulations of the Administrator of General Services, an executive agency may authorize a contractor or subcontractor with the agency to retain or dispose of contractor inventory.*

### *§ 547. Agricultural commodities, foods, and cotton or woolen goods*

*(a) POLICIES.—The Administrator of General Services shall consult with the Secretary of Agriculture to formulate policies for the disposal of surplus agricultural commodities, surplus foods processed from agricultural commodities, and surplus cotton or woolen goods. The policies shall be formulated to prevent surplus agricultural commodities, or surplus foods processed from agricultural commodities, from being dumped on the market in a disorderly manner and disrupting the market prices for agricultural commodities.*

*(b) TRANSFERS TO DEPARTMENT OF AGRICULTURE.—*

*(1) IN GENERAL.—The Administrator shall transfer without charge to the Department of Agriculture any surplus agricultural commodities, foods, and cotton or woolen goods for disposal, when the Secretary determines that a transfer is necessary for the Secretary to carry out responsibilities for price support or stabilization.*

*(2) DEPOSIT OF RECEIPTS.—Receipts resulting from disposal by the Department under this subsection shall be deposited pursuant to any authority available to the Secretary. When applicable, however, net proceeds from the sale of surplus property transferred under this subsection shall be credited pursuant to section 572(a) of this title.*

*(3) LIMITATION OF SALES.—Surplus farm commodities transferred under this subsection may not be sold, other than for export, in quantities exceeding, or at prices less than, the applicable quantities and prices for sales of those commodities by the Commodity Credit Corporation.*

### *§ 548. Surplus vessels*

*The Maritime Administration shall dispose of surplus vessels of 1,500 gross tons or more which the Administration determines to be merchant vessels or*

*capable of conversion to merchant use. The vessels shall be disposed of in accordance with the Merchant Marine Act, 1936 (46 App. U.S.C. 1101 et seq.), and other laws authorizing the sale of such vessels.*

***§549. Donation of personal property through state agencies***

*(a) DEFINITIONS.—In this section, the following definitions apply:*

*(1) PUBLIC AGENCY.—The term "public agency" means—*

*(A) a State;*

*(B) a political subdivision of a State (including a unit of local government or economic development district);*

*(C) a department, agency, or instrumentality of a State (including instrumentalities created by compact or other agreement between States or political subdivisions); or*

*(D) an Indian tribe, band, group, pueblo, or community located on a state reservation.*

*(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, and American Samoa.*

*(3) STATE AGENCY.—The term "state agency" means an agency designated under state law as the agency responsible for fair and equitable distribution, through donation, of property transferred under this section.*

*(b) AUTHORIZATION.—*

*(1) IN GENERAL.—The Administrator of General Services, in the Administrator's discretion and under regulations the Administrator may prescribe, may transfer property described in paragraph (2) to a state agency.*

*(2) PROPERTY.—*

*(A) IN GENERAL.—Property referred to in paragraph (1) is any personal property that—*

*(i) is under the control of an executive agency; and*

*(ii) has been determined to be surplus property.*

*(B) SPECIAL RULE.—In determining whether the property is to be transferred for donation under this section, no distinction may be made between property capitalized in a working-capital fund established under section 2208 of title 10 (or similar fund) and any other property.*

*(3) NO COST.—Transfer of property under this section is without cost, except for any costs of care and handling.*

*(c) ALLOCATION AND TRANSFER OF PROPERTY.—*

*(1) IN GENERAL.—The Administrator shall allocate and transfer property under this section in accordance with criteria that are based on*

*need and use and that are established after consultation with state agencies to the extent feasible. The Administrator shall give fair consideration, consistent with the established criteria, to an expression of need and interest from a public agency or other eligible institution within a State. The Administrator shall give special consideration to an eligible recipient's request, transmitted through the state agency, for a specific item of property.*

*(2) ALLOCATION AMONG STATES.—The Administrator shall allocate property among the States on a fair and equitable basis, taking into account the condition of the property as well as the original acquisition cost of the property.*

*(3) RECIPIENTS AND PURPOSES.—The Administrator shall transfer to a state agency property the state agency selects for distribution through donation within the State—*

*(A) to a public agency for use in carrying out or promoting, for residents of a given political area, a public purpose, including conservation, economic development, education, parks and recreation, public health, and public safety; or*

*(B) for purposes of education or public health (including research), to a nonprofit educational or public health institution or organization that is exempt from taxation under section 501 of the Internal Revenue Code of 1986 (26 U.S.C. 501), including—*

*(i) a medical institution, hospital, clinic, health center, or drug abuse treatment center;*

*(ii) a provider of assistance to homeless individuals or to families or individuals whose annual incomes are below the poverty line (as that term is defined in section 673 of the Community Services Block Grant Act (42 U.S.C. 9902));*

*(iii) a school, college, or university;*

*(iv) a school for the mentally retarded or physically handicapped;*

*(v) a child care center;*

*(vi) a radio or television station licensed by the Federal Communications Commission as an educational radio or educational television station;*

*(vii) a museum attended by the public; or*

*(viii) a library serving free all residents of a community, district, State, or region.*

*(4) EXCEPTION.—This subsection does not apply to property transferred under subsection (d).*

*(d) DEPARTMENT OF DEFENSE PROPERTY.—*

*(1) DETERMINATION.—The Secretary of Defense shall determine whether surplus personal property under the control of the Department of Defense is usable and necessary for educational activities which are of special interest to the armed services, including maritime academies, or military, naval, Air Force, or Coast Guard preparatory schools.*

*(2) PROPERTY USABLE FOR SPECIAL INTEREST ACTIVITIES.—If the Secretary of Defense determines that the property is usable and necessary for educational activities which are of special interest to the armed services, the Secretary shall allocate the property for transfer by the Administrator to the appropriate state agency for distribution through donation to the educational activities.*

*(3) PROPERTY NOT USABLE FOR SPECIAL INTEREST ACTIVITIES.—If the Secretary of Defense determines that the property is not usable and necessary for educational activities which are of special interest to the armed services, the property may be disposed of in accordance with subsection (c).*

*(e) STATE PLAN OF OPERATION.—*

*(1) IN GENERAL.—Before property may be transferred to a state agency, the State shall develop a detailed state plan of operation, in accordance with this subsection and with state law.*

*(2) PROCEDURE.—*

*(A) CONSIDERATION OF NEEDS AND RESOURCES.—In developing and implementing the state plan of operation, the relative needs and resources of all public agencies and other eligible institutions in the State shall be taken into consideration. The Administrator may consult with interested federal agencies to obtain their views concerning the administration and operation of this section.*

*(B) PUBLICATION AND PERIOD FOR COMMENT.—The state plan of operation, and any major amendment to the plan, may not be filed with the Administrator until 60 days after general notice of the proposed plan or amendment has been published and interested persons have been given at least 30 days to submit comments.*

*(C) CERTIFICATION.—The chief executive officer of the State shall certify and submit the state plan of operation to the Administrator.*

*(3) REQUIREMENTS.—*

*(A) STATE AGENCY.—The state plan of operation shall include adequate assurance that the state agency has—*

*(i) the necessary organizational and operational authority and capability including staff, facilities, and means and methods of financing; and*

*(ii) established procedures for accountability, internal and external audits, cooperative agreements, compliance and use reviews, equitable distribution and property disposal, determination of eligibility, and assistance through consultation with advisory bodies and public and private groups.*

*(B) EQUITABLE DISTRIBUTION.—The state plan of operation shall provide for fair and equitable distribution of property in the State based on the relative needs and resources of interested public agencies and other eligible institutions in the State and their abilities to use the property.*

*(C) MANAGEMENT CONTROL AND ACCOUNTING SYSTEMS.—The state plan of operation shall require, for donable property transferred under this section, that the state agency use management control and accounting systems of the same type as systems required by state law for state-owned property. However, with approval from the chief executive officer of the State, the state agency may elect to use other management control and accounting systems that are effective to govern the use, inventory control, accountability, and disposal of property under this section.*

*(D) RETURN AND REDISTRIBUTION FOR NON-USE.—The state plan of operation shall require the state agency to provide for the return and redistribution of donable property if the property, while still usable, has not been placed in use for the purpose for which it was donated within one year of donation or ceases to be used by the donee for that purpose within one year of being placed in use.*

*(E) REQUEST BY RECIPIENT.—The state plan of operation shall require the state agency, to the extent practicable, to select property requested by a public agency or other eligible institution in the State and, if requested by the recipient, to arrange shipment of the property directly to the recipient.*

*(F) SERVICE CHARGES.—If the state agency is authorized to assess and collect service charges from participating recipients to cover direct and reasonable indirect costs of its activities, the method of establishing the charges shall be set out in the state plan of operation. The charges shall be fair and equitable and shall be based on services the state agency performs, including screening, packing, crating, removal, and transportation.*

*(G) TERMS, CONDITIONS, RESERVATIONS, AND RESTRICTIONS.—*

*(i) IN GENERAL.—The state plan of operation shall provide that the state agency—*

*(I) may impose reasonable terms, conditions, reservations, and restrictions on the use of property to be donated under subsection (c); and*

*(II) shall impose reasonable terms, conditions, reservations, and restrictions on the use of a passenger motor vehicle and any item of property having a unit acquisition cost of $5,000 or more.*

*(ii) SPECIAL LIMITATIONS.—If the Administrator finds that an item has characteristics that require special handling or use limitations, the Administrator may impose appropriate conditions on the donation of the property.*

*(H) UNUSABLE PROPERTY.—*

*(i) DISPOSAL.—The state plan of operation shall provide that surplus personal property which the state agency determines cannot be used by eligible recipients shall be disposed of—*

*(I) subject to the disapproval of the Administrator within 30 days after notice to the Administrator, through transfer by the state agency to another state agency or through abandonment or destruction if the property has no commercial value or if the estimated cost of continued care and handling exceeds estimated proceeds from sale; or*

*(II) under this subtitle, on terms and conditions and in a manner the Administrator prescribes.*

*(ii) PROCEEDS FROM SALE.—Notwithstanding subchapter IV of this chapter and section 702 of this title, the Administrator, from the proceeds of sale of property described in subsection (b), may reimburse the state agency for expenses that the Administrator considers appropriate for care and handling of the property.*

*(f) COOPERATIVE AGREEMENTS WITH STATE AGENCIES.—*

*(1) PARTIES TO THE AGREEMENT.—For purposes of carrying out this section, a cooperative agreement may be made between a state surplus property distribution agency designated under this section and—*

*(A) the Administrator;*

*(B) the Secretary of Education, for property transferred under section 550(c) of this title;*

*(C) the Secretary of Health and Human Services, for property transferred under section 550(d) of this title; or*

*(D) the head of a federal agency designated by the Administrator, the Secretary of Education, or the Secretary of Health and Human Services.*

*(2) SHARED RESOURCES.—The cooperative agreement may provide that the property, facilities, personnel, or services of—*

*(A) a state agency may be used by a federal agency; and*

*(B) a federal agency may be made available to a state agency.*

*(3) REIMBURSEMENT.—The cooperative agreement may require payment or reimbursement for the use or provision of property, facilities, personnel, or services. Payment or reimbursement received from a state agency shall be credited to the fund or appropriation against which charges would otherwise be made.*

*(4) SURPLUS PROPERTY TRANSFERRED TO STATE AGENCY.—*

*(A) IN GENERAL.—Under the cooperative agreement, surplus property transferred to a state agency for distribution pursuant to subsection (c) may be retained by the state agency for use in performing its functions. Unless otherwise directed by the Administrator, title to the retained property vests in the state agency.*

*(B) CONDITIONS.—Retention of surplus property under this paragraph is subject to conditions that may be imposed by—*

*(i) the Administrator;*

*(ii) the Secretary of Education, for property transferred under section 550(c) of this title; or*

*(iii) the Secretary of Health and Human Services, for property transferred under section 550(d) of this title.*

***§ 550. Disposal of real property for certain purposes***

*(a) DEFINITION.—In this section, the term "State" includes the District of Columbia, Puerto Rico, and the territories and possessions of the United States.*

*(b) ENFORCEMENT AND REVISION OF INSTRUMENTS TRANSFERRING PROPERTY UNDER THIS SECTION.—*

*(1) IN GENERAL.—Subject to disapproval by the Administrator of General Services within 30 days after notice of a proposed action to be taken under this section, except for personal property transferred pursuant to section 549 of this title, the official specified in paragraph (2) shall determine and enforce compliance with the terms, conditions, reservations, and restrictions contained in an instrument by which a transfer under this section is made. The official shall reform, correct, or amend the instrument if necessary to correct the instrument or to conform the transfer to the requirements of law. The official shall grant a release from any term, condition, reservation or restriction contained in*

*the instrument, and shall convey, quitclaim, or release to the transferee (or other eligible user) any right or interest reserved to the Federal Government by the instrument, if the official determines that the property no longer serves the purpose for which it was transferred or that a release, conveyance, or quitclaim deed will not prevent accomplishment of that purpose. The release, conveyance, or quitclaim deed may be made subject to terms and conditions that the official considers necessary to protect or advance the interests of the Government.*

*(2) SPECIFIED OFFICIAL.—The official referred to in paragraph (1) is—*

*(A) the Secretary of Education, for property transferred under subsection (c) for school, classroom, or other educational use;*

*(B) the Secretary of Health and Human Services, for property transferred under subsection (d) for use in the protection of public health, including research;*

*(C) the Secretary of the Interior, for property transferred under subsection (e) for public park or recreation area use;*

*(D) the Secretary of Housing and Urban Development, for property transferred under subsection (f) to provide housing or housing assistance for low-income individuals or families; and*

*(E) the Secretary of the Interior, for property transferred under subsection (h) for use as a historic monument for the benefit of the public.*

*(c) PROPERTY FOR SCHOOL, CLASSROOM, OR OTHER EDUCATIONAL USE.—*

*(1) ASSIGNMENT.—The Administrator, in the Administrator's discretion and under regulations that the Administrator may prescribe, may assign to the Secretary of Education for disposal surplus real property, including buildings, fixtures, and equipment situated on the property, that the Secretary recommends as needed for school, classroom, or other educational use.*

*(2) SALE OR LEASE.—Subject to disapproval by the Administrator within 30 days after notice to the Administrator by the Secretary of Education of a proposed transfer, the Secretary, for school, classroom, or other educational use, may sell or lease property assigned to the Secretary under paragraph (1) to a State, a political subdivision or instrumentality of a State, a tax-supported educational institution, or a nonprofit educational institution that has been held exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 501(c)(3)).*

*(3) FIXING VALUE.—In fixing the sale or lease value of property disposed of under paragraph (2), the Secretary of Education shall take into*

*consideration any benefit which has accrued or may accrue to the Government from the use of the property by the State, political subdivision or instrumentality, or institution.*

*(d) PROPERTY FOR USE IN THE PROTECTION OF PUBLIC HEALTH, INCLUDING RESEARCH.—*

*(1) ASSIGNMENT.—The Administrator, in the Administrator's discretion and under regulations that the Administrator may prescribe, may assign to the Secretary of Health and Human Services for disposal surplus real property, including buildings, fixtures, and equipment situated on the property, that the Secretary recommends as needed for use in the protection of public health, including research.*

*(2) SALE OR LEASE.—Subject to disapproval by the Administrator within 30 days after notice to the Administrator by the Secretary of Health and Human Services of a proposed transfer, the Secretary, for use in the protection of public health, including research, may sell or lease property assigned to the Secretary under paragraph (1) to a State, a political subdivision or instrumentality of a State, a tax-supported medical institution, or a hospital or similar institution not operated for profit that has been held exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 501(c)(3)).*

*(3) FIXING VALUE.—In fixing the sale or lease value of property disposed of under paragraph (2), the Secretary of Health and Human Services shall take into consideration any benefit which has accrued or may accrue to the Government from the use of the property by the State, political subdivision or instrumentality, or institution.*

*(e) PROPERTY FOR USE AS A PUBLIC PARK OR RECREATION AREA.—*

*(1) ASSIGNMENT.—The Administrator, in the Administrator's discretion and under regulations that the Administrator may prescribe, may assign to the Secretary of the Interior for disposal surplus real property, including buildings, fixtures, and equipment situated on the property, that the Secretary recommends as needed for use as a public park or recreation area.*

*(2) SALE OR LEASE.—Subject to disapproval by the Administrator within 30 days after notice to the Administrator by the Secretary of the Interior of a proposed transfer, the Secretary, for public park or recreation area use, may sell or lease property assigned to the Secretary under paragraph (1) to a State, a political subdivision or instrumentality of a State, or a municipality.*

*(3) FIXING VALUE.—In fixing the sale or lease value of property disposed of under paragraph (2), the Secretary of the Interior shall take into consideration any benefit which has accrued or may accrue to the*

*Government from the use of the property by the State, political subdivision or instrumentality, or municipality.*

*(4) DEED OF CONVEYANCE.—The deed of conveyance of any surplus real property disposed of under this subsection—*

*(A) shall provide that all of the property be used and maintained for the purpose for which it was conveyed in perpetuity, and that if the property ceases to be used or maintained for that purpose, all or any portion of the property shall, in its then existing condition, at the option of the Government, revert to the Government; and*

*(B) may contain additional terms, reservations, restrictions, and conditions the Secretary of the Interior determines are necessary to safeguard the interests of the Government.*

*(f) PROPERTY FOR LOW INCOME HOUSING ASSISTANCE.—*

*(1) ASSIGNMENT.—The Administrator, in the Administrator's discretion and under regulations that the Administrator may prescribe, may assign to the Secretary of Housing and Urban Development for disposal surplus real property, including buildings, fixtures, and equipment situated on the property, that the Secretary recommends as needed to provide housing or housing assistance for low-income individuals or families.*

*(2) SALE OR LEASE.—Subject to disapproval by the Administrator within 30 days after notice to the Administrator by the Secretary of Housing and Urban Development of a proposed transfer, the Secretary, to provide housing or housing assistance for low-income individuals or families, may sell or lease property assigned to the Secretary under paragraph (1) to a State, a political subdivision or instrumentality of a State, or a nonprofit organization that exists for the primary purpose of providing housing or housing assistance for low-income individuals or families.*

*(3) SELF-HELP HOUSING.—*

*(A) IN GENERAL.—The Administrator shall disapprove a proposed transfer of property under this subsection unless the Administrator determines that the property will be used for low-income housing opportunities through the construction, rehabilitation, or refurbishment of self-help housing, under terms requiring that—*

*(i) subject to subparagraph (B), an individual or family receiving housing or housing assistance through use of the property shall contribute a significant amount of labor toward the construction, rehabilitation, or refurbishment; and*

*(ii) dwellings constructed, rehabilitated, or refurbished through use of the property shall be quality dwellings that com-*

*ply with local building and safety codes and standards and shall be available at prices below prevailing market prices.*

*(B) GUIDELINES FOR CONSIDERING DISABILITIES.—For purposes of fulfilling self-help requirements under paragraph (3)(A)(i), the Administrator shall ensure that nonprofit organizations receiving property under paragraph (2) develop and use guidelines to consider any disability (as defined in section 3(2) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102(2)).*

*(4) FIXING VALUE.—*

*(A) IN GENERAL.—In fixing the sale or lease value of property disposed of under paragraph (2), the Secretary of Housing and Urban Development shall take into consideration and discount the value for any benefit which has accrued or may accrue to the Government from the use of the property by the State, political subdivision or instrumentality, or nonprofit organization.*

*(B) AMOUNT OF DISCOUNT.—The amount of the discount under subparagraph (A) is 75 percent of the market value of the property, except that the Secretary of Housing and Urban Development may discount by a greater percentage if the Secretary, in consultation with the Administrator, determines that a higher percentage is justified.*

*(g) PROPERTY FOR NATIONAL SERVICE ACTIVITIES.—*

*(1) ASSIGNMENT.—The Administrator, in the Administrator's discretion and under regulations that the Administrator may prescribe, may assign to the Chief Executive Officer of the Corporation for National and Community Service for disposal surplus property that the Chief Executive Officer recommends as needed for national service activities.*

*(2) SALE, LEASE, OR DONATION.—Subject to disapproval by the Administrator within 30 days after notice to the Administrator by the Chief Executive Officer of a proposed transfer, the Chief Executive Officer, for national service activities, may sell, lease, or donate property assigned to the Chief Executive Officer under paragraph (1) to an entity that receives financial assistance under the National and Community Service Act of 1990 (42 U.S.C. 12501 et seq.).*

*(3) FIXING VALUE.—In fixing the sale or lease value of property disposed of under paragraph (2), the Chief Executive Officer shall take into consideration any benefit which has accrued or may accrue to the Government from the use of the property by the entity receiving the property.*

*(h) PROPERTY FOR USE AS A HISTORIC MONUMENT.—*

*(1) CONVEYANCE.—*

*(A) IN GENERAL.—Without monetary consideration to the Government, the Administrator may convey to a State, a political subdivision or instrumentality of a State, or a municipality, the right, title, and interest of the Government in and to any surplus real and related personal property that the Secretary of the Interior determines is suitable and desirable for use as a historic monument for the benefit of the public.*

*(B) RECOMMENDATION BY NATIONAL PARK SYSTEM ADVISORY BOARD.—Property may be determined to be suitable and desirable for use as a historic monument only in conformity with a recommendation by the National Park System Advisory Board established under section 3 of the Act of August 21, 1935 (16 U.S.C. 463) (known as the Historic Sites, Buildings, and Antiquities Act). Only the portion of the property that is necessary for the preservation and proper observation of the property's historic features may be determined to be suitable and desirable for use as a historic monument.*

*(2) REVENUE-PRODUCING ACTIVITY.—*

*(A) IN GENERAL.—The Administrator may authorize use of any property conveyed under this subsection for revenue-producing activities if the Secretary of the Interior—*

*(i) determines that the activities are compatible with use of the property for historic monument purposes;*

*(ii) approves the grantee's plan for repair, rehabilitation, restoration, and maintenance of the property;*

*(iii) approves the grantee's plan for financing the repair, rehabilitation, restoration, and maintenance of the property; and*

*(iv) examines and approves the accounting and financial procedures used by the grantee.*

*(B) USE OF EXCESS INCOME.—The Secretary of the Interior may approve a grantee's financial plan only if the plan provides that the grantee shall use income exceeding the cost of repair, rehabilitation, restoration, and maintenance only for public historic preservation, park, or recreational purposes.*

*(C) AUDITS.—The Secretary of the Interior may periodically audit the records of the grantee that are directly related to the property conveyed.*

*(3) DEED OF CONVEYANCE.—The deed of conveyance of any surplus real property disposed of under this subsection—*

*(A) shall provide that all of the property be used and maintained for historical monument purposes in perpetuity, and that if the*

*property ceases to be used or maintained for historical monument purposes, all or any portion of the property shall, in its then existing condition, at the option of the Government, revert to the Government; and*

*(B) may contain additional terms, reservations, restrictions, and conditions the Administrator determines are necessary to safeguard the interests of the Government.*

### *§ 551. Donations to American Red Cross*

*The Administrator of General Services, in the Administrator's discretion and under regulations that the Administrator may prescribe, may donate to the American National Red Cross for charitable purposes property that the American National Red Cross processed, produced, or donated and that has been determined to be surplus property.*

### *§ 552. Abandoned or unclaimed property on Government premises*

*(a) AUTHORITY TO TAKE PROPERTY.—The Administrator of General Services may take possession of abandoned or unclaimed property on premises owned or leased by the Federal Government and determine when title to the property vests in the Government. The Administrator may use, transfer, or otherwise dispose of the property.*

*(b) CLAIM FILED BY FORMER OWNER.—If a former owner files a proper claim within three years from the date that title to the property vests in the Government, the former owner shall be paid an amount—*

*(1) equal to the proceeds realized from the disposition of the property less costs incident to care and handling as determined by the Administrator; or*

*(2) if the property has been used or transferred, equal to the fair value of the property as of the time title vested in the Government less costs incident to care and handling as determined by the Administrator.*

### *§ 553. Property for correctional facility, law enforcement, and emergency management response purposes*

*(a) DEFINITION.—In this section, the term "State" includes the District of Columbia, Puerto Rico, Guam, American Samoa, the Virgin Islands, the Federated States of Micronesia, the Marshall Islands, Palau, and, the Northern Mariana Islands.*

*(b) AUTHORITY TO TRANSFER PROPERTY.—The Administrator of General Services, in the Administrator's discretion and under regulations that the Administrator may prescribe, may transfer or convey to a State, or political subdivision or instrumentality of a State, surplus real and related personal property that—*

*(1) the Attorney General determines is required by the transferee or grantee for correctional facility use under a program approved by the Attorney General for the care or rehabilitation of criminal offenders;*

*(2) the Attorney General determines is required by the transferee or grantee for law enforcement purposes; or*

*(3) the Director of the Federal Emergency Management Agency determines is required by the transferee or grantee for emergency management response purposes including fire and rescue services.*

*(c) NO MONETARY CONSIDERATION.—A transfer or conveyance under this section shall be made without monetary consideration to the Federal Government.*

*(d) DEED OF CONVEYANCE.—The deed of conveyance of any surplus real and related personal property disposed of under this section—*

*(1) shall provide that all of the property be used and maintained for the purpose for which it was conveyed in perpetuity, and that if the property ceases to be used or maintained for that purpose, all or any portion of the property shall, in its then existing condition, at the option of the Government, revert to the Government; and*

*(2) may contain additional terms, reservations, restrictions, and conditions that the Administrator determines are necessary to safeguard the interests of the Government.*

*(e) ENFORCEMENT AND REVISION OF INSTRUMENTS TRANSFERRING PROPERTY UNDER THIS SECTION.—The Administrator shall determine and enforce compliance with the terms, conditions, reservations, and restrictions contained in an instrument by which a transfer or conveyance under this section is made. The Administrator shall reform, correct, or amend the instrument if necessary to correct the instrument or to conform the transfer to the requirements of law. The Administrator shall grant a release from any term, condition, reservation or restriction contained in the instrument, and shall convey, quitclaim, or release to the transferee (or other eligible user) any right or interest reserved to the Government by the instrument, if the Administrator determines that the property no longer serves the purpose for which it was transferred or that a release, conveyance, or quitclaim deed will not prevent accomplishment of that purpose. The release, conveyance, or quitclaim deed may be made subject to terms and conditions that the Administrator considers necessary to protect or advance the interests of the Government.*

***§554. Property for development or operation of a port facility***

*(a) DEFINITIONS.—In this section, the following definitions apply:*

*(1) BASE CLOSURE LAW.—The term "base closure law" means the following:*

*(A) Title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note).*

*(B) The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).*

*(C) Section 2687 of title 10.*

*(2) STATE.—The term "State" includes the District of Columbia, Puerto Rico, Guam, American Samoa, the Virgin Islands, the Federated States of Micronesia, the Marshall Islands, Palau, and the Northern Mariana Islands.*

*(b) AUTHORITY FOR ASSIGNMENT TO THE SECRETARY OF TRANSPORTATION.—Under regulations that the Administrator of General Services, after consultation with the Secretary of Defense, may prescribe, the Administrator, or the Secretary of Defense in the case of property located at a military installation closed or realigned pursuant to a base closure law, may assign to the Secretary of Transportation for disposal surplus real property, including buildings, fixtures, and equipment situated on the property, that the Secretary of Transportation recommends as needed for the development or operation of a port facility.*

*(c) AUTHORITY FOR CONVEYANCE BY THE SECRETARY OF TRANSPORTATION.*

*(1) IN GENERAL.—Subject to disapproval by the Administrator or the Secretary of Defense within 30 days after notice of a proposed conveyance by the Secretary of Transportation, the Secretary of Transportation, for the development or operation of a port facility, may convey property assigned to the Secretary of Transportation under subsection (b) to a State or political subdivision, municipality, or instrumentality of a State.*

*(2) CONVEYANCE REQUIREMENTS.—A transfer of property may be made under this section only after the Secretary of Transportation has—*

*(A) determined, after consultation with the Secretary of Labor, that the property to be conveyed is located in an area of serious economic disruption;*

*(B) received and, after consultation with the Secretary of Commerce, approved an economic development plan submitted by an eligible grantee and based on assured use of the property to be conveyed as part of a necessary economic development program; and*

*(C) transmitted to Congress an explanatory statement that contains information substantially similar to the information contained in statements prepared under section 545(e) of this title.*

*(d) NO MONETARY CONSIDERATION.—A conveyance under this section shall be made without monetary consideration to the Federal Government.*

*(e) DEED OF CONVEYANCE.—The deed of conveyance of any surplus real and related personal property disposed of under this section shall—*

*(1) provide that all of the property be used and maintained for the purpose for which it was conveyed in perpetuity, and that if the property ceases to be used or maintained for that purpose, all or any portion of the property shall, in its then existing condition, at the option of the Government, revert to the Government; and*

*(2) contain additional terms, reservations, restrictions, and conditions that the Secretary of Transportation shall by regulation require to ensure use of the property for the purposes for which it was conveyed and to safeguard the interests of the Government.*

*(f) ENFORCEMENT AND REVISION OF INSTRUMENTS TRANSFERRING PROPERTY UNDER THIS SECTION.—The Secretary of Transportation shall determine and enforce compliance with the terms, conditions, reservations, and restrictions contained in an instrument by which a transfer or conveyance under this section is made. The Secretary shall reform, correct, or amend the instrument if necessary to correct the instrument or to conform the transfer to the requirements of law. The Secretary shall grant a release from any term, condition, reservation or restriction contained in the instrument, and shall convey, quitclaim, or release to the grantee any right or interest reserved to the Government by the instrument, if the Secretary determines that the property no longer serves the purpose for which it was transferred or that a release, conveyance, or quitclaim deed will not prevent accomplishment of that purpose. The release, conveyance, or quitclaim deed may be made subject to terms and conditions that the Secretary considers necessary to protect or advance the interests of the Government.*

### *§ 555. Donation of law enforcement canines to handlers*

*The head of a federal agency having control of a canine that has been used by a federal agency in the performance of law enforcement duties and that has been determined by the agency to be no longer needed for official purposes may donate the canine to an individual who has experience handling canines in the performance of those duties.*

### *§ 556. Disposal of dredge vessels*

*(a) IN GENERAL.—The Administrator of General Services, pursuant to sections 521 through 527, 529, and 549 of this title, may dispose of a United States Army Corps of Engineers vessel used for dredging, together with related equipment owned by the Federal Government and under the control of the Chief of Engineers, if the Secretary of the Army declares the vessel to be in excess of federal needs.*

*(b) RECIPIENTS AND PURPOSES.—Disposal under this section is accomplished—*

*(1) through sale or lease to—*

*(A) a foreign government as part of a Corps of Engineers technical assistance program;*

*(B) a federal or state maritime academy for training purposes; or*

*(C) a non-federal public body for scientific, educational, or cultural purposes; or*

*(2) through sale solely for scrap to foreign or domestic interests.*

*(c) NO DREDGING ACTIVITIES.—A vessel described in subsection (a) shall not be disposed of under any law for the purpose of engaging in dredging activities within the United States.*

*(d) DEPOSIT OF AMOUNTS COLLECTED.—Amounts collected from the sale or lease of a vessel or equipment under this section shall be deposited into the revolving fund authorized by section 101 (9th par.) of the Civil Functions Appropriation Act, 1954 (33 U.S.C. 576), to be available, as provided in appropriation laws, for the operation and maintenance of vessels under the control of the Corps of Engineers.*

### *§ 557. Donation of books to Free Public Library*

*Subject to regulations under this subtitle, a book that is no longer needed by an executive department, bureau, or commission of the Federal Government, and that is not an advisable addition to the Library of Congress, shall be turned over to the Free Public Library of the District of Columbia for general use if the book is appropriate for the Free Public Library.*

### *§ 558. Donation of forfeited vessels*

*(a) IN GENERAL.—A vessel that is forfeited to the Federal Government may be donated, in accordance with procedures under this subtitle, to an eligible institution described in subsection (b).*

*(b) ELIGIBLE INSTITUTION.—An eligible institution referred to in subsection (a) is an educational institution with a commercial fishing vessel safety program or other vessel safety, education and training program. The institution must certify to the federal officer making the donation that the program includes, at a minimum, all of the following courses in vessel safety:*

*(1) Vessel stability.*

*(2) Firefighting.*

*(3) Shipboard first aid.*

*(4) Marine safety and survival.*

*(5) Seamanship rules of the road.*

*(c) TERMS AND CONDITIONS.—The donation of a vessel under this section shall be made on terms and conditions considered appropriate by the federal*

*officer making the donation. All of the following terms and conditions are required:*

*(1) NO WARRANTY.—The institution must accept the vessel as is, where it is, and without warranty of any kind and without any representation as to its condition or suitability for use.*

*(2) MAINTENANCE.—The institution is responsible for maintaining the vessel.*

*(3) INSTRUCTION ONLY.—The vessel may be used only for instructing students in a vessel safety education and training program.*

*(4) DOCUMENTATION.—If the vessel is eligible to be documented, it must be documented by the institution as a vessel of the United States under chapter 121 of title 46. The requirements of paragraph (5) must be noted on the permanent record of the vessel.*

*(5) DISPOSAL.—The institution must obtain prior approval from the Administrator of General Services before disposing of the vessel and any proceeds from disposal shall be payable to the Government.*

*(6) INSPECTION OR REGULATION.—The vessel shall be inspected or regulated in the same manner as a nautical school vessel under chapter 33 of title 46.*

*(d) GOVERNMENT LIABILITY.—The Government is not liable in an action arising out of the transfer or use of a vessel transferred under this section.*

### *§559. Advice of Attorney General with respect to antitrust law*

*(a) DEFINITION.—In this section, the term "antitrust law" includes—*

*(1) the Sherman Act (15 U.S.C. 1 et seq.);*

*(2) the Clayton Act (15 U.S.C. 12 et seq., 29 U.S.C. 52, 53);*

*(3) the Federal Trade Commission Act (15 U.S.C. 41 et seq.); and*

*(4) sections 73 and 74 of the Wilson Tariff Act (15 U.S.C. 8, 9).*

*(b) ADVICE REQUIRED.—*

*(1) IN GENERAL.—An executive agency shall not dispose of property to a private interest until the agency has received the advice of the Attorney General on whether the disposal to a private interest would tend to create or maintain a situation inconsistent with antitrust law.*

*(2) EXCEPTION.—This section does not apply to disposal of—*

*(A) real property, if the estimated fair market value is less than $3,000,000; or*

*(B) personal property (other than a patent, process, technique, or invention), if the estimated fair market value is less than $3,000,000.*

*(c) NOTICE TO ATTORNEY GENERAL.—*

*(1) IN GENERAL.—An executive agency that contemplates disposing of property to a private interest shall promptly transmit notice of the proposed disposal, including probable terms and conditions, to the Attorney General.*

*(2) COPY.—Except for the General Services Administration, an executive agency that transmits notice under paragraph (1) shall simultaneously transmit a copy of the notice to the Administrator of General Services.*

*(d) ADVICE FROM ATTORNEY GENERAL.—Within a reasonable time, not later than 60 days, after receipt of notice under subsection (c), the Attorney General shall advise the Administrator and any interested executive agency whether, so far as the Attorney General can determine, the proposed disposition would tend to create or maintain a situation inconsistent with antitrust law.*

*(e) REQUEST FOR INFORMATION.—On request from the Attorney General, the head of an executive agency shall furnish information the agency possesses that the Attorney General determines is appropriate or necessary to—*

*(1) give advice required by this section; or*

*(2) determine whether any other disposition or proposed disposition of surplus property violates antitrust law.*

*(f) NO EFFECT ON ANTITRUST LAW.—This subtitle does not impair, amend, or modify antitrust law or limit or prevent application of antitrust law to a person acquiring property under this subtitle.*

*SUBCHAPTER IV—PROCEEDS FROM SALE OR TRANSFER*

***§ 571. General rules for deposit and use of proceeds***

*(a) DEPOSIT IN TREASURY AS MISCELLANEOUS RECEIPTS.—*

*(1) IN GENERAL.—Except as otherwise provided in this subchapter, proceeds described in paragraph (2) shall be deposited in the Treasury as miscellaneous receipts.*

*(2) PROCEEDS.—The proceeds referred to in paragraph (1) are proceeds under this chapter from a—*

*(A) transfer of excess property to a federal agency for agency use; or*

*(B) sale, lease, or other disposition of surplus property.*

*(b) PAYMENT OF EXPENSES OF SALE BEFORE DEPOSIT.—Subject to regulations under this subtitle, the expenses of the sale of old material, condemned stores, supplies, or other public property may be paid from the proceeds of sale so that only the net proceeds are deposited in the Treasury. This subsection applies whether proceeds are deposited as miscellaneous receipts or to the credit of an appropriation as authorized by law.*

***§ 572. Real property***

*(a) IN GENERAL.—*

*(1) SEPARATE FUND.—Except as provided in subsection (b), proceeds of the disposition of surplus real and related personal property by the Administrator of General Services shall be set aside in a separate fund in the Treasury.*

*(2) PAYMENT OF EXPENSES FROM THE FUND.—*

*(A) AUTHORITY.—From the fund described in paragraph (1), the Administrator may obligate an amount to pay the following direct expenses incurred for the use of excess property and the disposal of surplus property under this subtitle:*

*(i) Fees of appraisers, auctioneers, and realty brokers, in accordance with the scale customarily paid in similar commercial transactions.*

*(ii) Costs of environmental and historic preservation services.*

*(iii) Advertising and surveying.*

*(B) LIMITATIONS.—*

*(i) PERCENTAGE LIMITATION.—In each fiscal year, no more than 12 percent of the proceeds of all dispositions of surplus real and related personal property may be paid to meet direct expenses incurred in connection with the dispositions.*

*(ii) DETERMINATION OF MAXIMUM AMOUNT.—The Director of the Office of Management and Budget each quarter shall determine the maximum amount that may be obligated under this paragraph.*

*(C) DIRECT PAYMENT OR REIMBURSEMENT.—An amount obligated under this paragraph may be used to pay an expense directly or to reimburse a fund or appropriation that initially paid the expense.*

*(3) TRANSFER TO MISCELLANEOUS RECEIPTS.—At least once each year, excess amounts beyond current operating needs shall be transferred from the fund described in paragraph (1) to miscellaneous receipts.*

*(4) REPORT.—A report of receipts, disbursements, and transfers to miscellaneous receipts under this subsection shall be made annually, in connection with the budget estimate, to the Director and to Congress.*

*(b) REAL PROPERTY UNDER CONTROL OF A MILITARY DEPARTMENT.—*

*(1) DEFINITIONS.—In this subsection, the following definitions apply:*

*(A) MILITARY INSTALLATION.—The term "military installation" has the meaning given that term in section 2687(e)(1) of title 10.*

*(B) BASE CLOSURE LAW.—The term "base closure law" has the meaning given that term in section 2667(h)(2) of title 10.*

*(2) APPLICATION.—*

*(A) IN GENERAL.—This subsection applies to real property, including any improvement on the property, that is under the control of a military department and that the Secretary of the department determines is excess to the department's needs.*

*(B) EXCEPTIONS.—This subsection does not apply to—*

*(i) damaged or deteriorated military family housing facilities conveyed under section 2854a of title 10; or*

*(ii) property at a military installation designated for closure or realignment pursuant to a base closure law.*

*(3) TRANSFER BETWEEN MILITARY DEPARTMENTS.—The Secretary of Defense shall provide that property described in paragraph (2) is available for transfer, without reimbursement, to other military departments within the Department of Defense.*

*(4) ALTERNATIVE DISPOSITION BY ADMINISTRATOR OF GENERAL SERVICES.—If property is not transferred pursuant to paragraph (3), the Secretary of the military department with the property under its control shall request the Administrator to transfer or dispose of the property in accordance with this subtitle or other applicable law.*

*(5) PROCEEDS.—*

*(A) DEPOSIT IN SPECIAL ACCOUNT.—For a transfer or disposition of property pursuant to paragraph (4), the Administrator shall deposit any proceeds (less expenses of the transfer or disposition as provided in subsection (a)) in a special account in the Treasury.*

*(B) AVAILABILITY OF AMOUNT DEPOSITED.—To the extent provided in an appropriation law, an amount deposited in a special account under subparagraph (A) is available for facility maintenance and repair or environmental restoration as follows:*

*(i) In the case of property located at a military installation that is closed, the amount is available for facility maintenance and repair or environmental restoration by the military department that had jurisdiction over the property before the closure of the military installation.*

*(ii) In the case of property located at any other military installation—*

*(I) 50 percent of the amount is available for facility maintenance and repair or environmental restoration at the military installation where the property was located before it was disposed of or transferred; and*

*(II) 50 percent of the amount is available for facility maintenance and repair and for environmental restoration by the military department that had jurisdiction over the property before it was disposed of or transferred.*

*(6) REPORT.—As part of the annual request for authorizations of appropriations to the Committees on Armed Services of the Senate and the House of Representatives, the Secretary of Defense shall include an accounting of each transfer and disposal made in accordance with this subsection during the fiscal year preceding the fiscal year in which the request is made. The accounting shall include a detailed explanation of each transfer and disposal and of the use of the proceeds received from it by the Department of Defense.*

### *§ 573. Personal property*

*The Administrator of General Services may retain from the proceeds of sales of personal property the Administrator conducts amounts necessary to recover, to the extent practicable, costs the Administrator (or the Administrator's agent) incurs in conducting the sales. The Administrator shall deposit amounts retained into the General Supply Fund established under section 321(a) of this title. From the amounts deposited, the Administrator may pay direct costs and reasonably related indirect costs incurred in conducting sales of personal property. At least once each year, amounts retained that are not needed to pay the direct and indirect costs shall be transferred from the General Supply Fund to the general fund or another appropriate account in the Treasury.*

### *§ 574. Other rules regarding proceeds*

*(a) CREDIT TO REIMBURSABLE FUND OR APPROPRIATION.—*

*(1) APPLICATION.—This subsection applies to property acquired with amounts—*

*(A) not appropriated from the general fund of the Treasury; or*

*(B) appropriated from the general fund of the Treasury but by law reimbursable from assessment, tax, or other revenue or receipts.*

*(2) IN GENERAL.—The net proceeds of a disposition or transfer of property described in paragraph (1) shall be—*

*(A) credited to the applicable reimbursable fund or appropriation; or*

*(B) paid to the federal agency that determined the property to be excess.*

*(3) CALCULATION OF NET PROCEEDS.—For purposes of this subsection, the net proceeds of a disposition or transfer of property are the proceeds less all expenses incurred for the disposition or transfer, including care and handling.*

*(4) ALTERNATIVE CREDIT TO MISCELLANEOUS RECEIPTS.—If the agency that determined the property to be excess decides that it is uneconomical or impractical to ascertain the amount of net proceeds, the proceeds shall be credited to miscellaneous receipts.*

*(b) SPECIAL ACCOUNT FOR REFUNDS OR PAYMENTS FOR BREACH.—*

*(1) DEPOSITS.—A federal agency that disposes of surplus property under this chapter may deposit, in a special account in the Treasury, amounts of the proceeds of the dispositions that the agency decides are necessary to permit—*

*(A) appropriate refunds to purchasers for dispositions that are rescinded or that do not become final; and*

*(B) payments for breach of warranty.*

*(2) WITHDRAWALS.—A federal agency that deposits proceeds in a special account under paragraph (1) may withdraw amounts to be refunded or paid from the account without regard to the origin of the amounts withdrawn.*

*(c) CREDIT TO COST OF CONTRACTOR'S WORK.—If a contract made by an executive agency, or a subcontract under that contract, authorizes the proceeds of a sale of property in the custody of a contractor or subcontractor to be credited to the price or cost of work covered by the contract or subcontract, then the proceeds of the sale shall be credited in accordance with the contract or subcontract.*

*(d) ACCEPTANCE OF PROPERTY INSTEAD OF CASH.—An executive agency entitled to receive cash under a contract for the lease, sale, or other disposition of surplus property may accept property instead of cash if the President determines that the property is strategic or critical material. The property is valued at the prevailing market price when the cash payment becomes due.*

*(e) MANAGEMENT OF CREDIT, LEASES, AND PERMITS.—For a disposition of surplus property under this chapter, if credit has been extended, or if the disposition has been by lease or permit, the Administrator of General Services, in a manner and on terms the Administrator determines are in the best interest of the Federal Government—*

*(1) shall administer and manage the credit, lease, or permit, and any security for the credit, lease, or permit; and*

*(2) may enforce, adjust, and settle any right of the Government with respect to the credit, lease, or permit.*

*SUBCHAPTER V—OPERATION OF BUILDINGS AND RELATED ACTIVITIES*

***§581. General authority of Administrator of General Services***

*(a) APPLICABILITY.—To the extent that the Administrator of General Services by law, other than this section, may maintain, operate, and protect buildings or property, including the construction, repair, preservation, demolition, furnishing, or equipping of buildings or property, the Administrator, in the discharge of these duties, may exercise authority granted under this section.*

*(b) PERSONNEL AND EQUIPMENT.—The Administrator may—*

*(1) employ and pay personnel at per diem rates approved by the Administrator, not exceeding rates currently paid by private industry for similar services in the place where the services are performed;*

*(2) purchase, repair, and clean uniforms for civilian employees of the General Services Administration who are required by law or regulation to wear uniform clothing; and*

*(3) furnish arms and ammunition for the protection force the Administration maintains.*

*(c) ACQUISITION AND MANAGEMENT OF PROPERTY.—*

*(1) REAL ESTATE.—The Administrator may acquire, by purchase, condemnation, or otherwise, real estate and interests in real estate.*

*(2) GROUND RENT.—The Administrator may pay ground rent for buildings owned by the Federal Government or occupied by federal agencies, and pay the rent in advance if required by law or if the Administrator determines that advance payment is in the public interest.*

*(3) RENT AND REPAIRS UNDER A LEASE.—The Administrator may pay rent and make repairs, alterations, and improvements under the terms of a lease entered into by, or transferred to, the Administration for the housing of a federal agency.*

*(4) REPAIRS THAT ARE ECONOMICALLY ADVANTAGEOUS.—The Administrator may repair, alter, or improve rented premises if the Administrator determines that doing so is advantageous to the Government in terms of economy, efficiency, or national security. The Administrator's determination must—*

*(A) set forth the circumstances that make the repair, alteration, or improvement advantageous; and*

*(B) show that the total cost (rental, repair, alteration, and improvement) for the expected life of the lease is less than the cost of alternative space not needing repair, alteration, or improvement.*

*(5) INSURANCE PROCEEDS FOR DEFENSE INDUSTRIAL RESERVE.—At the direction of the Secretary of Defense, the Administrator may use in-*

*surance proceeds received for damage to property that is part of the Defense Industrial Reserve to repair or restore the property.*

*(6) MAINTENANCE CONTRACTS.—The Administrator may enter into a contract, for a period not exceeding five years, for the inspection, maintenance, and repair of fixed equipment in a federally owned building.*

*(d) LEASE OF FEDERAL BUILDING SITES.—*

*(1) IN GENERAL.—The Administrator may lease a federal building site or addition, including any improvements, until the site is needed for construction purposes. The lease must be for fair rental value and on other terms and conditions the Administrator considers to be in the public interest pursuant to section 545 of this title.*

*(2) NEGOTIATION WITHOUT ADVERTISING.—A lease under this subsection may be negotiated without public advertising for bids if—*

*(A) the lessee is—*

*(i) the former owner from whom the Government acquired the property; or*

*(ii) the former owner's tenant in possession; and*

*(B) the lease is negotiated incident to or in connection with the acquisition of the property.*

*(3) DEPOSIT OF RENT.—Rent received under this subsection may be deposited into the Federal Buildings Fund.*

*(e) ASSISTANCE TO THE INAUGURAL COMMITTEE.—The Administrator may provide direct assistance and special services for the Inaugural Committee (as defined in section 501 of title 36) during an inaugural period in connection with Presidential inaugural operations and functions. Assistance and services under this subsection may include—*

*(1) employment of personal services without regard to chapters 33 and 51 and subchapter III of chapter 53 of title 5;*

*(2) providing Government-owned and leased space for personnel and parking;*

*(3) paying overtime to guard and custodial forces;*

*(4) erecting and removing stands and platforms;*

*(5) providing and operating first-aid stations;*

*(6) providing furniture and equipment; and*

*(7) providing other incidental services in the discretion of the Administrator.*

*(f) UTILITIES FOR DEFENSE INDUSTRIAL RESERVE AND SURPLUS PROPERTY.—The Administrator may—*

*(1) provide utilities and services, if the utilities and services are not provided by other sources, to a person, firm, or corporation occupying or using a plant or portion of a plant that constitutes—*

*(A) any part of the Defense Industrial Reserve pursuant to section 2535 of title 10; or*

*(B) surplus real property; and*

*(2) credit an amount received for providing utilities and services under this subsection to an applicable appropriation of the Administration.*

*(g) OBTAINING PAYMENTS.—The Administrator may—*

*(1) obtain payments, through advances or otherwise, for services, space, quarters, maintenance, repair, or other facilities furnished, on a reimbursable basis, to a federal agency, a mixed-ownership Government corporation (as defined in chapter 91 of title 31), or the District of Columbia; and*

*(2) credit the payments to the applicable appropriation of the Administration.*

*(h) COOPERATIVE USE OF PUBLIC BUILDINGS.—*

*(1) LEASING SPACE FOR COMMERCIAL AND OTHER PURPOSES.—The Administrator may lease space on a major pedestrian access level, courtyard, or rooftop of a public building to a person, firm, or organization engaged in commercial, cultural, educational, or recreational activity (as defined in section 3306(a) of this title). The Administrator shall establish a rental rate for leased space equivalent to the prevailing commercial rate for comparable space devoted to a similar purpose in the vicinity of the public building. The lease may be negotiated without competitive bids, but shall contain terms and conditions and be negotiated pursuant to procedures that the Administrator considers necessary to promote competition and to protect the public interest.*

*(2) OCCASIONAL USE OF SPACE FOR NON-COMMERCIAL PURPOSES.—The Administrator may make available, on occasion, or lease at a rate and on terms and conditions that the Administrator considers to be in the public interest, an auditorium, meeting room, courtyard, rooftop, or lobby of a public building to a person, firm, or organization engaged in cultural, educational, or recreational activity (as defined in section 3306(a) of this title) that will not disrupt the operation of the building.*

*(3) DEPOSIT AND CREDIT OF AMOUNTS RECEIVED.—The Administrator may deposit into the Federal Buildings Fund an amount received under a lease or rental executed pursuant to paragraph (1) or (2). The amount shall be credited to the appropriation from the Fund applicable to the operation of the building.*

*(4) FURNISHING UTILITIES AND MAINTENANCE.—The Administrator may furnish utilities, maintenance, repair, and other services to a person, firm, or organization leasing space pursuant to paragraph (1) or*

*(2). The services may be provided during and outside of regular working hours of federal agencies.*

### *§ 582. Management of buildings by Administrator of General Services*

*(a) REQUEST BY FEDERAL AGENCY OR INSTRUMENTALITY.—At the request of a federal agency, a mixed-ownership Government corporation (as defined in chapter 91 of title 31), or the District of Columbia, the Administrator of General Services may operate, maintain, and protect a building that is owned by the Federal Government (or, in the case of a wholly owned or mixed-ownership Government corporation, by the corporation) and occupied by the agency or instrumentality making the request.*

*(b) TRANSFER OF FUNCTIONS BY DIRECTOR OF THE OFFICE OF MANAGEMENT AND BUDGET.—*

*(1) IN GENERAL.—When the Director of the Office of Management and Budget determines that it is in the interest of economy or efficiency, the Director shall transfer to the Administrator all functions vested in a federal agency with respect to the operation, maintenance, and custody of an office building owned by the Government or a wholly owned Government corporation, or an office building, or part of an office building, that is occupied by a federal agency under a lease.*

*(2) EXCEPTION FOR POST-OFFICE BUILDINGS.—A transfer of functions shall not be made under this subsection for a post-office building, unless the Director determines that the building is not used predominantly for post-office purposes. The Administrator may delegate functions with respect to a post-office building that are transferred to the Administrator under this subsection only to another officer or employee of the General Services Administration or to the Postmaster General.*

*(3) EXCEPTION FOR BUILDINGS IN A FOREIGN COUNTRY.—A transfer of functions shall not be made under this subsection for a building located in a foreign country.*

*(4) EXCEPTION FOR DEPARTMENT OF DEFENSE BUILDINGS.—A transfer of functions shall not be made under this subsection for a building located on the grounds of a facility of the Department of Defense (including a fort, camp, post, arsenal, navy yard, naval training station, airfield, proving ground, military supply depot, or school) unless and only to the extent that the Secretary of Defense has issued a permit for use by another agency.*

*(5) EXCEPTION FOR GROUPS OF SPECIAL PURPOSE BUILDINGS.—A transfer of functions shall not be made under this subsection for a building that the Director finds to be a part of a group of buildings that are—*

*(A) located in the same vicinity;*

*(B) used wholly or predominantly for the special purposes of the agency with custody of the buildings; and*

*(C) not generally suitable for use by another agency.*

*(6) EXCEPTION FOR CERTAIN GOVERNMENT BUILDINGS.—A transfer of functions shall not be made under this subsection for the Treasury Building, the Bureau of Engraving and Printing Building, the buildings occupied by the National Institute of Standards and Technology, and the buildings under the jurisdiction of the regents of the Smithsonian Institution.*

### *§ 583. Construction of buildings*

*(a) AUTHORITY.—At the request of a federal agency, a mixed-ownership Government corporation (as defined in chapter 91 of title 31), or the District of Columbia, the Administrator of General Services may—*

*(1) acquire land for a building or project authorized by Congress;*

*(2) make or cause to be made (under contract or otherwise) surveys and test borings and prepare plans and specifications for a building or project prior to the Attorney General's approval of the title to the site; and*

*(3) contract for, and supervise, the construction, development, and equipping of a building or project.*

*(b) TRANSFER OF AMOUNTS.—An amount available to a federal agency or instrumentality for a building or project may be transferred, in advance, to the General Services Administration for purposes the Administrator determines are necessary, including payment of salaries and expenses for preparing plans and specifications and for field supervision.*

### *§ 584. Assignment and reassignment of space*

*(a) AUTHORITY.—*

*(1) IN GENERAL.—Subject to paragraph (2), the Administrator of General Services may assign or reassign space for an executive agency in any Federal Government-owned or leased building.*

*(2) REQUIREMENTS.—The Administrator's authority under paragraph (1) may be exercised only—*

*(A) in accordance with policies and directives the President prescribes under section 121(a) of this title;*

*(B) after consultation with the head of the executive agency affected; and*

*(C) on a determination by the Administrator that the assignment or reassignment is advantageous to the Government in terms of economy, efficiency, or national security.*

*(b) PRIORITY FOR PUBLIC ACCESS.—In assigning space on a major pedestrian access level (other than space leased under section 581(h)(1) or (2) of this title), the Administrator shall, where practicable, give priority to federal activities requiring regular contact with the public. If the space is not available, the Administrator shall provide space with maximum ease of access to building entrances.*

### *§ 585. Lease agreements*

*(a) IN GENERAL.—*

*(1) AUTHORITY.—The Administrator of General Services may enter into a lease agreement with a person, copartnership, corporation, or other public or private entity for the accommodation of a federal agency in a building (or improvement) which is in existence or being erected by the lessor to accommodate the federal agency. The Administrator may assign and reassign the leased space to a federal agency.*

*(2) TERMS.—A lease agreement under this subsection shall be on terms the Administrator considers to be in the interest of the Federal Government and necessary for the accommodation of the federal agency. However, the lease agreement may not bind the Government for more than 20 years and the obligation of amounts for a lease under this subsection is limited to the current fiscal year for which payments are due without regard to section 1341(a)(1)(B) of title 31.*

*(b) SUBLEASE.—*

*(1) APPLICATION.—This subsection applies to rent received if the Administrator—*

*(A) determines that an unexpired portion of a lease of space to the Government is surplus property; and*

*(B) disposes of the property by sublease.*

*(2) USE OF RENT.—Notwithstanding section 571(a) of this title, the Administrator may deposit rent received into the Federal Buildings Fund. The Administrator may defray from the fund any costs necessary to provide services to the Government's lessee and to pay the rent (not otherwise provided for) on the lease of the space to the Government.*

*(c) AMOUNTS FOR RENT AVAILABLE FOR LEASE OF BUILDINGS ON GOVERNMENT LAND.—Amounts made available to the General Services Administration for the payment of rent may be used to lease space, for a period of not more than 30 years, in buildings erected on land owned by the Government.*

### *§ 586. Charges for space and services*

*(a) DEFINITION.—In this section, "space and services" means space, services, quarters, maintenance, repair, and other facilities.*

*(b) CHARGES BY ADMINISTRATOR OF GENERAL SERVICES.—*

*(1) IN GENERAL.—The Administrator of General Services shall impose a charge for furnishing space and services.*

*(2) RATES.—The Administrator shall, from time to time, determine the rates to be charged for furnishing space and services and shall prescribe regulations providing for the rates. The rates shall approximate commercial charges for comparable space and services. However, for a building for which the Administrator is responsible for alterations only (as the term "alter" is defined in section 3301(a) of this title), the rates shall be fixed to recover only the approximate cost incurred in providing alterations.*

*(3) EXEMPTIONS.—The Administrator may exempt anyone from the charges required by this subsection when the Administrator determines that charges would be infeasible or impractical. To the extent an exemption is granted, appropriations to the General Services Administration are authorized to reimburse the Federal Buildings Fund for any loss of revenue.*

*(c) CHARGES BY EXECUTIVE AGENCIES.—*

*(1) IN GENERAL.—An executive agency, other than the Administration, may impose a charge for furnishing space and services at rates approved by the Administrator.*

*(2) CREDITING AMOUNTS RECEIVED.—An amount an executive agency receives under this subsection shall be credited to the appropriation or fund initially charged for providing the space or service. However, amounts in excess of actual operating and maintenance costs shall be credited to miscellaneous receipts unless otherwise provided by law.*

*(d) RENT PAYMENTS FOR LEASE SPACE.—An agency may make rent payments to the Administration for lease space relating to expansion needs of the agency. Payment rates shall approximate commercial charges for comparable space as provided in subsection (b). Payments shall be deposited into the Federal Buildings Fund. The Administration may use amounts received under this subsection, in addition to amounts received as New Obligational Authority, in the Rental of Space activity of the Fund.*

***§ 587. Telecommuting and other alternative workplace arrangements***

*(a) DEFINITION.—In this section, the term "telecommuting centers" means flexiplace work telecommuting centers.*

*(b) TELECOMMUTING CENTERS ESTABLISHED BY ADMINISTRATOR OF GENERAL SERVICES.—*

*(1) ESTABLISHMENT.—The Administrator of General Services may acquire space for, establish, and equip telecommuting centers for use in accordance with this subsection.*

*(2) USE.—A telecommuting center may be used by employees of federal agencies, state and local governments, and the private sector. The Administrator shall give federal employees priority in using a telecommuting center. The Administrator may make a telecommuting center available for use by others to the extent it is not fully utilized by federal employees.*

*(3) USER FEES.—The Administrator shall charge a user fee for the use of a telecommuting center. The amount of the user fee shall approximate commercial charges for comparable space and services. However, the user fee may not be less than necessary to pay the cost of establishing and operating the telecommuting center, including the reasonable cost of renovation and replacement of furniture, fixtures, and equipment.*

*(4) DEPOSIT AND USE OF FEES.—The Administrator may—*

*(A) deposit user fees into the Federal Buildings Fund and use the fees to pay costs incurred in establishing and operating the telecommuting center; and*

*(B) accept and retain income received by the General Services Administration, from federal agencies and non-federal sources, to defray costs directly associated with the functions of telecommuting centers.*

*(c) DEVELOPMENT OF ALTERNATIVE WORKPLACE ARRANGEMENTS BY EXECUTIVE AGENCIES AND OTHERS.—*

*(1) DEFINITION.—In this subsection, the term "alternative workplace arrangements" includes telecommuting, hoteling, virtual offices, and other distributive work arrangements.*

*(2) CONSIDERATION BY EXECUTIVE AGENCIES.—In considering whether to acquire space, quarters, buildings, or other facilities for use by employees, the head of an executive agency shall consider whether needs can be met using alternative workplace arrangements.*

*(3) GUIDANCE FROM ADMINISTRATOR.—The Administrator may provide guidance, assistance, and oversight to any person regarding the establishment and operation of alternative workplace arrangements.*

*(d) AMOUNTS AVAILABLE FOR FLEXIPLACE WORK TELECOMMUTING PROGRAMS.—*

*(1) DEFINITION.—In this subsection, the term "flexiplace work telecommuting program" means a program under which employees of a department or agency set out in paragraph (2) are permitted to perform all or a portion of their duties at a telecommuting center established under this section or other federal law.*

*(2) MINIMUM FUNDING.—For each of the following departments and agencies, in each fiscal year at least $50,000 of amounts made available*

*for salaries and expenses is available only for carrying out a flexiplace work telecommuting program:*

*(A) Department of Agriculture.*

*(B) Department of Commerce.*

*(C) Department of Defense.*

*(D) Department of Education.*

*(E) Department of Energy.*

*(F) Department of Health and Human Services.*

*(G) Department of Housing and Urban Development.*

*(H) Department of the Interior.*

*(I) Department of Justice.*

*(J) Department of Labor.*

*(K) Department of State.*

*(L) Department of Transportation.*

*(M) Department of the Treasury.*

*(N) Department of Veterans Affairs.*

*(O) Environmental Protection Agency.*

*(P) General Services Administration.*

*(Q) Office of Personnel Management.*

*(R) Small Business Administration.*

*(S) Social Security Administration.*

*(T) United States Postal Service.*

### *§ 588. Movement and supply of office furniture*

*(a) DEFINITION.—In this section, the term "controlled space" means a substantial and identifiable segment of space (such as a building, floor, or wing) in a location that the Administrator of General Services controls for purposes of assignment of space.*

*(b) APPLICATION.—This section applies if an agency (or unit of the agency), moves from one controlled space to another, whether in the same or a different location.*

*(c) MOVING EXISTING FURNITURE.—The furniture and furnishings used by an agency (or organizational unit of the agency) shall be moved only if the Administrator determines, after consultation with the head of the agency and with due regard for the program activities of the agency, that it would not be more economical and efficient to make suitable replacements available in the new controlled space.*

*(d) PROVIDING REPLACEMENT FURNITURE.—In the absence of a determination under subsection (c), suitable furniture and furnishings for the new controlled space shall be provided from stocks under the control of the moving agency or from stocks available to the Administrator, whichever the Adminis-*

*trator determines to be more economical and efficient. However, the same or similar items may not be provided from both sources.*

*(e) CONTROL OF REPLACEMENT FURNITURE.—If furniture and furnishings for a new controlled space are provided from stocks available to the Administrator, the items being provided remain in the control of the Administrator.*

*(f) CONTROL OF FURNITURE NOT MOVED.—*

*(1) IN GENERAL.—If furniture and furnishings for a new controlled space are provided from stocks available to the Administrator, the furniture and furnishings that were previously used by the moving agency (or unit of the agency) pass to the control of the Administrator.*

*(2) REIMBURSEMENT.—*

*(A) IN GENERAL.—Furniture and furnishings passing to the control of the Administrator under this section pass without reimbursement.*

*(B) EXCEPTION FOR TRUST FUND.—If furniture and furnishings that were purchased from a trust fund pass to the control of the Administrator under this section, the Administrator shall reimburse the trust fund for the fair market value of the furniture and furnishings.*

*(3) REVOLVING OR WORKING CAPITAL FUND.—If furniture and furnishings are carried as assets of a revolving or working capital fund at the time they pass to the control of the Administrator under this section, the net book value of the furniture and furnishings shall be written off and the capital of the fund is diminished by the amount of the write-off.*

### *§ 589. Installation, repair, and replacement of sidewalks*

*(a) IN GENERAL.—An executive agency may install, repair, and replace sidewalks around buildings, installations, property, or grounds that are—*

*(1) under the agency's control;*

*(2) owned by the Federal Government; and*

*(3) located in a State, the District of Columbia, Puerto Rico, or a territory or possession of the United States.*

*(b) REIMBURSEMENT.—Subsection (a) may be carried out by—*

*(1) reimbursement to a State or political subdivision of a State, the District of Columbia, Puerto Rico, or a territory or possession of the United States; or*

*(2) a means other than reimbursement.*

*(c) REGULATIONS.—Subsection (a) shall be carried out in accordance with regulations the Administrator of General Services prescribes with the approval of the Director of the Office of Management and Budget.*

*(d) USE OF AMOUNTS.—Amounts appropriated to an executive agency for installation, repair, and maintenance, generally, are available to carry out this section.*

*(e) LIABILITY.—This section does not increase or enlarge the tort liability of the Government for injuries to individuals or damages to property.*

***§ 590. Child care***

*(a) GUIDANCE, ASSISTANCE, AND OVERSIGHT.—Through the General Services Administration's licensing agreements, the Administrator of General Services shall provide guidance, assistance, and oversight to federal agencies for the development of child care centers to provide economical and effective child care for federal workers.*

*(b) ALLOTMENT OF SPACE IN FEDERAL BUILDINGS.—*

*(1) DEFINITIONS.—In this subsection, the following definitions apply:*

*(A) CHILD CARE PROVIDER.—The term "child care provider" means an individual or entity that provides or proposes to provide child care services for federal employees.*

*(B) ALLOTMENT OFFICER.—The term "allotment officer" means an officer or agency of the Federal Government charged with the allotment of space in federal buildings.*

*(2) ALLOTMENT.—A child care provider may be allotted space in a federal building by an allotment officer if—*

*(A) the child care provider applies to the allotment officer in the community or district in which child care services are to be provided;*

*(B) the space is available; and*

*(C) the allotment officer determines that—*

*(i) the space will be used to provide child care services to children of whom at least 50 percent have one parent or guardian employed by the Government; and*

*(ii) the child care provider will give priority to federal employees for available child care services in the space.*

*(c) PAYMENT FOR SPACE AND SERVICES.—*

*(1) DEFINITION.—For purposes of this subsection, the term "services" includes the providing of lighting, heating, cooling, electricity, office furniture, office machines and equipment, classroom furnishings and equipment, kitchen appliances, playground equipment, telephone service (including installation of lines and equipment and other expenses associated with telephone services), and security systems (including installation and other expenses associated with security systems), including replacement equipment, as needed.*

*(2) NO CHARGE.—Space allotted under subsection (b) may be provided without charge for rent or services.*

*(3) REIMBURSEMENT FOR COSTS.—For space allotted under subsection (b), if there is an agreement for the payment of costs associated with providing space or services, neither title 31, nor any other law, prohibits or restricts payment by reimbursement to the miscellaneous receipts or other appropriate account of the Treasury.*

*(d) PAYMENT OF OTHER COSTS.—If an agency has a child care facility in its space, or is a sponsoring agency for a child care facility in other federal or leased space, the agency or the Administration may—*

*(1) pay accreditation fees, including renewal fees, for the child care facility to be accredited by a nationally recognized early-childhood professional organization;*

*(2) pay travel and per diem expenses for representatives of the child care facility to attend the annual Administration child care conference; and*

*(3) enter into a consortium with one or more private entities under which the private entities assist in defraying costs associated with the salaries and benefits for personnel providing services at the facility.*

*(e) REIMBURSEMENT FOR EMPLOYEE TRAINING.—Notwithstanding section 1345 of title 31, an agency, department, or instrumentality of the Government that provides or proposes to provide child care services for federal employees may reimburse a federal employee or any individual employed to provide child care services for travel, transportation, and subsistence expenses incurred for training classes, conferences, or other meetings in connection with providing the services. A per diem allowance made under this subsection may not exceed the rate specified in regulations prescribed under section 5707 of title 5.*

*(f) CRIMINAL HISTORY BACKGROUND CHECKS.—*

*(1) DEFINITION.—In this subsection, the term "executive facility" means a facility owned or leased by an office or entity within the executive branch of the Government. The term includes a facility owned or leased by the General Services Administration on behalf of an office or entity within the judicial branch of the Government.*

*(2) IN GENERAL.—All workers in a child care center located in an executive facility shall undergo a criminal history background check as defined in section 231 of the Crime Control Act of 1990 (42 U.S.C. 13041).*

*(3) NONAPPLICATION TO LEGISLATIVE BRANCH FACILITIES.—This subsection does not apply to a facility owned by or leased on behalf of an office or entity within the legislative branch of the Government.*

*(g) APPROPRIATED AMOUNTS FOR AFFORDABLE CHILD CARE.—*

*(1) DEFINITION.—For purposes of this subsection, the term "Executive agency" has the meaning given that term in section 105 of title 5, but does not include the General Accounting Office.*

*(2) IN GENERAL.—In accordance with regulations the Office of Personnel Management prescribes, an Executive agency that provides or proposes to provide child care services for federal employees may use appropriated amounts that are otherwise available for salaries and expenses to provide child care in a federal or leased facility, or through contract, for civilian employees of the agency.*

*(3) AFFORDABILITY.—Amounts used pursuant to paragraph (2) shall be applied to improve the affordability of child care for lower income federal employees using or seeking to use the child care services.*

*(4) ADVANCES.—Notwithstanding section 3324 of title 31, amounts may be paid in advance to licensed or regulated child care providers for services to be rendered during an agreed period.*

*(5) NOTIFICATION.—No amounts made available by law may be used to implement this subsection without advance notice to the Committees on Appropriations of the House of Representatives and the Senate.*

### *§ 591. Purchase of electricity*

*(a) GENERAL LIMITATION ON USE OF AMOUNTS.—A department, agency, or instrumentality of the Federal Government may not use amounts appropriated or made available by any law to purchase electricity in a manner inconsistent with state law governing the provision of electric utility service, including—*

*(1) state utility commission rulings; and*

*(2) electric utility franchises or service territories established under state statute, state regulation, or state-approved territorial agreements.*

*(b) EXCEPTIONS.—*

*(1) ENERGY SAVINGS.—This section does not preclude the head of a federal agency from entering into a contract under section 801 of the National Energy Conservation Policy Act (42 U.S.C. 8287).*

*(2) ENERGY SAVINGS FOR MILITARY INSTALLATIONS.—This section does not preclude the Secretary of a military department from—*

*(A) entering into a contract under section 2394 of title 10; or*

*(B) purchasing electricity from any provider if the Secretary finds that the utility having the applicable state-approved franchise (or other service authorization) is unwilling or unable to meet unusual standards of service reliability that are necessary for purposes of national defense.*

### *§ 592. Federal Buildings Fund*

*(a) EXISTENCE.—There is in the Treasury a fund known as the Federal Buildings Fund.*

*(b) DEPOSITS.—*

*(1) IN GENERAL.—The following revenues and collections shall be deposited into the Fund:*

*(A) User charges under section 586(b) of this title, payable in advance or otherwise.*

*(B) Proceeds from the lease of federal building sites or additions under section 581(d) of this title.*

*(C) Receipts from carriers and others for loss of, or damage to, property belonging to the Fund.*

*(2) REIMBURSEMENTS FOR SPECIAL SERVICES.—This subchapter does not preclude the Administrator of General Services from providing special services, not included in the standard level user charge, on a reimbursable basis. The reimbursements may be credited to the Fund.*

*(3) TRANSFER OF SURPLUS AMOUNTS.—To prevent the accumulation of excessive surpluses in the Fund, in any fiscal year an amount specified in an appropriation law may be transferred out of the Fund and deposited as miscellaneous receipts in the Treasury.*

*(c) USES.—*

*(1) IN GENERAL.—Deposits in the Fund are available for real property management and related activities in the amounts specified in annual appropriation laws without regard to fiscal year limitations.*

*(2) SALARIES AND EXPENSES RELATED TO CONSTRUCTION PROJECTS OR PLANNING PROGRAMS.—Deposits in the Fund that are available pursuant to annual appropriation laws may be transferred and consolidated on the books of the Treasury into a special account in accordance with, and for the purposes specified in, section 3176 of this title.*

*(3) REPAYMENT OF GENERAL SERVICES ADMINISTRATION BORROWING FROM FEDERAL FINANCING BANK.—The Administrator, in accordance with rules and procedures that the Office of Management and Budget and the Secretary of the Treasury establish, may transfer from the Fund an amount necessary to repay the principal amount of a General Services Administration borrowing from the Federal Financing Bank, if the borrowing is a legal obligation of the Fund.*

*(4) BUILDINGS DEEMED FEDERALLY OWNED.—For purposes of amounts authorized to be expended from the Fund, the following are deemed to be federally owned buildings:*

*(A) A building constructed pursuant to the purchase contract authority of section 5 of the Public Buildings Amendments of 1972 (Public Law 92–313, 86 Stat. 219).*

*(B) A building occupied pursuant to an installment purchase contract.*

*(C) A building under the control of a department or agency, if alterations of the building are required in connection with moving the department or agency from a former building that is, or will be, under the control of the Administration.*

*(d) ENERGY MANAGEMENT PROGRAMS.—*

*(1) RECEIVING CASH INCENTIVES.—The Administrator may receive amounts from rebates or other cash incentives related to energy savings and shall deposit the amounts in the Fund for use as provided in paragraph (4).*

*(2) RECEIVING GOODS OR SERVICES.—The Administrator may accept, from a utility, goods or services that enhance the energy efficiency of federal facilities.*

*(3) ASSIGNMENT OF ENERGY REBATES.—In the administration of real property that the Administrator leases and for which the Administrator pays utility costs, the Administrator may assign all or a portion of energy rebates to the lessor to underwrite the costs incurred in undertaking energy efficiency improvements in the real property if the payback period for the improvement is at least 2 years less than the remainder of the term of the lease.*

*(4) OBLIGATING AMOUNTS FOR ENERGY MANAGEMENT IMPROVEMENT PROGRAMS.—In addition to amounts appropriated for energy management improvement programs and without regard to subsection (c)(1), the Administrator may obligate for those programs—*

*(A) amounts received and deposited in the Fund under paragraph (1);*

*(B) goods and services received under paragraph (2); and*

*(C) amounts the Administrator determines are not needed for other authorized projects and that are otherwise available to implement energy efficiency programs.*

*(e) RECYCLING PROGRAMS.—*

*(1) RECEIVING AMOUNTS.—The Administrator may receive amounts from the sale of recycled materials and shall deposit the amounts in the Fund for use as provided in paragraph (2).*

*(2) OBLIGATING AMOUNTS FOR RECYCLING PROGRAMS.—In addition to amounts appropriated for such purposes and without regard to sub-*

*section (c)(1), the Administrator may obligate amounts received and deposited in the Fund under paragraph (1) for programs which—*

*(A) promote further source reduction and recycling programs; and*

*(B) encourage employees to participate in recycling programs by providing financing for child care.*

*(f) ADDITIONAL AUTHORITY RELATED TO ENERGY MANAGEMENT AND RECYCLING PROGRAMS.—The Fund may receive, in the form of rebates, cash incentives or otherwise, any revenues, collections, or other income related to energy savings or recycling efforts. Amounts received under this subsection remain in the Fund until expended and remain available for federal energy management improvement programs, recycling programs, or employee programs that are authorized by law or that the Administrator considers appropriate. The Administration may use amounts received under this subsection, in addition to amounts received as New Obligational Authority, in activities of the Fund as necessary.*

***§ 593. Protection for veterans preference employees***

*(a) DEFINITIONS.—In this section, the following definitions apply:*

*(1) COVERED SERVICES.—The term "covered services" means any guard, elevator operator, messenger, or custodial services.*

*(2) SHELTERED WORKSHOP.—The term "sheltered workshop" means a sheltered workshop employing the severely handicapped under the Javits-Wagner-O'Day Act (41 U.S.C. 46 et seq.).*

*(b) IN GENERAL.—Except as provided in subsection (c), amounts made available to the Administration pursuant to section 592 of this title may not be obligated or expended to procure covered services by contract if an employee who was a permanent veterans preference employee of the Administration on November 19, 1995, would be terminated as a result.*

*(c) EXCEPTION.—Amounts made available to the Administration pursuant to section 592 of this title may be obligated and expended to procure covered services by contract with a sheltered workshop or, if sheltered workshops decline to contract for the provision of covered services, by competitive contract for a period of no longer than 5 years. When a competitive contract expires, or is terminated for any reason, the Administration shall again offer to procure the covered services by contract with a sheltered workshop before procuring the covered services by competitive contract.*

*SUBCHAPTER VI—MOTOR VEHICLE POOLS AND TRANSPORTATION SYSTEMS*

***§ 601. Purposes***

*In order to provide an economical and efficient system for transportation of Federal Government personnel and property consistent with section 101 of this title, the purposes of this subchapter are—*

*(1) to establish procedures to ensure safe operation of motor vehicles on Government business;*

*(2) to provide for proper identification of Government motor vehicles;*

*(3) to establish an effective means to limit the use of Government motor vehicles to official purposes;*

*(4) to reduce the number of Government-owned vehicles to the minimum necessary to transact public business; and*

*(5) to provide wherever practicable for centrally operated interagency pools or systems for local transportation of Government personnel and property.*

***§ 602. Authority to establish motor vehicle pools and transportation systems***

*(a) IN GENERAL.—Subject to section 603 of this title, and regulations issued under section 603, the Administrator of General Services shall—*

*(1) take over from executive agencies and consolidate, or otherwise acquire, motor vehicles and related equipment and supplies;*

*(2) provide for the establishment, maintenance, and operation (including servicing and storage) of motor vehicle pools or systems; and*

*(3) furnish motor vehicles and related services to executive agencies for the transportation of property and passengers.*

*(b) METHODS OF PROVIDING VEHICLES AND SERVICES.—As determined by the Administrator, motor vehicles and related services may be furnished by providing an agency with—*

*(1) Federal Government-owned motor vehicles;*

*(2) the use of motor vehicles, under rental or other arrangements, through private fleet operators, taxicab companies, or local or interstate common carriers; or*

*(3) both.*

*(c) RECIPIENTS OF VEHICLES AND SERVICES.—The Administrator shall, so far as practicable, furnish motor vehicles and related services under this section to any federal agency, mixed-ownership Government corporation (as defined in chapter 91 of title 31), or the District of Columbia, on its request.*

***§ 603. Process for establishing motor vehicle pools and transportation systems***

*(a) DETERMINATION REQUIREMENT.—*

*(1) IN GENERAL.—The Administrator of General Services may carry out section 602 only if the Administrator determines, after consultation with the agencies concerned and with due regard to their program activities, that doing so is advantageous to the Federal Government in terms of economy, efficiency, or service.*

*(2) ELEMENTS OF THE DETERMINATION.—A determination under this section must be in writing. For each motor vehicle pool or system, the determination must set forth an analytical justification that includes—*

*(A) a detailed comparison of estimated costs for present and proposed modes of operation; and*

*(B) a showing that savings can be realized by the establishment, maintenance, and operation of a motor vehicle pool or system.*

*(b) REGULATIONS RELATED TO ESTABLISHMENT.—*

*(1) IN GENERAL.—The President shall prescribe regulations establishing procedures to carry out section 602 of this title.*

*(2) ELEMENTS OF THE REGULATIONS.—The regulations shall provide for—*

*(A) adequate notice to an executive agency of any determination that affects the agency or its functions;*

*(B) independent review and decision as directed by the President of any determination disputed by an agency, with the possibility that the decision may include a partial or complete exemption of the agency from the determination; and*

*(C) enforcement of determinations that become effective under the regulations.*

*(3) EFFECT OF THE REGULATIONS.—A determination under subsection (a) is binding on an agency only as provided in regulations issued under this subsection.*

### *§ 604. Treatment of assets taken over to establish motor vehicle pools and transportation systems*

*(a) REIMBURSEMENT.—*

*(1) REQUIREMENT.—When the Administrator of General Services takes over motor vehicles or related equipment or supplies under section 602 of this title, reimbursement is required if the property is taken over from—*

*(A) a Government corporation; or*

*(B) an agency, if the agency acquired the property through unreimbursed expenditures made from a revolving or trust fund authorized by law.*

*(2) AMOUNT.—The Administrator shall reimburse a Government corporation, or a fund through which an agency acquired property, by an*

*amount equal to the fair market value of the property. If the Administrator subsequently returns property of a similar kind under section 610 of this title, the Government corporation or the fund shall reimburse the Administrator by an amount equal to the fair market value of the property returned.*

*(b) ADDITION TO GENERAL SUPPLY FUND.—If the Administrator takes over motor vehicles or related equipment or supplies under section 602 of this title but reimbursement is not required under subsection (a), the value of the property taken over, as determined by the Administrator, may be added to the capital of the General Supply Fund. If the Administrator subsequently returns property of a similar kind under section 610 of this title, the value of the property may be deducted from the Fund.*

### *§ 605. Payment of costs*

*(a) USE OF GENERAL SUPPLY FUND TO COVER COSTS.—The General Supply Fund provided for in section 321 of this title is available for use by or under the direction and control of the Administrator of General Services to pay the costs of carrying out section 602 of this title, including the cost of purchasing or renting motor vehicles and related equipment and supplies.*

*(b) SETTING PRICES TO RECOVER COSTS.—*

*(1) IN GENERAL.—The Administrator shall set prices for furnishing motor vehicles and related services under section 602 of this title. Prices shall be set to recover, so far as practicable, all costs of carrying out section 602 of this title.*

*(2) INCREMENT FOR REPLACEMENT COST.—In the Administrator's discretion, prices may include an increment for the estimated replacement cost of motor vehicles and related equipment and supplies. Notwithstanding section 321(f)(1) of this title, the increment may be retained as a part of the capital of the General Supply Fund but is available only to replace motor vehicles and related equipment and supplies.*

*(c) ACCOUNTING METHOD.—The purchase price of motor vehicles and related equipment, and any increment for estimated replacement cost, shall be recovered only through charges for the cost of amortization. Costs shall be determined, and financial reports prepared, in accordance with the accrual accounting method.*

### *§ 606. Regulations related to operation*

*(a) IN GENERAL.—The Director of the Office of Personnel Management shall prescribe regulations to govern executive agencies in authorizing civilian personnel to operate Federal Government-owned motor vehicles for official purposes within the States of the United States, the District of Columbia, Puerto Rico, and the territories and possessions of the United States.*

*(b) ELEMENTS OF THE REGULATIONS.—The regulations shall prescribe standards of physical fitness for authorized operators. The regulations may require operators and prospective operators to obtain state and local licenses or permits that are required to operate similar vehicles for other than official purposes.*

*(c) AGENCY ORDERS.—The head of each executive agency shall issue orders and directives necessary for compliance with the regulations. The orders and directives shall provide for—*

*(1) periodically testing the physical fitness of operators and prospective operators; and*

*(2) suspension and revocation of authority to operate.*

### *§ 607. Records*

*The Administrator of General Services shall maintain an accurate record of the cost of establishing, maintaining, and operating each motor vehicle pool or system established under section 602 of this title.*

### *§ 608. Scrip, tokens, tickets*

*The Administrator of General Services, in the operation of motor vehicle pools or systems under this subchapter, may provide for the sale and use of scrip, tokens, tickets, and similar devices to collect payment.*

### *§ 609. Identification of vehicles*

*(a) IN GENERAL.—Under regulations prescribed by the Administrator of General Services, every motor vehicle acquired and used for official purposes within the United States, or the territories or possessions of the United States, by any federal agency or by the District of Columbia shall be conspicuously identified by showing, on the vehicle—*

*(1)(A) the full name of the department, establishment, corporation, or agency that uses the vehicle and the service for which the vehicle is used; or*

*(B) a title that readily identifies the department, establishment, corporation, or agency that uses the vehicle and that is descriptive of the service for which the vehicle is used; and*

*(2) the legend "For official use only".*

*(b) EXCEPTIONS.—The regulations prescribed pursuant to this section may provide for exemptions when conspicuous identification would interfere with the purpose for which a vehicle is acquired and used.*

### *§ 610. Discontinuance of motor vehicle pool or system*

*(a) IN GENERAL.—The Administrator of General Services shall discontinue a motor vehicle pool or system if there are no actual savings realized (based on accounting as provided in section 605 of this title) during a reasonable period of not longer than two successive fiscal years.*

*(b) RETURN OF COMPARABLE PROPERTY.—If a motor vehicle pool or system is discontinued, the Administrator shall return to each agency involved motor vehicles and related equipment and supplies similar in kind and reasonably comparable in value to any motor vehicles and related equipment and supplies which were previously taken over by the Administrator.*

### *§ 611. Duty to report violations*

*During the regular course of the duties of the Administrator of General Services, if the Administrator becomes aware of a violation of section 1343, 1344, or 1349(b) of title 31 or of section 641 of title 18 involving the conversion by a Federal Government official or employee of a Government-owned or leased motor vehicle to the official or employee's own use or to the use of others, the Administrator shall report the violation to the head of the agency in which the official or employee is employed, for further investigation and either appropriate disciplinary action under section 1343, 1344, or 1349(b) or, if appropriate, referral to the Attorney General for prosecution under section 641.*

## *CHAPTER 7—FOREIGN EXCESS PROPERTY*

*Sec.*
*701. Administrative.*
*702. Return of foreign excess property to United States.*
*703. Donation of medical supplies for use in foreign country.*
*704. Other methods of disposal.*
*705. Handling of proceeds from disposal.*

### *§ 701. Administrative*

*(a) POLICIES PRESCRIBED BY THE PRESIDENT.—The President may prescribe policies that the President considers necessary to carry out this chapter. The policies must be consistent with this chapter.*

*(b) EXECUTIVE AGENCY RESPONSIBILITY.—*

*(1) IN GENERAL.—The head of an executive agency that has foreign excess property is responsible for the disposal of the property.*

*(2) CONFORMANCE TO POLICIES.—In carrying out functions under this chapter, the head of an executive agency shall—*

*(A) use the policies prescribed by the President under subsection (a) for guidance; and*

*(B) dispose of foreign excess property in a manner that conforms to the foreign policy of the United States.*

*(3) DELEGATION OF AUTHORITY.—The head of an executive agency may—*

*(A) delegate authority conferred by this chapter to an official in the agency or to the head of another executive agency; and*

*(B) authorize successive redelegation of authority conferred by this chapter.*

*(4) EMPLOYMENT OF PERSONNEL.—As necessary to carry out this chapter, the head of an executive agency may—*

*(A) appoint and fix the pay of personnel in the United States, subject to chapters 33 and 51 and subchapter III of chapter 53 of title 5; and*

*(B) appoint personnel outside the States of the United States and the District of Columbia, without regard to chapter 33 of title 5.*

*(c) SPECIAL RESPONSIBILITIES OF SECRETARY OF STATE.—*

*(1) USE OF FOREIGN CURRENCIES AND CREDITS.—The Secretary of State may use foreign currencies and credits acquired by the United States under section 704(b)(2) of this title—*

*(A) to carry out the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2451 et seq.);*

*(B) to carry out the Foreign Service Buildings Act, 1926 (22 U.S.C. 292 et seq.); and*

*(C) to pay other governmental expenses payable in local currencies.*

*(2) RENEWAL OF CERTAIN AGREEMENTS.—Except as otherwise directed by the President, the Secretary of State shall continue to perform functions under agreements in effect on July 1, 1949, related to the disposal of foreign excess property. The Secretary of State may amend, modify, and renew the agreements. Foreign currencies or credits the Secretary of State acquires under the agreements shall be administered in accordance with procedures that the Secretary of the Treasury may establish. Foreign currencies or credits reduced to United States currency must be deposited in the Treasury as miscellaneous receipts.*

### *§ 702. Return of foreign excess property to United States*

*(a) IN GENERAL.—Under regulations prescribed pursuant to subsection (b), foreign excess property may be returned to the United States for handling as excess or surplus property under subchapter II of chapter 5 of this title or section 549 or 551 of this title when the head of the executive agency concerned, or the Administrator of General Services after consultation with the agency head, determines that return of the property to the United States for such handling is in the interest of the United States.*

*(b) REGULATIONS.—The Administrator shall prescribe regulations to carry out this section. The regulations must require that transportation costs for returning foreign excess property to the United States are paid by the federal agency, state agency, or donee receiving the property.*

### *§ 703. Donation of medical supplies for use in foreign country*

*(a) APPLICATION.—This section applies to medical materials or supplies that are in a foreign country but that would, if situated within the United States, be available for donation under subchapter III of chapter 5 of this title.*

*(b) IN GENERAL.—An executive agency may donate medical materials or supplies that are not disposed of under section 702 of this title.*

*(c) CONDITIONS.—A donation under this section is subject to the following conditions:*

*(1) The medical materials and supplies must be donated for use in a foreign country.*

*(2) The donation must be made to a nonprofit medical or health organization, which may be an organization qualified to receive assistance under section 214(b) or 607 of the Foreign Assistance Act of 1961 (22 U.S.C. 2174(b), 2357).*

*(3) The donation must be made without cost to the donee (except for costs of care and handling).*

### *§ 704. Other methods of disposal*

*(a) IN GENERAL.—Foreign excess property not disposed of under section 702 or 703 of this title may be disposed of as provided in this section.*

*(b) METHODS OF DISPOSAL.—*

*(1) SALE, EXCHANGE, LEASE, OR TRANSFER.—The head of an executive agency may dispose of foreign excess property by sale, exchange, lease, or transfer, for cash, credit or other property, with or without warranty, under terms and conditions the head of the executive agency considers proper.*

*(2) EXCHANGE FOR FOREIGN CURRENCY OR CREDIT.—If the head of an executive agency determines that it is in the interest of the United States, foreign excess property may be exchanged for—*

*(A) foreign currencies or credits; or*

*(B) substantial benefits or the discharge of claims resulting from the compromise or settlement of claims in accordance with law.*

*(3) ABANDONMENT, DESTRUCTION, OR DONATION.—The head of an executive agency may authorize the abandonment, destruction, or donation of foreign excess property if the property has no commercial value or if estimated costs of care and handling exceed the estimated proceeds from sale.*

*(c) ADVERTISING.—The head of an executive agency may dispose of foreign excess property without advertising if the head of the executive agency finds*

*that disposal without advertising is the most practicable and advantageous means for the Federal Government to dispose of the property.*

*(d) TRANSFER OF TITLE.—The head of an executive agency may execute documents to transfer title or other interests in, and take other action necessary or proper to dispose of, foreign excess property.*

### *§ 705. Handling of proceeds from disposal*

*(a) IN GENERAL.—This section applies to proceeds from the sale, lease, or other disposition of foreign excess property under this chapter.*

*(b) FOREIGN CURRENCIES OR CREDITS.—Proceeds in the form of foreign currencies or credits, must be administered in accordance with procedures that the Secretary of the Treasury may establish.*

*(c) UNITED STATES CURRENCY.—*

*(1) SEPARATE FUND IN TREASURY.—Section 572(a) of this title applies to proceeds of foreign excess property disposed of for United States currency under this chapter.*

*(2) DEPOSITED IN TREASURY AS MISCELLANEOUS RECEIPTS.—Except as provided in paragraph (1), proceeds in the form of United States currency, including foreign currencies or credits that are reduced to United States currency, must be deposited in the Treasury as miscellaneous receipts.*

*(d) SPECIAL ACCOUNT FOR REFUNDS OR PAYMENTS FOR BREACH.—*

*(1) DEPOSITS.—A federal agency that disposes of foreign excess property under this chapter may deposit, in a special account in the Treasury, amounts of the proceeds of the dispositions that the agency decides are necessary to permit—*

*(A) appropriate refunds to purchasers for dispositions that are rescinded or that do not become final; and*

*(B) payments for breach of warranty.*

*(2) WITHDRAWALS.—A federal agency that deposits proceeds in a special account under paragraph (1) may withdraw amounts to be refunded or paid from the account without regard to the origin of the amounts withdrawn.*

## *CHAPTER 9—URBAN LAND USE*

*Sec.*
*901. Purpose and policy.*
*902. Definitions.*
*903. Acquisition and use.*
*904. Disposal.*
*905. Waiver.*

### *§ 901. Purpose and policy*

*The purpose of this chapter is to promote harmonious intergovernmental relations and encourage sound planning, zoning, and land use practices by prescribing uniform policies and procedures for the Administrator of General*

*Services to acquire, use, and dispose of land in urban areas. To the greatest extent practicable, urban land transactions entered into for the General Services Administration and other federal agencies shall be consistent with zoning and land use practices and with the planning and development objectives of local governments and planning agencies.*

### *§ 902. Definitions*

*In this chapter, the following definitions apply:*

*(1) 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.*

*(2) URBAN AREA.—The term "urban area" means—*

*(A) a geographical area within the jurisdiction of an incorporated city, town, borough, village, or other unit of general local government, except a county or parish, having a population of at least 10,000 inhabitants;*

*(B) that portion of the geographical area within the jurisdiction of a county, town, township, or similar governmental entity which contains no incorporated unit of general local government but has a population density of at least 1,500 inhabitants per square mile; and*

*(C) that portion of a geographical area having a population density of at least 1,500 inhabitants per square mile and situated adjacent to the boundary of an incorporated unit of general local government which has a population of at least 10,000.*

### *§ 903. Acquisition and use*

*(a) NOTICE TO LOCAL GOVERNMENT.—To the extent practicable, before making a commitment to acquire real property situated in an urban area, the Administrator of General Services shall give notice of the intended acquisition and the proposed use of the property to the unit of general local government exercising zoning and land use jurisdiction. If the Administrator determines that providing advance notice would adversely impact the acquisition, the Administrator shall give notice of the acquisition and the proposed use of the property immediately after the property is acquired.*

*(b) OBJECTIONS TO ACQUISITION OR CHANGE OF USE.—In the acquisition or change of use of real property situated in an urban area as a site for public building, if the unit of general local government exercising zoning and land use jurisdiction objects on grounds that the proposed acquisition or change of use conflicts with zoning regulations or planning objectives, the Administrator shall, to the extent the Administrator determines is practicable, consider all the objections and comply with the zoning regulations and planning objectives.*

***§ 904. Disposal***

*(a) NOTICE TO LOCAL GOVERNMENT.—Before offering real property situated in an urban area for sale, the Administrator of General Services shall give reasonable notice to the unit of general local government exercising zoning and land use jurisdiction in order to provide an opportunity for zoning so that the property is used in accordance with local comprehensive planning described in subsection (c).*

*(b) NOTICE TO PROSPECTIVE PURCHASERS.—To the greatest extent practicable, the Administrator shall furnish to all prospective purchasers of real property situated in an urban area complete information concerning—*

*(1) current zoning regulations, prospective zoning requirements, and objectives for property if it is unzoned; and*

*(2)(A) the current availability of streets, sidewalks, sewers, water, street lights, and other service facilities; and*

*(B) the prospective availability of those service facilities if the property is included in local comprehensive planning described in subsection (c).*

*(c) LOCAL COMPREHENSIVE PLANNING.—Local comprehensive planning referred to in subsections (a) and (b) includes any of the following activities, to the extent the activity is directly related to the needs of a unit of general local government:*

*(1) As a guide for government policy and action, preparing general plans related to—*

*(A) the pattern and intensity of land use;*

*(B) the provision of public facilities (including transportation facilities) and other government services; and*

*(C) the effective development and use of human and natural resources.*

*(2) Preparing long-range physical and fiscal plans for government action.*

*(3) Programming capital improvements and other major expenditures, based on a determination of relative urgency, together with definitive financial planning for expenditures in the earlier years of a program.*

*(4) Coordinating related plans and activities of state and local governments and agencies.*

*(5) Preparing regulatory and administrative measures to support activities described in this subsection.*

***§ 905. Waiver***

*The procedures prescribed in sections 903 and 904 of this title may be waived during a period of national emergency proclaimed by the President.*

## *CHAPTER 11—SELECTION OF ARCHITECTS AND ENGINEERS*

*Sec.*
*1101. Policy.*
*1102. Definitions.*
*1103. Selection procedure.*
*1104. Negotiation of contract.*

### *§ 1101. Policy*

*The policy of the Federal Government is to publicly announce all requirements for architectural and engineering services and to negotiate contracts for architectural and engineering services on the basis of demonstrated competence and qualification for the type of professional services required and at fair and reasonable prices.*

### *§ 1102. Definitions*

*In this chapter, the following definitions apply:*

*(1) AGENCY HEAD.—The term "agency head" means the head of a department, agency, or bureau of the Federal Government.*

*(2) ARCHITECTURAL AND ENGINEERING SERVICES.—The term "architectural and engineering services" means—*

*(A) professional services of an architectural or engineering nature, as defined by state law, if applicable, that are required to be performed or approved by a person licensed, registered, or certified to provide the services described in this paragraph;*

*(B) professional services of an architectural or engineering nature performed by contract that are associated with research, planning, development, design, construction, alteration, or repair of real property; and*

*(C) other professional services of an architectural or engineering nature, or incidental services, which members of the architectural and engineering professions (and individuals in their employ) may logically or justifiably perform, including studies, investigations, surveying and mapping, tests, evaluations, consultations, comprehensive planning, program management, conceptual designs, plans and specifications, value engineering, construction phase services, soils engineering, drawing reviews, preparation of operating and maintenance manuals, and other related services.*

*(3) FIRM.—The term "firm" means an individual, firm, partnership, corporation, association, or other legal entity permitted by law to practice the profession of architecture or engineering.*

### *§ 1103. Selection procedure*

*(a) IN GENERAL.—These procedures apply to the procurement of architectural and engineering services by an agency head.*

*(b) ANNUAL STATEMENTS.—The agency head shall encourage firms to submit annually a statement of qualifications and performance data.*

*(c) EVALUATION.—For each proposed project, the agency head shall evaluate current statements of qualifications and performance data on file with the agency, together with statements submitted by other firms regarding the proposed project. The agency head shall conduct discussions with at least 3 firms to consider anticipated concepts and compare alternative methods for furnishing services.*

*(d) SELECTION.—From the firms with which discussions have been conducted, the agency head shall select, in order of preference, at least 3 firms that the agency head considers most highly qualified to provide the services required. Selection shall be based on criteria established and published by the agency head.*

### *§ 1104. Negotiation of contract*

*(a) IN GENERAL.—The agency head shall negotiate a contract for architectural and engineering services at compensation which the agency head determines is fair and reasonable to the Federal Government. In determining fair and reasonable compensation, the agency head shall consider the scope, complexity, professional nature, and estimated value of the services to be rendered.*

*(b) ORDER OF NEGOTIATION.—The agency head shall attempt to negotiate a contract, as provided in subsection (a), with the most highly qualified firm selected under section 1103 of this title. If the agency head is unable to negotiate a satisfactory contract with the firm, the agency head shall formally terminate negotiations and then undertake negotiations with the next most qualified of the selected firms, continuing the process until an agreement is reached. If the agency head is unable to negotiate a satisfactory contract with any of the selected firms, the agency head shall select additional firms in order of their competence and qualification and continue negotiations in accordance with this section until an agreement is reached.*

## *CHAPTER 13—PUBLIC PROPERTY*

*Sec.*

*1301. Charge of property transferred to the Federal Government.*
*1302. Lease of buildings.*
*1303. Disposition of surplus real property.*
*1304. Transfer of federal property to States.*
*1305. Disposition of land acquired by devise.*
*1306. Disposition of abandoned or forfeited personal property.*
*1307. Disposition of securities.*
*1308. Disposition of unfit horses and mules.*
*1309. Preservation, sale, or collection of wrecked, abandoned, or derelict property.*
*1310. Sale of war supplies, land, and buildings.*
*1311. Authority of President to obtain release.*
*1312. Release of real estate in certain cases.*
*1313. Releasing property from attachment.*
*1314. Easements.*
*1315. Special police.*

### *§ 1301. Charge of property transferred to the Federal Government*

*(a) IN GENERAL.—Except as provided in subsection (b), the Administrator of General Services shall have charge of—*

*(1) all land and other property which has been or may be assigned, set off, or conveyed to the Federal Government in payment of debts;*

*(2) all trusts created for the use of the Government in payment of debts due the Government; and*

*(3) the sale and disposal of land—*

*(A) assigned or set off to the Government in payment of debt; or*

*(B) vested in the Government by mortgage or other security for the payment of debts.*

*(b) NONAPPLICATION.—This section does not apply to—*

*(1) real estate which has been or shall be assigned, set off, or conveyed to the Government in payment of debts arising under the Internal Revenue Code of 1986 (26 U.S.C. 1 et seq.); or*

*(2) trusts created for the use of the Government in payment of debts arising under the Code and due the Government.*

### *§ 1302. Lease of buildings*

*Except as otherwise specifically provided by law, the leasing of buildings and property of the Federal Government shall be for a money consideration only. The lease may not include any provision for the alteration, repair, or improvement of the buildings or property as a part of the consideration for the rent to be paid for the use and occupation of the buildings or property. Money derived from the rent shall be deposited in the Treasury as miscellaneous receipts.*

### *§ 1303. Disposition of surplus real property*

*(a) DEFINITION.—In this section, the term "federal agency" means an executive department, independent establishment, commission, board, bureau, division, or office in the executive branch, or other agency of the Federal Government, including wholly owned Government corporations.*

*(b) ASSIGNMENT OF SPACE OR LEASE OR SALE OF PROPERTY.—*

*(1) ACTIONS OF ADMINISTRATOR.—When the President, on the recommendation of the Administrator of General Services, or the federal agency having control of any real property the agency acquires that is located outside of the District of Columbia, other than military or naval reservations, declares the property to be surplus to the needs of the agency, the Administrator—*

*(A) may assign space in the property to any federal agency;*

*(B) pending a sale, may lease the property for not more than 5 years and on terms the Administrator considers to be in the public interest; or*

*(C) may sell the property at public sale to the highest responsible bidder on terms and after public advertisement that the Administrator considers to be in the public interest.*

*(2) REVIEW OF DECISION TO ASSIGN SPACE.—If the federal agency to which space is assigned does not desire to occupy the space, the decision of the Administrator under paragraph (1)(A) is subject to review by the President.*

*(3) NEGOTIATED SALE.—If no bids which are satisfactory as to price and responsibility of the bidder are received as a result of public advertisement, the Administrator may sell the property by negotiation, on terms as may be considered to be to the best interest of the Government, but at a price not less than that bid by the highest responsible bidder.*

*(c) DEMOLITION.—The Administrator may demolish any building declared to be surplus to the needs of the Government under this section on deciding that demolition will be in the best interest of the Government. Before proceeding with the demolition, the Administrator shall inform the Secretary of the Interior in writing of the Administrator's intention to demolish the building, and shall not proceed with the demolition until receiving written notice from the Secretary that the building is not an historic building of national significance within the meaning of the Act of August 21, 1935 (16 U.S.C. 461 et seq.) (known as the Historic Sites, Buildings, and Antiquities Act). If the Secretary does not notify the Administrator of the Secretary's decision as to whether the building is an historic building of national significance within 90 days of the receipt of the notice of intention to demolish the building, the Administrator may proceed to demolish the building.*

*(d) REPAIRS AND ALTERATIONS TO ASSIGNED REAL PROPERTY.—When the Administrator, after investigation, decides that real property referred to in subsection (b) should be used for the accommodation of a federal agency, the Administrator may make any repairs or alterations that the Administrator considers necessary or advisable and may maintain and operate the property.*

*(e) PAYMENT BY FEDERAL AGENCIES.—*

*(1) ASSIGNED REAL PROPERTY.—To the extent that the appropriations of the General Services Administration not otherwise allocated are inadequate for repairs, alterations, maintenance, or operation, the Administrator may require each federal agency to which space has been assigned to pay promptly by check to the Administrator out of its appropriation for rent any part of the estimated or actual cost of the repairs, alterations, maintenance, and operation. Payment may be either in advance*

*of, or on or during, occupancy of the space. The Administrator shall determine and equitably apportion the total amount to be paid among the agencies to whom space has been assigned.*

*(2) LEASED SPACES.—To the extent that the appropriations of the Administration not otherwise required are inadequate, the Administrator may require each federal agency to which leased space has been assigned to pay promptly by check to the Administrator out of its available appropriations any part of the estimated cost of rent, repairs, alterations, maintenance, operation, and moving. Payment may be either in advance or during occupancy of the space. When space in a building is occupied by two or more agencies, the Administrator shall determine and equitably apportion rental, operation, and other charges on the basis of the total amount of space leased.*

*(f) AUTHORIZATION OF APPROPRIATIONS.—Necessary amounts may be appropriated to cover the costs incident to the sale or lease of real property, or authorized demolition of buildings on the property, declared to be surplus to the needs of any federal agency under this section, and the care, maintenance, and protection of the property, including pay of employees, travel of Government employees, brokers' fees not in excess of rates paid for similar services in the community where the property is situated, appraisals, photographs, surveys, evidence of title and perfecting of defective titles, advertising, and telephone and telegraph charges. However, the agency remains responsible for the proper care, maintenance, and protection of the property until the Administrator assumes custody or other disposition of the property is made.*

*(g) REGULATIONS.—The Administrator may prescribe regulations as necessary to carry out this section.*

***§ 1304. Transfer of federal property to States***

*(a) OBSOLETE BUILDINGS AND SITES.—*

*(1) IN GENERAL.—The Administrator of General Services, in the Administrator's discretion, on terms the Administrator considers proper, and under regulations the Administrator may prescribe, may sell property described in paragraph (2) to a State or a political subdivision of a State for public use if the Administrator considers the sale to be in the best interest of the Federal Government.*

*(2) APPLICABLE PROPERTY.—The property referred to in paragraph (1) is any federal building, building site, or part of a building site under the Administrator's control that has been replaced by a new structure and that the Administrator determines is no longer needed by the Government.*

*(3) PRICE.—The purchase price for a sale under this section must be at least 50 percent of the value of the land as appraised by the Administrator.*

*(4) PROCEEDS OF SALE.—The proceeds of a sale under this section shall be deposited in the Treasury as miscellaneous receipts.*

*(5) PAYMENT TERMS.—The Administrator may enter into a long term contract for the payment of the purchase price in installments that the Administrator considers fair and reasonable. The Administrator may waive any requirement for interest charges on deferred payment.*

*(6) CONVEYANCE.—The Administrator may convey property sold under this section by the usual quitclaim deed.*

*(b) WIDENING OF PUBLIC ROADS.—*

*(1) DEFINITION.—In this subsection, the term "executive agency" means an executive department or independent establishment in the executive branch of the Government, including any wholly owned Government corporation.*

*(2) IN GENERAL.—When a State or a political subdivision of a State applies for a conveyance or transfer of real property of the Government in connection with an authorized widening of a public highway, street, or alley, the head of the executive agency that controls the affected real property may convey or transfer to the State or political subdivision, with or without consideration, an interest in the real property that the agency head determines is not adverse to the interests of the Government. A conveyance or transfer under this subsection is subject to terms and conditions the agency head considers necessary to protect the interests of the Government.*

*(3) LIMITATION ON TRANSFERS FOR HIGHWAY PURPOSES.—An interest in real property which can be transferred to a State or a political subdivision of a State for highway purposes under title 23 may not be conveyed or transferred under this subsection.*

*(4) LIMITATION ON ISSUANCE OF RIGHTS OF WAY.—Rights of way over, under, and through public lands and lands in the National Forest System may not be granted under this subsection.*

### *§ 1305. Disposition of land acquired by devise*

*The General Services Administration may take custody, for disposal as excess property under this subtitle and title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.), of land acquired by the Federal Government by devise.*

### *§ 1306. Disposition of abandoned or forfeited personal property*

*(a) DEFINITIONS.—In this section—*

*(1) AGENCY.—The term "agency" includes any executive department, independent establishment, board, commission, bureau, service, or division of the Federal Government, and any corporation in which the Government owns at least a majority of the stock.*

*(2) PROPERTY.—The term "property" means all personal property, including vessels, vehicles, and aircraft.*

*(b) VOLUNTARILY ABANDONED PROPERTY.—Property voluntarily abandoned to any agency in a way that vests title to the property in the Government may be retained by the agency and devoted to official use only. If the agency does not desire to retain the property, the head of the agency immediately shall notify the Administrator of General Services to that effect, and the Administrator, within a reasonable time, shall—*

*(1) order the agency to deliver the property to another agency that requests the property and that the Administrator believes should be given the property; or*

*(2) order disposal of the property as otherwise provided by law.*

*(c) FORFEITED PROPERTY.—*

*(1) AGENCY RETAINS PROPERTY.—An agency that seizes property that has been forfeited to the Government other than by court decree may retain the property and devote it only to official use instead of disposing of the property as otherwise provided by law if competent authority does not order the property returned to any claimant.*

*(2) AGENCY DOES NOT DESIRE TO RETAIN PROPERTY.—If the agency does not desire to retain the property, the head of the agency immediately shall notify the Administrator to that effect, and the property—*

*(A) if not ordered by competent authority to be returned to any claimant, or disposed of as otherwise provided by law, shall be delivered by the agency, on order of the Administrator given within a reasonable time, to another agency that requests the property and that the Administrator believes should be given the property; or*

*(B) on order of the Administrator given within a reasonable time, shall be disposed of as otherwise provided by law.*

*(d) PROPERTY SUBJECT TO COURT PROCEEDING FOR FORFEITURE.—*

*(1) NOTIFICATION OF ADMINISTRATOR.—If a proceeding has begun for the forfeiture of any property by court decree, the agency that seized the property immediately shall notify the Administrator and at the same time may file with the Administrator a request for the property for its official use.*

*(2) APPLICATION FOR COURT ORDER TO DELIVER PROPERTY.—*

*(A) IN GENERAL.—Before entry of a decree, the Administrator shall apply to the court to order delivery of the property in accordance with this paragraph.*

*(B) DELIVERY TO SEIZING AGENCY.—If the agency that seized the property files a request for the property under paragraph (1), the Administrator shall apply to the court to order delivery of the property to the agency that seized the property.*

*(C) DELIVERY TO OTHER REQUESTING AGENCY.—If the agency that seized the property does not file a request for the property under paragraph (1) but another agency requests the property, the Administrator shall apply to the court to order delivery of the property to the requesting agency if the Administrator believes that the requesting agency should be given the property.*

*(D) DELIVERY TO SEIZING AGENCY FOR TEMPORARY HOLDING.—If application to the court cannot be made under subparagraph (B) or (C) and the Administrator believes the property may later become necessary to any agency for official use, the Administrator shall apply to the court to order delivery of the property to the agency that seized the property, to be retained in its custody. Within a reasonable time, the Administrator shall order the agency to—*

*(i) deliver the property to another agency that requests the property and that the Administrator believes should be given the property; or*

*(ii) dispose of the property as otherwise provided by law.*

*(3) FORFEITURE DECREED.—If forfeiture is decreed and the property is not ordered by competent authority to be returned to any claimant, the court shall order delivery as provided in paragraph (2).*

*(4) WHEN NO APPLICATION MADE.—The court shall dispose of property for which no application is made in accordance with law.*

*(e) RETENTION OR DELIVERY OF PROPERTY DEEMED SALE.—Retention or delivery of forfeited or abandoned property under this section is deemed to be a sale of the property for the purpose of laws providing for informer's fees or remission or mitigation of a forfeiture. Property acquired under this section when no longer needed for official use shall be disposed of in the same manner as other surplus property.*

*(f) PAYMENT OF COSTS RELATED TO PROPERTY.—*

*(1) AVAILABILITY OF APPROPRIATIONS.—The appropriation available to an agency for the purchase, hire, operation, maintenance, and repair of any property is available for—*

*(A) the payment of expenses of operation, maintenance, and repair of property of the same kind the agency receives under this section for official use;*

*(B) the payment of a lien recognized and allowed under law;*

*(C) the payment of amounts found to be due a person on the authorized remission or mitigation of a forfeiture; and*

*(D) reimbursement of other agencies as provided in paragraph (2).*

*(2) PAYMENT AND REIMBURSEMENT OF CERTAIN COSTS.—The agency that receives property under this section shall pay the cost of hauling, transporting, towing, and storing the property. If the property is later delivered to another agency for official use under this section, the agency to which the property is delivered shall make reimbursement for all of those costs incurred prior to the date the property is delivered.*

*(g) REPORT.—With the approval of the Secretary of the Treasury, the Administrator may require an agency to make a report of all property abandoned to it or seized and the disposal of the property.*

*(h) ADMINISTRATIVE.—*

*(1) REGULATIONS.—With the approval of the Secretary, the Administrator may prescribe regulations necessary to carry out this section.*

*(2) OTHER LAWS NOT REPEALED.—This section does not repeal any other laws relating to the disposition of forfeited or abandoned property, except provisions of those laws directly in conflict with this section which were enacted prior to August 27, 1935.*

*(3) PROPERTY NOT SUBJECT TO ALLOCATION UNDER THIS SECTION.—The following classes of property are not subject to allocation under this section, but shall be disposed of in the manner otherwise provided by law:*

*(A) narcotic drugs, as defined in the Controlled Substances Act (21 U.S.C. 801 et seq.).*

*(B) firearms, as defined in section 5845 of the Internal Revenue Code of 1986 (26 U.S.C. 5845).*

*(C) other classes or kinds of property the disposal of which the Administrator, with the approval of the Secretary, may consider in the public interest, and may by regulation provide.*

### *§ 1307. Disposition of securities*

*The President, or an officer, agent, or agency the President may designate, may dispose of any securities acquired on behalf of the Federal Government under the provisions of the Transportation Act of 1920 (ch. 91, 41 Stat. 456), including any securities acquired as an incident to a case under title 11, under a receivership or reorganization proceeding, by assignment, transfer, substitution, or issuance, or by acquisition of collateral given for the payment*

*of obligations to the Government, or may make arrangements for the extension of the maturity of the securities, in the manner, in amounts, at prices, for cash, securities, or other property or any combination of cash, securities, or other property, and on terms and conditions the President or designee considers advisable and in the public interest.*

### *§ 1308. Disposition of unfit horses and mules*

*Subject to applicable regulations under this subtitle and title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.), horses and mules belonging to the Federal Government that have become unfit for service may be destroyed or put out to pasture, either on pastures belonging to the Government or those belonging to financially sound and reputable humane organizations whose facilities permit them to care for the horses and mules during the remainder of their natural lives, at no cost to the Government.*

### *§ 1309. Preservation, sale, or collection of wrecked, abandoned, or derelict property*

*The Administrator of General Services may make contracts and provisions for the preservation, sale, or collection of property, or the proceeds of property, which may have been wrecked, been abandoned, or become derelict, if the Administrator considers the contracts and provisions to be in the interest of the Federal Government and the property is within the jurisdiction of the United States and should come to the Government. A contract may provide compensation the Administrator considers just and reasonable to any person who gives information about the property or actually preserves, collects, surrenders, or pays over the property. Under each specific agreement for obtaining, preserving, collecting, or receiving property or making property available, the costs or claim chargeable to the Government may not exceed amounts realized and received by the Government.*

### *§ 1310. Sale of war supplies, land, and buildings*

*(a) IN GENERAL.—The President, through the head of any executive department and on terms the head of the department considers expedient, may sell to a person, another department of the Federal Government, or the government of a foreign country engaged in war against a country with which the United States is at war—*

*(1) war supplies, material, and equipment;*

*(2) by-products of the war supplies, material, and equipment; and*

*(3) any building, plant, or factory, including the land on which the plant or factory may be situated, acquired since April 6, 1917, for the production of war supplies, materials, and equipment that, during the emergency existing on July 9, 1918, may have been purchased, acquired, or manufactured by the Government.*

*(b) LIMITATION ON SALE OF GUNS AND AMMUNITION.—Sales of guns and ammunition authorized under any law shall be limited to—*

*(1) other departments of the Government;*

*(2) governments of foreign countries engaged in war against a country with which the United States is at war; and*

*(3) members of the National Rifle Association and of other recognized associations organized in the United States for the encouragement of small-arms target practice.*

### *§ 1311. Authority of President to obtain release*

*For the use or benefit of the Federal Government, the President may obtain from an individual or officer to whom land has been or will be conveyed a release of the individual's or officer's interest to the Government.*

### *§ 1312. Release of real estate in certain cases*

*(a) IN GENERAL.—Real estate that has become the property of the Federal Government in payment of a debt which afterward is fully paid in money and received by the Government may be conveyed by the Administrator of General Services to the debtor from whom it was taken or to the heirs or devisees of the debtor or the person that they may appoint.*

*(b) NONAPPLICATION.—This section does not apply to real estate the Government acquires in payment of any debt arising under the Internal Revenue Code of 1986 (26 U.S.C. 1 et seq.).*

### *§ 1313. Releasing property from attachment*

*(a) STIPULATION OF DISCHARGE.—*

*(1) PERSON ASSERTING CLAIM ENTITLED TO BENEFITS.—In a judicial proceeding under the laws of a State, district, territory, or possession of the United States, when property owned or held by the Federal Government, or in which the Government has or claims an interest, is seized, arrested, attached, or held for the security or satisfaction of a claim made against the property, the Attorney General may direct the United States Attorney for the district in which the property is located to enter a stipulation that on discharge of the property from the seizure, arrest, attachment, or proceeding, the person asserting the claim against the property becomes entitled to all the benefits of this section.*

*(2) NONAPPLICATION.—This subsection does not—*

*(A) recognize or concede any right to enforce by seizure, arrest, attachment, or any judicial process a claim against property—*

*(i) of the Government; or*

*(ii) held, owned, or employed by the Government, or by a department of the Government, for a public use; or*

*(B) waive an objection to a proceeding brought to enforce the claim.*

*(b) PAYMENT.—After a discharge, a final judgment which affirms the claim for the security or satisfaction and the right of the person asserting the claim to enforce it against the property, notwithstanding the claims of the Government, is deemed to be a full and final determination of the rights of the person and entitles the person, as against the Government, to the rights the person would have had if possession of the property had not been changed. When the claim is for the payment of money found to be due, presentation of an authenticated copy of the record of the judgment and proceedings is sufficient evidence to the proper accounting officers for the allowance of the claim, which shall be allowed and paid out of amounts in the Treasury not otherwise appropriated. The amount allowed and paid shall not exceed the value of the interest of the Government in the property.*

***§ 1314. Easements***

*(a) DEFINITIONS.—In this section—*

*(1) EXECUTIVE AGENCY.—The term "executive agency" means an executive department or independent establishment in the executive branch of the Federal Government, including a wholly owned Government corporation.*

*(2) REAL PROPERTY OF THE GOVERNMENT.—The term "real property of the Government" excludes—*

*(A) public land (including minerals, vegetative, and other resources) in the United States, including—*

*(i) land reserved or dedicated for national forest purposes;*

*(ii) land the Secretary of the Interior administers or supervises in accordance with the Act of August 25, 1916 (16 U.S.C. 1, 2, 3, 4) (known as the National Park Service Organic Act);*

*(iii) Indian-owned trust and restricted land; and*

*(iv) land the Government acquires primarily for fish and wildlife conservation purposes and the Secretary administers;*

*(B) land withdrawn from the public domain primarily under the jurisdiction of the Secretary; and*

*(C) land acquired for national forest purposes.*

*(3) STATE.—The term "State" means a State of the United States, the District of Columbia, Puerto Rico, and the territories and possessions of the United States.*

*(b) GRANT OF EASEMENT.—When a State, a political subdivision or agency of a State, or a person applies for the grant of an easement in, over, or on real property of the Government, the executive agency having control of the real property may grant to the applicant, on behalf of the Government, an easement that the head of the agency decides will not be adverse to the interests of the Government, subject to reservations, exceptions, limitations,*

*benefits, burdens, terms, or conditions that the head of the agency considers necessary to protect the interests of the Government. The grant may be made without consideration, or with monetary or other consideration, including an interest in real property.*

*(c) RELINQUISHMENT OF LEGISLATIVE JURISDICTION.—In connection with the grant of an easement, the executive agency concerned may relinquish to the State in which the real property is located legislative jurisdiction that the executive agency considers necessary or desirable. Relinquishment of legislative jurisdiction may be accomplished by filing with the chief executive officer of the State a notice of relinquishment to take effect upon acceptance or by proceeding in the manner that the laws applicable to the State may provide.*

*(d) TERMINATION OF EASEMENT.—*

*(1) WHEN TERMINATION OCCURS.—The instrument granting the easement may provide for termination of any part of the easement if there has been—*

*(A) a failure to comply with a term or condition of the grant;*

*(B) a nonuse of the easement for a consecutive 2-year period for the purpose for which granted; or*

*(C) an abandonment of the easement.*

*(2) NOTICE REQUIRED.—If a termination provision is included, it shall require that written notice of the termination be given to the grantee, or its successors or assigns.*

*(3) EFFECTIVE DATE.—The termination is effective as of the date of the notice.*

*(e) ADDITIONAL EASEMENT AUTHORITY.—The authority conferred by this section is in addition to, and shall not affect or be subject to, any other law under which an executive agency may grant easements.*

*(f) LIMITATION ON ISSUANCE OF RIGHTS OF WAY.—Rights of way over, under, and through public lands and lands in the National Forest System may not be granted under this section.*

### *§ 1315. Special police*

*(a) APPOINTMENT.—The Administrator of General Services, or an official of the General Services Administration authorized by the Administrator, may appoint uniformed guards of the Administration as special police without additional compensation for duty in connection with the policing of all buildings and areas owned or occupied by the Federal Government and under the charge and control of the Administrator.*

*(b) POWERS.—Special police appointed under this section have the same powers as sheriffs and constables on property referred to in subsection (a) to enforce laws enacted for the protection of individuals and property, prevent breaches of the peace, suppress affrays or unlawful assemblies, and enforce*

*regulations prescribed by the Administrator or an official of the Administration authorized by the Administrator for property under their jurisdiction. However, the jurisdiction and policing powers of special police do not extend to the service of civil process.*

*(c) DETAIL.—On the application of the head of a department or agency of the Government having property of the Government under its administration and control, the Administrator or an official of the Administration authorized by the Administrator may detail special police for the protection of the property and, if the Administrator considers it desirable, may extend to the property the applicability of regulations and enforce them as provided in this section.*

*(d) USE OF OTHER LAW ENFORCEMENT AGENCIES.—When it is considered economical and in the public interest, the Administrator or an official of the Administration authorized by the Administrator may utilize the facilities and services of existing federal law enforcement agencies, and, with the consent of a state or local agency, the facilities and services of state or local law enforcement agencies.*

*(e) NONUNIFORMED SPECIAL POLICE.—The Administrator, or an official of the Administration authorized by the Administrator, may empower officials or employees of the Administration authorized to perform investigative functions to act as nonuniformed special police to protect property under the charge and control of the Administration and to carry firearms, whether on federal property or in travel status. When on real property under the charge and control of the Administration, officials or employees empowered to act as nonuniformed special police have the power to enforce federal laws for the protection of individuals and property and to enforce regulations for that purpose that the Administrator or an official of the Administration authorized by the Administrator prescribes and publishes. The special police may make arrests without warrant for any offense committed on the property if the police have reasonable grounds to believe the offense constitutes a felony under the laws of the United States and that the individual to be arrested is guilty of that offense.*

*(f) ADMINISTRATIVE.—The Administrator or an official of the Administration authorized by the Administrator may prescribe regulations necessary for the government of the property under their charge and control, and may annex to the regulations reasonable penalties, within the limits prescribed in subsection (g), that will ensure their enforcement. The regulations shall be posted and kept posted in a conspicuous place on the property.*

*(g) PENALTIES.—*

*(1) IN GENERAL.—Except as provided in paragraph (2), a person violating a regulation prescribed under subsection (f) shall be fined under title 18, imprisoned for not more than 30 days, or both.*

*(2) EXCEPTION FOR MILITARY TRAFFIC REGULATION.—*

*(A) DEFINITION.—For purposes of this paragraph, the term "military traffic regulation" means a regulation for the control of vehicular or pedestrian traffic on military installations that the Secretary of Defense prescribes under subsection (f).*

*(B) IN GENERAL.—A person violating a military traffic regulation shall be fined an amount not exceeding the amount of the maximum fine for a similar offense under the criminal or civil law of the State, district, territory, or possession of the United States where the military installation in which the violation occurred is located, imprisoned for not more than 30 days, or both.*

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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.*

### *§ 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.*

### *§ 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.*

### *§ 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.*

### *§ 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.*

## *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 Attor-*

*ney 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.*

### *§ 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.*

### *§ 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.*

### *§ 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.*

### *§ 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.*

### *§ 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).*

### *§ 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.*

### *§ 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.*

## *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).*

### *§ 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.*

### *§ 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) 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.*

### *§ 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, the Merchant Marine Act, 1936 (46 App. U.S.C. 1101 et seq.), 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.*

## *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.*

### *§ 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).*

*(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) but not actually paid.*

### *§ 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.*

### *§ 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.*

### *§ 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.*

### *§ 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.*

### *§ 3147. Suspension of this subchapter during a national emergency*

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

### *§ 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.*

## *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.*

### *§ 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.*

*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.*

### *§ 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.*

### *§ 3173. Working capital fund for blueprinting, photostating, and duplicating services in General Services Administration*

*(a) ESTABLISHMENT AND PURPOSE.—There is a working capital fund for the payment of salaries and other expenses necessary to the operation of a central blue-printing, photostating, and duplicating service.*

*(b) COMPONENTS.—The fund consists of—*

*(1) $50,000 without fiscal year limitation; and*

*(2) reimbursements from available amounts of constituents of the Administrator of General Services, or of any other federal agency for which services are performed, at rates to be determined by the Administrator on the basis of estimated or actual charges for personal services, material, equipment (including maintenance, repair, and depreciation on existing and new equipment) and other expenses, to ensure continuous operation.*

*(c) DEPOSIT OF EXCESS AMOUNTS IN THE TREASURY.—At the close of each fiscal year any excess amount resulting from operation of the service, after adequately providing for the replacement of mechanical and other equipment and for accrued annual leave of employees engaged in this work by the establishment of reserves for those purposes, shall be deposited in the Treasury as miscellaneous receipts.*

### *§ 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.*

### *§ 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.*

### *§ 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.*

## *CHAPTER 33—ACQUISITION, CONSTRUCTION, AND ALTERATION*

*Sec.*

*3301. Definitions and nonapplication.*
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*3303. Continuing investigation and survey of public buildings.*
*3304. Acquisition of buildings and sites.*
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### *§ 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.*

### *§ 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.*

### *§ 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.*

### *§ 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 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.).*

### *§ 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.*

### *§ 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 Metro-*

*politan 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.*

### *§ 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; and*

*(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.*

*(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) 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.*

*(g) 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.*

***§ 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, certification of vouchers for payments due the contractor, and final settlement of the contract.*

***§ 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 Ad-*

*ministrator, 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.*

### *§ 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 inspect every building during construction to establish that the specifications established for the building are complied with;*

*(4) 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*

*(5) 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.*

### *§ 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.*

### *§ 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.*

### *§ 3313. Delegation*

*(a) WHEN ALLOWED.—Except for the authority contained in section 3305(b) of this title, 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 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.*

*(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.*

### *§ 3314. 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.*

### *§ 3315. Certain authority not affected*

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

## *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.*

### *§ 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.*

### *§ 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.*

### *§ 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.*

### *§ 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.*

## *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 3902.—Section 3902 of this title does not apply to work where the assistance described in subsection (a)(2)(C) from the Government or an agency or instrumentality is only a loan guarantee or insurance.*

### *§ 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.*

### *§ 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.*

### *§ 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 pro-*

*ceedings pursuant to section 553 of title 5, provided that the proceedings include a hearing similar in nature to that authorized by section 553.*

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

*(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 sub-*

*contractor 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.*

### *§ 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.*

### *§ 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.*

### *§ 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.*

### *§ 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.*

## *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 subways and enclosed passages connecting two or more of those structures, and the real property underlying and enclosed by any of those structures.*

### *§ 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 Lou-*

*isiana 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.*

### *§ 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.*

### *§ 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) 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 con-*

*vey 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) 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 either House of Congress or a Member, committee, officer, or employee of Congress or either House 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.*

### *§ 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.*

### *§ 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 as-*

*semblages, 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).*

### *§ 5107. Concerts on grounds*

*Sections 5102, 5103, 5104(b)–(f), 5105, 5105, 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.*

### *§ 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.*

### *§ 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.*

## *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.*
*6114. Oliver Wendell Holmes Garden.*

*SUBCHAPTER III—POLICING AUTHORITY*

*6121. General.*
*6122. Designation of members of the Supreme Court Police.*
*6123. Authority of Metropolitan Police of the District of Columbia.*

*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.*

### *§ 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.*

## *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.*

### *§ 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.*

### *§ 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.*

### *§ 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.*

*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, 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.*

### *§ 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.*

*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.*

### *§ 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.*

### *§ 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.*

### *§ 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.*

### *§ 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.*

### *§ 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.*

### *§ 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 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.*

## *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.*

### *§ 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.*

### *§ 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, foun-*

*tain, or other erection or architectural feature, or any tree, shrub, plant, or turf, within the specified buildings or grounds.*

### *§ 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.*

### *§ 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.*

### *§ 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.*

### *§ 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.*

## *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.*

### *§ 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.*

### *§ 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 Cap-*

*itol 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.*

### *§ 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.*

### *§ 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.*

### *§ 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.*

### *§ 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 ad-*

*ministering 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.*

### *§ 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).*

## *CHAPTER 67—PENNSYLVANIA AVENUE DEVELOPMENT*

*SUBCHAPTER I—TRANSFER AND ASSIGMENT 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.*

## *SUBCHAPTER I—TRANSFER AND ASSIGMENT OF RIGHTS, AUTHORITIES, TITLE, AND INTERESTS*

### ***§ 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 government 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.*

### *§ 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 light-*

*ing, 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.*

*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.*

### *§ 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.*

### *§ 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).*

### *§ 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.*

### *§ 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.*

***§ 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.*

*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).*

### *§ 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.*

### *§ 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.*

### *§ 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).*

## *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.*

### *§ 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.*

### *§ 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.*

### *§ 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.*

### *§ 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.*

### *§ 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 authorized 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.*

### *§ 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.*

### *§ 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.*

### *§ 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.*

### *§ 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.*

## *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.—Non-federal members serve at the pleasure of the President.*

*(c) MEETINGS.—The Commission shall meet at the call of the Chairman.*

***§ 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.*

***§ 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.*

***§ 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.*

# *PART D—PUBLIC BUILDINGS, GROUNDS, AND PARKS IN THE DISTRICT OF COLUMBIA*

## ***CHAPTER 81—ADMINISTRATIVE***

*SUBCHAPTER I—GENERAL*

*Sec.*
*8101. Supervision of public buildings and grounds in District of Columbia not otherwise provided for by law.*
*8102. Protection of Federal Government buildings in District of Columbia.*
*8103. Application of District of Columbia laws to public buildings and grounds.*
*8104. Regulation of private and semipublic buildings adjacent to public buildings and grounds.*
*8105. Approval by Administrator of General Services.*
*8106. Buildings on reservations, parks, or public grounds.*
*8107. Advertisements and sales in or around Washington Monument.*
*8108. Use of public buildings for public ceremonies.*

*SUBCHAPTER II—JURISDICTION*

*8121. Improper appropriation of streets.*
*8122. Jurisdiction over portion of Constitution Avenue.*
*8123. Record of transfer of jurisdiction between Director of National Park Service and Mayor of District of Columbia.*
*8124. Transfer of jurisdiction between Federal and District of Columbia authorities.*
*8125. Public spaces resulting from filling of canals.*
*8126. Temporary occupancy of Potomac Park by Secretary of Agriculture.*
*8127. Part of Washington Aqueduct for playground purposes.*

*SUBCHAPTER III—SERVICES FOR FACILITIES*

*8141. Contract to rent buildings in the District of Columbia not to be made until appropriation enacted.*
*8142. Rent of other buildings.*
*8143. Heat.*
*8144. Delivery of fuel for use during ensuing fiscal year.*

*SUBCHAPTER IV—MISCELLANEOUS*

*8161. Reservation of parking spaces for Members of Congress.*
*8162. Ailanthus trees prohibited.*
*8163. Use of greenhouses and nursery for trees, shrubs, and plants.*
*8164. E. Barrett Prettyman United States Courthouse.*
*8165. Services for Office of Personnel Management.*

### *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.*

### *§ 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).*

### *§ 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.*

### *§ 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 on 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).*

### *§ 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.*

### *§ 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.*

### *§ 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.*

### *§ 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.*

*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.*

### *§ 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.*

### *§ 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.*

### *§ 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.*

### *§ 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.*

### *§ 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.*

### *§ 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.*

## *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.*

### *§ 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.*

### *§ 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 non-federal public buildings authorized to receive steam from the central heating plant.*

### *§ 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.*

## *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.*

### *§ 8162. Ailanthus trees prohibited*

*Ailanthus trees shall not be purchased for, or planted in, the public grounds.*

### *§ 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.*

### *§ 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.*

### *§ 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.*

## *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.*

### *§ 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.*

### *§ 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.*

### *§ 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.*

## *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, 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.*

### *§ 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 5314 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, 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.*

## *CHAPTER 87—PHYSICAL DEVELOPMENT OF NATIONAL CAPITAL REGION*

*SUBCHAPTER I—GENERAL*

*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.*

### *§ 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.*

*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), 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.*

### *§ 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, 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.*

*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.*

### *§ 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 Depart-*

*ment 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. 802) 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 is 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.*

### *§ 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.*

### *§ 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 Plan-*

*ning 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.*

### *§ 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.*

### *§ 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.*

## *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.*

### *§ 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 sav-*

*ing 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.*

### *§ 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.*

### *§ 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.*

### *§ 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.*

### *§ 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.*

### *§ 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.*

## *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.*
*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;*

*(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.*

### *§ 8902. Definitions and nonapplication*

*(a) DEFINITIONS.—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 869/86501, and dated May 1, 1986, that the National Park Service and the Administrator of General Services administer.*

*(b) NONAPPLICATION.—This chapter does not apply to commemorative works authorized by a law enacted before January 3, 1985.*

### *§ 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 commemorating a lesser conflict 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 the event.*

*(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 COMMISSION.—In considering legislation authorizing commemorative works in the District of Columbia and its environs, the Committee on House Administration 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 Commission.*

*(e) EXPIRATION OF LEGISLATIVE AUTHORITY.—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.*

### *§ 8904. National Capital Memorial Commission*

*(a) ESTABLISHMENT AND COMPOSITION.—There is a National Capital Memorial Commission. The membership of the Commission consists 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 Commission.*

*(c) ADVISORY ROLE.—The National Capital Memorial Commission shall advise the Secretary of the Interior and the Administrator of General Services 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 Commission shall meet at least twice annually.*

### *§ 8905. Site and design approval*

*(a) CONSULTATION ON, AND SUBMISSION OF, PROPOSALS.—A person 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 person must consult with the National Capital Memorial Commission regarding the selection of alternative sites and designs 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 person, 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, Secretary, and Administrator 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 and existing public use.*

*(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.*

### *§ 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 envi-*

*rons, 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 person authorized to construct the commemorative work has submitted contract documents for construction of the commemorative work to the Secretary or Administrator; and*

*(4) the person authorized to construct the commemorative work has available sufficient amounts to complete construction of the project.*

*(b) DONATION FOR PERPETUAL MAINTENANCE AND PRESERVATION.—*

*(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.*

*(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.*

### *§ 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.*

### *§ 8908. Areas I and II*

*(a) AVAILABILITY OF MAP.—The Secretary of the Interior and Administrator of General Services shall make available, for public inspection at appropriate offices of the National Park Service and the General Services Administration, the map numbered 869/86501, and dated May 1, 1986.*

*(b) SPECIFIC CONDITIONS APPLICABLE TO AREA I AND AREA II.—*

*(1) AREA I.—After seeking the advice of the National Capital Memorial 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 House Administration 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.*

### *§ 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.*

## *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.*

### *§ 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.*

### *§ 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.*

### *§ 9104. Authorization of appropriations*

*Necessary amounts may be appropriated to carry out this chapter.*

## *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.*

### *§ 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.*

### *§ 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.*

### *§ 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.*

## *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.*

### *§ 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.*

### *§ 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.*

### *§ 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.*

### *§ 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.*

### *§ 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.*

### *§ 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.*

## *SUBTITLE III—INFORMATION TECHNOLOGY MANAGEMENT*


| CHAPTER | | Sec. |
|---|---|---|
| 111. | GENERAL | 11101 |
| 113. | RESPONSIBILITY FOR ACQUISITIONS OF INFORMATION TECHNOLOGY. | 11301 |
| 115. | INFORMATION TECHNOLOGY ACQUISITION PILOT PROGRAMS | 11501 |
| 117. | ADDITIONAL INFORMATION RESOURCES MANAGEMENT MATTERS | 11701 |


## *CHAPTER 111—GENERAL*


*Sec.*
*11101. Definitions.*
*11102. Sense of Congress.*
*11103. Applicability to national security systems.*


### *§ 11101. Definitions*

*In this subtitle, the following definitions apply:*

*(1) COMMERCIAL ITEM.—The term "commercial item" has the meaning given that term in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).*

*(2) EXECUTIVE AGENCY.—The term "executive agency" has the meaning given that term in section 4 of the Act (41 U.S.C. 403).*

*(3) INFORMATION RESOURCES.—The term "information resources" has the meaning given that term in section 3502 of title 44.*

*(4) INFORMATION RESOURCES MANAGEMENT.—The term "information resources management" has the meaning given that term in section 3502 of title 44.*

*(5) INFORMATION SYSTEM.—The term "information system" has the meaning given that term in section 3502 of title 44.*

*(6) INFORMATION TECHNOLOGY.—The term "information technology"—*

*(A) with respect to an executive agency means any equipment or interconnected system or subsystem of equipment, used in the automatic acquisition, storage, manipulation, management, movement, control, display, switching, interchange, transmission, or reception of data or information by the executive agency, if the equipment is used by the executive agency directly or is used by a contractor under a contract with the executive agency that requires the use—*

*(i) of that equipment; or*

*(ii) of that equipment to a significant extent in the performance of a service or the furnishing of a product;*

*(B) includes computers, ancillary equipment, software, firmware and similar procedures, services (including support services), and related resources; but*

*(C) does not include any equipment acquired by a federal contractor incidental to a federal contract.*

### *§ 11102. Sense of Congress*

*It is the sense of Congress that, during the five-year period beginning with 1996, executive agencies should achieve each year through improvements in information resources management by the agency—*

*(1) at least a five percent decrease in the cost (in constant fiscal year 1996 dollars) incurred by the agency in operating and maintaining information technology; and*

*(2) a five percent increase in the efficiency of the agency operations.*

### *§ 11103. Applicability to national security systems*

*(a) DEFINITION.—*

*(1) NATIONAL SECURITY SYSTEM.—In this section, the term "national security system" means a telecommunications or information system operated by the Federal Government, the function, operation, or use of which—*

*(A) involves intelligence activities;*

*(B) involves cryptologic activities related to national security;*

*(C) involves command and control of military forces;*

*(D) involves equipment that is an integral part of a weapon or weapons system; or*

*(E) subject to paragraph (2), is critical to the direct fulfillment of military or intelligence missions.*

*(2) LIMITATION.—Paragraph (1)(E) does not include a system to be used for routine administrative and business applications (including payroll, finance, logistics, and personnel management applications).*

*(b) IN GENERAL.—Except as provided in subsection (c), chapter 113 of this title does not apply to national security systems.*

*(c) EXCEPTIONS.—*

*(1) IN GENERAL.—Sections 11313, 11315, and 11316 of this title apply to national security systems.*

*(2) CAPITAL PLANNING AND INVESTMENT CONTROL.—The heads of executive agencies shall apply sections 11302 and 11312 of this title to national security systems to the extent practicable.*

*(3) APPLICABILITY OF PERFORMANCE-BASED AND RESULTS-BASED MANAGEMENT TO NATIONAL SECURITY SYSTEMS.—*

*(A) IN GENERAL.—Subject to subparagraph (B), the heads of executive agencies shall apply section 11303 of this title to national security systems to the extent practicable.*

*(B) EXCEPTION.—National security systems are subject to section 11303(b)(5) of this title, except for subparagraph (B)(iv).*

## *CHAPTER 113—RESPONSIBILITY FOR ACQUISITIONS OF INFORMATION TECHNOLOGY*

*SUBCHAPTER I—DIRECTOR OF OFFICE OF MANAGEMENT AND BUDGET*

*Sec.*
*11301. Responsibility of Director.*
*11302. Capital planning and investment control.*
*11303. Performance-based and results-based management.*

*SUBCHAPTER II—EXECUTIVE AGENCIES*

*11311. Responsibilities.*
*11312. Capital planning and investment control.*
*11313. Performance and results-based management.*
*11314. Authority to acquire and manage information technology.*
*11315. Agency Chief Information Officer.*
*11316. Accountability.*
*11317. Significant deviations.*
*11318. Interagency support.*

*SUBCHAPTER III—OTHER RESPONSIBILITIES*

*11331. Responsibilities regarding efficiency, security, and privacy of federal computer systems.*
*11332. Federal computer system security training and plan.*

### *SUBCHAPTER I—DIRECTOR OF OFFICE OF MANAGEMENT AND BUDGET*

### *§ 11301. Responsibility of Director*

*In fulfilling the responsibility to administer the functions assigned under chapter 35 of title 44, the Director of the Office of Management and Budget*

*shall comply with this chapter with respect to the specific matters covered by this chapter.*

### *§ 11302. Capital planning and investment control*

*(a) FEDERAL INFORMATION TECHNOLOGY.—The Director of the Office of Management and Budget shall perform the responsibilities set forth in this section in fulfilling the responsibilities under section 3504(h) of title 44.*

*(b) USE OF INFORMATION TECHNOLOGY IN FEDERAL PROGRAMS.—The Director shall promote and improve the acquisition, use, and disposal of information technology by the Federal Government to improve the productivity, efficiency, and effectiveness of federal programs, including through dissemination of public information and the reduction of information collection burdens on the public.*

*(c) USE OF BUDGET PROCESS.—*

*(1) ANALYZING, TRACKING, AND EVALUATING CAPITAL INVESTMENTS.—As part of the budget process, the Director shall develop a process for analyzing, tracking, and evaluating the risks and results of all major capital investments made by an executive agency for information systems. The process shall cover the life of each system and shall include explicit criteria for analyzing the projected and actual costs, benefits, and risks associated with the investments.*

*(2) REPORT TO CONGRESS.—At the same time that the President submits the budget for a fiscal year to Congress under section 1105(a) of title 31, the Director shall submit to Congress a report on the net program performance benefits achieved as a result of major capital investments made by executive agencies for information systems and how the benefits relate to the accomplishment of the goals of the executive agencies.*

*(d) INFORMATION TECHNOLOGY STANDARDS.—The Director shall oversee the development and implementation of standards and guidelines pertaining to federal computer systems by the Secretary of Commerce through the National Institute of Standards and Technology under section 11331 of this title and section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3).*

*(e) DESIGNATION OF EXECUTIVE AGENTS FOR ACQUISITIONS.— The Director shall designate the head of one or more executive agencies, as the Director considers appropriate, as executive agent for Government-wide acquisitions of information technology.*

*(f) USE OF BEST PRACTICES IN ACQUISITIONS.—The Director shall encourage the heads of the executive agencies to develop and use the best practices in the acquisition of information technology.*

*(g) ASSESSMENT OF OTHER MODELS FOR MANAGING INFORMATION TECHNOLOGY.—On a continuing basis, the Director shall assess the experiences of executive agencies, state and local governments, international organizations, and the private sector in managing information technology.*

*(h) COMPARISON OF AGENCY USES OF INFORMATION TECHNOLOGY.—The Director shall compare the performances of the executive agencies in using information technology and shall disseminate the comparisons to the heads of the executive agencies.*

*(i) MONITORING TRAINING.—The Director shall monitor the development and implementation of training in information resources management for executive agency personnel.*

*(j) INFORMING CONGRESS.—The Director shall keep Congress fully informed on the extent to which the executive agencies are improving the performance of agency programs and the accomplishment of the agency missions through the use of the best practices in information resources management.*

*(k) COORDINATION OF POLICY DEVELOPMENT AND REVIEW.—The Director shall coordinate with the Office of Federal Procurement Policy the development and review by the Administrator of the Office of Information and Regulatory Affairs of policy associated with federal acquisition of information technology.*

***§ 11303. Performance-based and results-based management***

*(a) IN GENERAL.—The Director of the Office of Management and Budget shall encourage the use of performance-based and results-based management in fulfilling the responsibilities assigned under section 3504(h) of title 44.*

*(b) EVALUATION OF AGENCY PROGRAMS AND INVESTMENTS.—*

*(1) REQUIREMENT.—The Director shall evaluate the information resources management practices of the executive agencies with respect to the performance and results of the investments made by the executive agencies in information technology.*

*(2) DIRECTION FOR EXECUTIVE AGENCY ACTION.—The Director shall issue to the head of each executive agency clear and concise direction that the head of each agency shall—*

*(A) establish effective and efficient capital planning processes for selecting, managing, and evaluating the results of all of its major investments in information systems;*

*(B) determine, before making an investment in a new information system—*

*(i) whether the function to be supported by the system should be performed by the private sector and, if so, whether any component of the executive agency performing that function should*

*be converted from a governmental organization to a private sector organization; or*

*(ii) whether the function should be performed by the executive agency and, if so, whether the function should be performed by a private sector source under contract or by executive agency personnel;*

*(C) analyze the missions of the executive agency and, based on the analysis, revise the executive agency's mission-related processes and administrative processes, as appropriate, before making significant investments in information technology to be used in support of those missions; and*

*(D) ensure that the information security policies, procedures, and practices are adequate.*

*(3) GUIDANCE FOR MULTIAGENCY INVESTMENTS.—The direction issued under paragraph (2) shall include guidance for undertaking efficiently and effectively interagency and Federal Government-wide investments in information technology to improve the accomplishment of missions that are common to the executive agencies.*

*(4) PERIODIC REVIEWS.—The Director shall implement through the budget process periodic reviews of selected information resources management activities of the executive agencies to ascertain the efficiency and effectiveness of information technology in improving the performance of the executive agency and the accomplishment of the missions of the executive agency.*

*(5) ENFORCEMENT OF ACCOUNTABILITY.—*

*(A) IN GENERAL.—The Director may take any action that the Director considers appropriate, including an action involving the budgetary process or appropriations management process, to enforce accountability of the head of an executive agency for information resources management and for the investments made by the executive agency in information technology.*

*(B) SPECIFIC ACTIONS.—Actions taken by the Director may include—*

*(i) recommending a reduction or an increase in the amount for information resources that the head of the executive agency proposes for the budget submitted to Congress under section 1105(a) of title 31;*

*(ii) reducing or otherwise adjusting apportionments and reapportionments of appropriations for information resources;*

*(iii) using other administrative controls over appropriations to restrict the availability of amounts for information resources; and*

*(iv) designating for the executive agency an executive agent to contract with private sector sources for the performance of information resources management or the acquisition of information technology.*

*SUBCHAPTER II—EXECUTIVE AGENCIES*

### *§ 11311. Responsibilities*

*In fulfilling the responsibilities assigned under chapter 35 of title 44, the head of each executive agency shall comply with this subchapter with respect to the specific matters covered by this subchapter.*

### *§ 11312. Capital planning and investment control*

*(a) DESIGN OF PROCESS.—In fulfilling the responsibilities assigned under section 3506(h) of title 44, the head of each executive agency shall design and implement in the executive agency a process for maximizing the value, and assessing and managing the risks, of the information technology acquisitions of the executive agency.*

*(b) CONTENT OF PROCESS.—The process of an executive agency shall—*

*(1) provide for the selection of information technology investments to be made by the executive agency, the management of those investments, and the evaluation of the results of those investments;*

*(2) be integrated with the processes for making budget, financial, and program management decisions in the executive agency;*

*(3) include minimum criteria to be applied in considering whether to undertake a particular investment in information systems, including criteria related to the quantitatively expressed projected net, risk-adjusted return on investment and specific quantitative and qualitative criteria for comparing and prioritizing alternative information systems investment projects;*

*(4) identify information systems investments that would result in shared benefits or costs for other federal agencies or state or local governments;*

*(5) identify quantifiable measurements for determining the net benefits and risks of a proposed investment; and*

*(6) provide the means for senior management personnel of the executive agency to obtain timely information regarding the progress of an investment in an information system, including a system of milestones for measuring progress, on an independently verifiable basis, in terms of cost, capability of the system to meet specified requirements, timeliness, and quality.*

### *§ 11313. Performance and results-based management*

*In fulfilling the responsibilities under section 3506(h) of title 44, the head of an executive agency shall—*

*(1) establish goals for improving the efficiency and effectiveness of agency operations and, as appropriate, the delivery of services to the public through the effective use of information technology;*

*(2) prepare an annual report, to be included in the executive agency's budget submission to Congress, on the progress in achieving the goals;*

*(3) ensure that performance measurements—*

*(A) are prescribed for information technology used by, or to be acquired for, the executive agency; and*

*(B) measure how well the information technology supports programs of the executive agency;*

*(4) where comparable processes and organizations in the public or private sectors exist, quantitatively benchmark agency process performance against those processes in terms of cost, speed, productivity, and quality of outputs and outcomes;*

*(5) analyze the missions of the executive agency and, based on the analysis, revise the executive agency's mission-related processes and administrative processes as appropriate before making significant investments in information technology to be used in support of the performance of those missions; and*

*(6) ensure that the information security policies, procedures, and practices of the executive agency are adequate.*

### *§ 11314. Authority to acquire and manage information technology*

*(a) IN GENERAL.—The authority of the head of an executive agency to acquire information technology includes—*

*(1) acquiring information technology as authorized by law;*

*(2) making a contract that provides for multiagency acquisitions of information technology in accordance with guidance issued by the Director of the Office of Management and Budget; and*

*(3) if the Director finds that it would be advantageous for the Federal Government to do so, making a multiagency contract for procurement of commercial items of information technology that requires each executive agency covered by the contract, when procuring those items, to procure the items under that contract or to justify an alternative procurement of the items.*

*(b) FTS 2000 PROGRAM.—The Administrator of General Services shall continue to manage the FTS 2000 program, and to coordinate the follow-on to that program, for and with the advice of the heads of executive agencies.*

### *§ 11315. Agency Chief Information Officer*

*(a) DEFINITION.—In this section, the term "information technology architecture", with respect to an executive agency, means an integrated framework for evolving or maintaining existing information technology and acquiring new information technology to achieve the agency's strategic goals and information resources management goals.*

*(b) GENERAL RESPONSIBILITIES.—The Chief Information Officer of an executive agency is responsible for—*

*(1) providing advice and other assistance to the head of the executive agency and other senior management personnel of the executive agency to ensure that information technology is acquired and information resources are managed for the executive agency in a manner that implements the policies and procedures of this subtitle, consistent with chapter 35 of title 44 and the priorities established by the head of the executive agency;*

*(2) developing, maintaining, and facilitating the implementation of a sound and integrated information technology architecture for the executive agency; and*

*(3) promoting the effective and efficient design and operation of all major information resources management processes for the executive agency, including improvements to work processes of the executive agency.*

*(c) DUTIES AND QUALIFICATIONS.—The Chief Information Officer of an agency listed in section 901(b) of title 31—*

*(1) has information resources management duties as that official's primary duty;*

*(2) monitors the performance of information technology programs of the agency, evaluates the performance of those programs on the basis of the applicable performance measurements, and advises the head of the agency regarding whether to continue, modify, or terminate a program or project; and*

*(3) annually, as part of the strategic planning and performance evaluation process required (subject to section 1117 of title 31) under section 306 of title 5 and sections 1105(a)(28), 1115–1117, and 9703 (as added by section 5(a) of the Government Performance and Results Act of 1993 (Public Law 103–62, 107 Stat. 289)) of title 31—*

*(A) assesses the requirements established for agency personnel regarding knowledge and skill in information resources management and the adequacy of those requirements for facilitating the achievement of the performance goals established for information resources management;*

*(B) assesses the extent to which the positions and personnel at the executive level of the agency and the positions and personnel at management level of the agency below the executive level meet those requirements;*

*(C) develops strategies and specific plans for hiring, training, and professional development to rectify any deficiency in meeting those requirements; and*

*(D) reports to the head of the agency on the progress made in improving information resources management capability.*

### *§ 11316. Accountability*

*The head of each executive agency, in consultation with the Chief Information Officer and the Chief Financial Officer of that executive agency (or, in the case of an executive agency without a chief financial officer, any comparable official), shall establish policies and procedures to ensure that—*

*(1) the accounting, financial, asset management, and other information systems of the executive agency are designed, developed, maintained, and used effectively to provide financial or program performance data for financial statements of the executive agency;*

*(2) financial and related program performance data are provided on a reliable, consistent, and timely basis to executive agency financial management systems; and*

*(3) financial statements support—*

*(A) assessments and revisions of mission-related processes and administrative processes of the executive agency; and*

*(B) measurement of the performance of investments made by the agency in information systems.*

### *§ 11317. Significant deviations*

*The head of each executive agency shall identify in the strategic information resources management plan required under section 3506(b)(2) of title 44 any major information technology acquisition program, or any phase or increment of that program, that has significantly deviated from the cost, performance, or schedule goals established for the program.*

### *§ 11318. Interagency support*

*The head of an executive agency may use amounts available to the agency for oversight, acquisition, and procurement of information technology to support jointly with other executive agencies the activities of interagency groups that are established to advise the Director of the Office of Management and Budget in carrying out the Director's responsibilities under this chapter. The use of those amounts for that purpose is subject to requirements and limitations on uses and amounts that the Director may prescribe. The Director shall prescribe the requirements and limitations during the Director's review of the*

*executive agency's proposed budget submitted to the Director by the head of the executive agency for purposes of section 1105 of title 31.*

*SUBCHAPTER III—OTHER RESPONSIBILITIES*

***§ 11331. Responsibilities regarding efficiency, security, and privacy of federal computer systems***

*(a) DEFINITIONS.—In this section, the terms "federal computer system" and "operator of a federal computer system" have the meanings given those terms in section 20(d) of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3(d)).*

*(b) STANDARDS AND GUIDELINES.—*

*(1) AUTHORITY TO PRESCRIBE AND DISAPPROVE OR MODIFY.—*

*(A) AUTHORITY TO PRESCRIBE.—On the basis of standards and guidelines developed by the National Institute of Standards and Technology pursuant to paragraphs (2) and (3) of section 20(a) of the Act (15 U.S.C. 278g–3(a)(2), (3)), the Secretary of Commerce shall prescribe standards and guidelines pertaining to federal computer systems. The Secretary shall make those standards compulsory and binding to the extent the Secretary determines necessary to improve the efficiency of operation or security and privacy of federal computer systems.*

*(B) AUTHORITY TO DISAPPROVE OR MODIFY.—The President may disapprove or modify those standards and guidelines if the President determines that action to be in the public interest. The President's authority to disapprove or modify those standards and guidelines may not be delegated. Notice of disapproval or modification shall be published promptly in the Federal Register. On receiving notice of disapproval or modification, the Secretary shall immediately rescind or modify those standards or guidelines as directed by the President.*

*(2) EXERCISE OF AUTHORITY.—To ensure fiscal and policy consistency, the Secretary shall exercise the authority conferred by this section subject to direction by the President and in coordination with the Director of the Office of Management and Budget.*

*(c) APPLICATION OF MORE STRINGENT STANDARDS.—The head of a federal agency may employ standards for the cost-effective security and privacy of sensitive information in a federal computer system in or under the supervision of that agency that are more stringent than the standards the Secretary prescribes under this section if the more stringent standards contain at least the applicable standards the Secretary makes compulsory and binding .*

*(d) WAIVER OF STANDARDS.—*

*(1) AUTHORITY OF THE SECRETARY.—The Secretary may waive in writing compulsory and binding standards under subsection (b) if the Secretary determines that compliance would—*

*(A) adversely affect the accomplishment of the mission of an operator of a federal computer system; or*

*(B) cause a major adverse financial impact on the operator that is not offset by Federal Government-wide savings.*

*(2) DELEGATION OF WAIVER AUTHORITY.—The Secretary may delegate to the head of one or more federal agencies authority to waive those standards to the extent the Secretary determines that action to be necessary and desirable to allow for timely and effective implementation of federal computer system standards. The head of the agency may redelegate that authority only to a chief information officer designated pursuant to section 3506 of title 44.*

*(3) NOTICE.—Notice of each waiver and delegation shall be transmitted promptly to Congress and published promptly in the Federal Register.*

### *§ 11332. Federal computer system security training and plan*

*(a) DEFINITIONS.—In this section, the terms "computer system", "federal agency", "federal computer system", "operator of a federal computer system", and "sensitive information" have the meanings given those terms in section 20(d) of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3(d)).*

*(b) TRAINING—*

*(1) IN GENERAL.—Each federal agency shall provide for mandatory periodic training in computer security awareness and accepted computer security practice of all employees who are involved with the management, use, or operation of each federal computer system within or under the supervision of the agency. The training shall be–*

*(A) provided in accordance with the guidelines developed pursuant to section 20(a)(5) of the Act (15 U.S.C. 278g-3(a)(5)) and the regulations prescribed under paragraph (3) for federal civilian employees; or*

*(B) provided by an alternative training program that the head of the agency approves after determining that the alternative training program is at least as effective in accomplishing the objectives of the guidelines and regulations.*

*(2) TRAINING OBJECTIVES.—Training under this subsection shall be designed—*

*(A) to enhance employees' awareness of the threats to, and vulnerability of, computer systems; and*

*(B) to encourage the use of improved computer security practices.*

*(3) REGULATIONS.—The Director of the Office of Personnel Management shall maintain regulations that establish the procedures and scope of the training to be provided federal civilian employees under this subsection and the manner in which the training is to be carried out.*

*(c) PLAN.—*

*(1) IN GENERAL.—Consistent with standards, guidelines, policies, and regulations prescribed pursuant to section 11331 of this title, each federal agency shall maintain a plan for the security and privacy of each federal computer system the agency identifies as being within or under its supervision and as containing sensitive information. The plan must be commensurate with the risk and magnitude of the harm resulting from the loss, misuse, or unauthorized access to, or modification of, the information contained in the system.*

*(2) REVISION AND REVIEW.—The plan shall be revised annually as necessary and is subject to disapproval by the Director of the Office of Management and Budget.*

*(d) HANDLING OF INFORMATION NOT AFFECTED.—This section does not—*

*(1) constitute authority to withhold information sought pursuant to section 552 of title 5; or*

*(2) authorize a federal agency to limit, restrict, regulate, or control the collection, maintenance, disclosure, use, transfer, or sale of any information (regardless of the medium in which the information may be maintained) that is—*

*(A) privately owned information;*

*(B) disclosable under section 552 of title 5 or another law requiring or authorizing the public disclosure of information; or*

*(C) public domain information.*

## *CHAPTER 115—INFORMATION TECHNOLOGY ACQUISITION PILOT PROGRAMS*

*SUBCHAPTER I—CONDUCT OF PILOT PROGRAMS*

*Sec.*
*11501. Authority to conduct pilot programs.*
*11502. Evaluation criteria and plans.*
*11503. Report.*
*11504. Recommended legislation.*
*11505. Rule of construction.*

*SUBCHAPTER II—SPECIFIC PILOT PROGRAMS*

*11521. Share-in-savings pilot program.*
*11522. Solutions-based contracting pilot program.*

### *SUBCHAPTER I—CONDUCT OF PILOT PROGRAMS*

### *§ 11501. Authority to conduct pilot programs*

*(a) IN GENERAL.—*

*(1) PURPOSE.—In consultation with the Administrator for the Office of Information and Regulatory Affairs, the Administrator for Federal Procurement Policy may conduct pilot programs to test alternative approaches for the acquisition of information technology by executive agencies.*

*(2) MULTIAGENCY, MULTI-ACTIVITY CONDUCT OF EACH PROGRAM.—Except as otherwise provided in this chapter, each pilot program conducted under this chapter shall be carried out in not more than two procuring activities in each of the executive agencies that are designated by the Administrator for Federal Procurement Policy in accordance with this chapter to carry out the pilot program. With the approval of the Administrator for Federal Procurement Policy, the head of each designated executive agency shall select the procuring activities of the executive agency that are to participate in the test and shall designate a procurement testing official who shall be responsible for the conduct and evaluation of the pilot program within the executive agency.*

*(b) LIMITATIONS.—*

*(1) NUMBER.—Not more than two pilot programs may be conducted under this chapter, including one pilot program each pursuant to the requirements of sections 11521 and 11522 of this title.*

*(2) AMOUNT.—The total amount obligated for contracts entered into under the pilot programs conducted under this chapter may not exceed $750,000,000. The Administrator for Federal Procurement Policy shall monitor those contracts and ensure that contracts are not entered into in violation of this paragraph.*

*(c) PERIOD OF PROGRAMS.—*

*(1) IN GENERAL.—Subject to paragraph (2), a pilot program may be carried out under this chapter for the period, not in excess of five years, the Administrator for Federal Procurement Policy determines is sufficient to establish reliable results.*

*(2) CONTINUING VALIDITY OF CONTRACTS.—A contract entered into under the pilot program before the expiration of that program remains in effect according to the terms of the contract after the expiration of the program.*

### *§ 11502. Evaluation criteria and plans*

*(a) MEASURABLE TEST CRITERIA.—To the maximum extent practicable, the head of each executive agency conducting a pilot program under section 11501 of this title shall establish measurable criteria for evaluating the effects of the procedures or techniques to be tested under the program.*

*(b) TEST PLAN.—Before a pilot program may be conducted under section 11501 of this title, the Administrator for Federal Procurement Policy shall*

*submit to Congress a detailed test plan for the program, including a detailed description of the procedures to be used and a list of regulations that are to be waived.*

### *§ 11503. Report*

*(a) REQUIREMENT.—Not later than 180 days after the completion of a pilot program under this chapter, the Administrator for Federal Procurement Policy shall—*

*(1) submit to the Director of the Office of Management and Budget a report on the results and findings under the program; and*

*(2) provide a copy of the report to Congress.*

*(b) CONTENT.—The report shall include—*

*(1) a detailed description of the results of the program, as measured by the criteria established for the program; and*

*(2) a discussion of legislation that the Administrator recommends, or changes in regulations that the Administrator considers necessary, to improve overall information resources management in the Federal Government.*

### *§ 11504. Recommended legislation*

*If the Director of the Office of Management and Budget determines that the results and findings under a pilot program under this chapter indicate that legislation is necessary or desirable to improve the process for acquisition of information technology, the Director shall transmit the Director's recommendations for that legislation to Congress.*

### *§ 11505. Rule of construction*

*This chapter does not authorize the appropriation or obligation of amounts for the pilot programs authorized under this chapter.*

## *SUBCHAPTER II—SPECIFIC PILOT PROGRAMS*

### *§ 11521. Share-in-savings pilot program*

*(a) REQUIREMENT.—The Administrator for Federal Procurement Policy may authorize the heads of two executive agencies to carry out a pilot program to test the feasibility of—*

*(1) contracting on a competitive basis with a private sector source to provide the Federal Government with an information technology solution for improving mission-related or administrative processes of the Federal Government; and*

*(2) paying the private sector source an amount equal to a portion of the savings derived by the Federal Government from any improvements in mission-related processes and administrative processes that result from implementation of the solution.*

*(b) LIMITATIONS.—The head of an executive agency authorized to carry out the pilot program may carry out one project and enter into not more than five contracts for the project under the pilot program.*

*(c) SELECTION OF PROJECTS.—In consultation with the Administrator for the Office of Information and Regulatory Affairs, the Administrator for Federal Procurement Policy shall select the projects.*

### *§ 11522. Solutions-based contracting pilot program*

*(a) DEFINITION.—For purposes of this section, "solutions-based contracting" is an acquisition method under which the acquisition objectives are defined by the Federal Government user of the technology to be acquired, a streamlined contractor selection process is used, and industry sources are allowed to provide solutions that attain the objectives effectively.*

*(b) IN GENERAL.—The Administrator for Federal Procurement Policy may authorize the head of an executive agency, in accordance with subsection (d), to carry out a pilot program to test the feasibility of using solutions-based contracting for the acquisition of information technology.*

*(c) PROCESS REQUIREMENTS.—The Administrator shall require use of a process with the following aspects for acquisitions under the pilot program:*

*(1) ACQUISITION PLAN EMPHASIZING DESIRED RESULT.—Preparation of an acquisition plan that defines the functional requirements of the intended users of the information technology to be acquired, identifies the operational improvements to be achieved, and defines the performance measurements to be applied in determining whether the information technology acquired satisfies the defined requirements and attains the identified results.*

*(2) RESULTS-ORIENTED STATEMENT OF WORK.—Use of a statement of work that is limited to an expression of the end results or performance capabilities desired under the acquisition plan.*

*(3) SMALL ACQUISITION ORGANIZATION.—Assembly of a small acquisition organization consisting of the following:*

*(A) An acquisition management team, the members of which are to be evaluated and rewarded under the pilot program for contributions toward attainment of the desired results identified in the acquisition plan.*

*(B) A small source selection team composed of representatives of the specific mission or administrative area to be supported by the information technology to be acquired, a contracting officer, and individuals with relevant expertise.*

*(4) USE OF SOURCE SELECTION FACTORS EMPHASIZING SOURCE QUALIFICATIONS AND COSTS.—Use of source selection factors that emphasize—*

*(A) the qualifications of the offeror, including personnel skills, previous experience in providing other private or public sector organizations with solutions for attaining objectives similar to the objectives of the acquisition, past contract performance, qualifications of the proposed program manager, and the proposed management plan; and*

*(B) the costs likely to be associated with the conceptual approach proposed by the offeror.*

*(5) OPEN COMMUNICATIONS WITH CONTRACTOR COMMUNITY.—Open availability of the following information to potential offerors:*

*(A) The agency mission to be served by the acquisition.*

*(B) The functional process to be performed by use of information technology.*

*(C) The process improvements to be attained.*

*(6) SIMPLE SOLICITATION.—Use of a simple solicitation that sets forth only the functional work description, the source selection factors to be used in accordance with paragraph (4), the required terms and conditions, instructions regarding submission of offers, and the estimate of the Government's budget for the desired work.*

*(7) SIMPLE PROPOSALS.—Submission of oral presentations and written proposals that are limited in size and scope and contain information on—*

*(A) the offeror's qualifications to perform the desired work;*

*(B) past contract performance;*

*(C) the proposed conceptual approach; and*

*(D) the costs likely to be associated with the proposed conceptual approach.*

*(8) SIMPLE EVALUATION.—Use of a simplified evaluation process, to be completed within 45 days after receipt of proposals, that consists of the following:*

*(A) Identification of the most qualified offerors that are within the competitive range.*

*(B) Issuance of invitations for at least three and not more than five of the identified offerors to make oral presentations to, and engage in discussions with, the evaluating personnel regarding, for each offeror—*

*(i) the qualifications of the offeror, including how the qualifications of the offeror relate to the approach proposed to be taken by the offeror in the acquisition; and*

*(ii) the costs likely to be associated with the approach.*

*(C) Evaluation of the qualifications of the identified offerors and the costs likely to be associated with the offerors' proposals on the basis of submissions required under the process and any oral presentations made by, and any discussions with, the offerors.*

*(9) SELECTION OF MOST QUALIFIED OFFEROR.—A selection process consisting of the following:*

*(A) Identification of the most qualified sources, primarily on the basis of the oral proposals, presentations, and discussions, and written proposals, submitted in accordance with paragraph (7).*

*(B) A program definition phase of 30–60 days (or a longer period the Administrator approves)—*

*(i) during which the sources identified under subparagraph (A), in consultation with one or more intended users, develop a conceptual system design and technical approach, define logical phases for the project, and estimate the total cost and the cost for each phase; and*

*(ii) after which a contract for performance of the work may be awarded to the source whose offer is determined to be most advantageous to the Government on the basis of cost, the responsiveness, reasonableness, and quality of the proposed performance, and a sharing of risk and benefits between the source and the Government.*

*(C) As many successive program definition phases as necessary to award a contract in accordance with subparagraph (B).*

*(10) SYSTEM IMPLEMENTATION PHASING.—System implementation to be executed in phases that are tailored to the solution, with appropriate contract arrangements being used for various phases and activities.*

*(11) MUTUAL AUTHORITY TO TERMINATE.—Authority for the Government or the contractor to terminate the contract without penalty at the end of any phase defined for the project.*

*(12) TIME MANAGEMENT DISCIPLINE.—Application of a standard for awarding a contract within 105 to 120 days after issuance of the solicitation, except that the Administrator may approve the application of a longer standard period.*

*(d) PILOT PROGRAM PROJECTS.—The Administrator shall authorize to be carried out under the pilot program—*

*(1) not more than 10 projects, each of which has an estimated cost of at least $25,000,000 and not more than $100,000,000; and*

*(2) not more than 10 projects for small business concerns, each of which has an estimated cost of at least $1,000,000 and not more than $5,000,000.*

*(e) MONITORING BY COMPTROLLER GENERAL.—The Comptroller General shall—*

*(1) monitor the conduct, and review the results, of acquisitions under the pilot program; and*

*(2) submit to Congress periodic reports containing the views of the Comptroller General on the activities, results, and findings under the pilot program.*

## *CHAPTER 117—ADDITIONAL INFORMATION RESOURCES MANAGEMENT MATTERS*

*Sec.*
*11701. On-line multiple award schedule contracting.*
*11702. Identification of excess and surplus computer equipment.*
*11703. Index of certain information in information systems included in directory established under section 4101 of title 44.*
*11704. Procurement procedures.*

### *§ 11701. On-line multiple award schedule contracting*

*(a) AUTOMATION OF MULTIPLE AWARD SCHEDULE CONTRACTING.—To provide for the economic and efficient procurement of information technology and other commercial items, the Administrator of General Services shall provide Federal Government-wide on-line computer access to information on products and services that are available for ordering through the multiple award schedules.*

*(b) REQUIREMENTS.—The system for providing on-line computer access shall—*

*(1) have the capability to—*

*(A) provide basic information on prices, features, and performance of all products and services available for ordering through the multiple award schedules;*

*(B) provide for updating that information to reflect changes in prices, features, and performance as soon as information on the changes becomes available; and*

*(C) enable users to make on-line computer comparisons of the prices, features, and performance of similar products and services offered by various vendors; and*

*(2) be used to place orders under the multiple award schedules in a fiscal year for an amount equal to at least 60 percent of the total amount spent for all orders under the multiple award schedules in that fiscal year.*

*(c) STREAMLINED PROCEDURES.—*

*(1) PILOT PROGRAM.—On certification by the Administrator of General Services that the system for providing on-line computer access meets the requirements of subsection (b)(1) and was used as required by subsection (b)(2) in the fiscal year preceding the fiscal year in which the*

*certification is made, the Administrator for Federal Procurement Policy may establish a pilot program to test streamlined procedures for the procurement of information technology products and services available for ordering through the multiple award schedules.*

*(2) APPLICABILITY TO MULTIPLE AWARD SCHEDULE CONTRACTS.—Except as provided in paragraph (4), the pilot program shall be applicable to all multiple award schedule contracts for the purchase of information technology and shall test the following procedures:*

*(A) A procedure under which negotiation of the terms and conditions for a covered multiple award schedule contract is limited to terms and conditions other than price.*

*(B) A procedure under which the vendor establishes the prices under a covered multiple award schedule contract and may adjust those prices at any time in the discretion of the vendor.*

*(C) A procedure under which a covered multiple award schedule contract is awarded to any responsible offeror that—*

*(i) has a suitable record of past performance, which may include past performance on multiple award schedule contracts;*

*(ii) agrees to terms and conditions that the Administrator for Federal Procurement Policy determines are required by law or are appropriate for the purchase of commercial items; and*

*(iii) agrees to establish and update prices, features, and performance and to accept orders electronically through the automated system established pursuant to subsection (a).*

*(3) COMPTROLLER GENERAL REVIEW AND REPORT.—*

*(A) AUTHORITY TO CONDUCT REVIEW AND MAKE REPORT.—Not later than three years after the date on which the pilot program is established, the Comptroller General shall review the pilot program and report to Congress on the results of the pilot program.*

*(B) CONTENT OF REPORT.—The report shall include the following:*

*(i) An evaluation of the extent to which there is competition for the orders placed under the pilot program.*

*(ii) The effect that the streamlined procedures under the pilot program have on prices charged under multiple award schedule contracts.*

*(iii) The effect that those procedures have on paperwork requirements for multiple award schedule contracts and orders.*

*(iv) The impact of the pilot program on small businesses and socially and economically disadvantaged small businesses.*

*(4) WITHDRAWAL OF SCHEDULE OR PORTION OF SCHEDULE FROM PILOT PROGRAM.—*

*(A) WHEN ALLOWED.—The Administrator for Federal Procurement Policy may withdraw a multiple award schedule or portion of a schedule from the pilot program if the Administrator determines that—*

*(i) price competition is not available under that schedule or portion of that schedule; or*

*(ii) the cost to the Government for that schedule or portion for the previous year was higher than it would have been if the contract for that schedule or portion had been awarded using procedures that would apply if the pilot program were not in effect.*

*(B) NOTICE.—The Administrator for Federal Procurement Policy shall notify Congress at least 30 days before the date on which the Administrator withdraws a schedule or portion under this paragraph.*

*(C) AUTHORITY NOT DELEGABLE.—The authority under this paragraph may not be delegated.*

*(5) TERMINATION OF PILOT PROGRAM.—Unless reauthorized by law, the authority of the Administrator for Federal Procurement Policy to award contracts under the pilot program shall expire four years after the date on which the pilot program is established. A contract entered into before the authority expires remains in effect according to the terms of the contract after the expiration of the authority to award new contracts under the pilot program.*

### *§ 11702. Identification of excess and surplus computer equipment*

*In accordance with chapter 5 of this title, the head of an executive agency shall maintain an inventory of all computer equipment under the control of that official that is excess or surplus property.*

### *§ 11703. Index of certain information in information systems included in directory established under section 4101 of title 44*

*If in designing an information technology system pursuant to this subtitle, the head of an executive agency determines that a purpose of the system is to disseminate information to the public, then the head of that executive agency shall reasonably ensure that an index of information disseminated by the system is included in the directory created pursuant to section 4101 of title 44. This section does not authorize the dissemination of information to the public unless otherwise authorized.*

### *§ 11704. Procurement procedures*

*To the maximum extent practicable, the Federal Acquisition Regulatory Council shall ensure that the process for acquisition of information technology is a simplified, clear, and understandable process that specifically addresses the management of risk, incremental acquisitions, and the need to incorporate commercial information technology in a timely manner.*

## *SUBTITLE IV—APPALACHIAN REGIONAL DEVELOPMENT*


| *Chapter* | | *Sec.* |
|---|---|---|
| *141.* | *GENERAL PROVISIONS* | *14101* |
| *143.* | *APPALACHIAN REGIONAL COMMISSION* | *14301* |
| *145.* | *SPECIAL APPALACHIAN PROGRAMS* | *14501* |
| *147.* | *MISCELLANEOUS* | *14701* |


## *CHAPTER 141—GENERAL PROVISIONS*


*Sec.*
*14101. Findings and purposes.*
*14102. Definitions.*


### *§ 14101. Findings and purposes*

*(a) 1965 Findings and Purpose.—*

*(1) Findings.—Congress finds and declares that the Appalachian region of the United States, while abundant in natural resources and rich in potential, lags behind the rest of the Nation in its economic growth and that its people have not shared properly in the Nation's prosperity. The region's uneven past development, with its historical reliance on a few basic industries and a marginal agriculture, has failed to provide the economic base that is a vital prerequisite for vigorous, self-sustaining growth. State and local governments and the people of the region understand their problems and have been working, and will continue to work, purposefully toward their solution. Congress recognizes the comprehensive report of the President's Appalachian Regional Commission documenting these findings and concludes that regionwide development is feasible, desirable, and urgently needed.*

*(2) Purpose.—It is the purpose of this subtitle to assist the region in meeting its special problems, to promote its economic development, and to establish a framework for joint federal and state efforts toward providing the basic facilities essential to its growth and attacking its common problems and meeting its common needs on a coordinated and concerted regional basis. The public investments made in the region under this subtitle shall be concentrated in areas where there is a significant potential for future growth and where the expected return on public dollars invested will be the greatest. States will be responsible for recommending local and state projects within their borders that will receive assistance under this subtitle. As the region obtains the needed physical and transportation facilities and develops its human resources, Congress*

*expects that the region will generate a diversified industry and that the region will then be able to support itself through the workings of a strengthened free enterprise economy.*

*(b) 1975 FINDINGS AND PURPOSE.—*

*(1) FINDINGS.—Congress further finds and declares that while substantial progress has been made toward achieving the purposes set out in subsection (a), especially with respect to the provision of essential public facilities, much remains to be accomplished, especially with respect to the provision of essential health, education, and other public services. Congress recognizes that changes and evolving national purposes in the decade since 1965 affect not only the Appalachian region but also its relationship to a nation that on December 31, 1975, is assigning higher priority to conservation and the quality of life, values long cherished within the region. Appalachia as of December 31, 1975, has the opportunity, in accommodating future growth and development, to demonstrate local leadership and coordinated planning so that housing, public services, transportation and other community facilities will be provided in a way congenial to the traditions and beauty of the region and compatible with conservation values and an enhanced quality of life for the people of the region, and consistent with that goal, the Appalachian region should be able to take advantage of eco-industrial development, which promotes both employment and economic growth and the preservation of natural resources. Congress recognizes also that fundamental changes are occurring in national energy requirements and production, which not only risk short-term dislocations but will undoubtedly result in major long-term effects in the region. It is essential that the opportunities for expanded energy production be used so as to maximize the social and economic benefits and minimize the social and environmental costs to the region and its people.*

*(2) PURPOSE.—It is also the purpose of this subtitle to provide a framework for coordinating federal, state and local efforts toward—*

*(A) anticipating the effects of alternative energy policies and practices;*

*(B) planning for accompanying growth and change so as to maximize the social and economic benefits and minimize the social and environmental costs; and*

*(C) implementing programs and projects carried out in the region by federal, state, and local governmental agencies so as to better meet the special problems generated in the region by the Nation's energy needs and policies, including problems of transportation, housing, community facilities, and human services.*

*(c) 1998 FINDINGS AND PURPOSE.—*

*(1) FINDINGS.—Congress further finds and declares that while substantial progress has been made in fulfilling many of the objectives of this subtitle, rapidly changing national and global economies over the decade ending November 13, 1998, have created new problems and challenges for rural areas throughout the United States and especially for the Appalachian region.*

*(2) PURPOSE.—In addition to the purposes stated in subsections (a) and (b), it is the purpose of this subtitle—*

*(A) to assist the Appalachian region in—*

*(i) providing the infrastructure necessary for economic and human resource development;*

*(ii) developing the region's industry;*

*(iii) building entrepreneurial communities;*

*(iv) generating a diversified regional economy; and*

*(v) making the region's industrial and commercial resources more competitive in national and world markets;*

*(B) to provide a framework for coordinating federal, state, and local initiatives to respond to the economic competitiveness challenges in the Appalachian region through—*

*(i) improving the skills of the region's workforce;*

*(ii) adapting and applying new technologies for the region's businesses, including eco-industrial development technologies; and*

*(iii) improving the access of the region's businesses to the technical and financial resources necessary to development of the businesses; and*

*(C) to address the needs of severely and persistently distressed areas of the Appalachian region and focus special attention on the areas of greatest need so as to provide a fairer opportunity for the people of the region to share the quality of life generally enjoyed by citizens across the United States.*

### *§ 14102. Definitions*

*(a) DEFINITIONS.—In this subtitle—*

*(1) APPALACHIAN REGION.—The term "Appalachian region" means that area of the eastern United States consisting of the following counties (including any political subdivision located within the area):*

*(A) In Alabama, the counties of Bibb, Blount, Calhoun, Chambers, Cherokee, Chilton, Clay, Cleburne, Colbert, Coosa, Cullman, De Kalb, Elmore, Etowah, Fayette, Franklin, Hale, Jackson, Jefferson, Lamar, Lauderdale, Lawrence, Limestone, Macon, Madison, Mar-*

*ion, Marshall, Morgan, Pickens, Randolph, St. Clair, Shelby, Talladega, Tallapoosa, Tuscaloosa, Walker, and Winston.*

*(B) In Georgia, the counties of Banks, Barrow, Bartow, Carroll, Catoosa, Chattooga, Cherokee, Dade, Dawson, Douglas, Elbert, Fannin, Floyd, Forsyth, Franklin, Gilmer, Gordon, Gwinnett, Habersham, Hall, Haralson, Hart, Heard, Jackson, Lumpkin, Madison, Murray, Paulding, Pickens, Polk, Rabun, Stephens, Towns, Union, Walker, White, and Whitfield.*

*(C) In Kentucky, the counties of Adair, Bath, Bell, Boyd, Breathitt, Carter, Casey, Clark, Clay, Clinton, Cumberland, Edmonson, Elliott, Estill, Fleming, Floyd, Garrard, Green, Greenup, Harlan, Hart, Jackson, Johnson, Knott, Knox, Laurel, Lawrence, Lee, Leslie, Letcher, Lewis, Lincoln, McCreary, Madison, Magoffin, Martin, Menifee, Monroe, Montgomery, Morgan, Owsley, Perry, Pike, Powell, Pulaski, Rockcastle, Rowan, Russell, Wayne, Whitley, and Wolfe.*

*(D) In Maryland, the counties of Allegany, Garrett, and Washington.*

*(E) In Mississippi, the counties of Alcorn, Benton, Calhoun, Chickasaw, Choctaw, Clay, Itawamba, Kemper, Lee, Lowndes, Marshall, Monroe, Montgomery, Noxubee, Oktibbeha, Panola, Pontotoc, Prentiss, Tippah, Tishomingo, Union, Webster, Winston, and Yalobusha.*

*(F) In New York, the counties of Allegany, Broome, Cattaraugus, Chautauqua, Chemung, Chenango, Cortland, Delaware, Otsego, Schoharie, Schuyler, Steuben, Tioga, and Tompkins.*

*(G) In North Carolina, the counties of Alexander, Alleghany, Ashe, Avery, Buncombe, Burke, Caldwell, Cherokee, Clay, Davie, Forsyth, Graham, Haywood, Henderson, Jackson, McDowell, Macon, Madison, Mitchell, Polk, Rutherford, Stokes, Surry, Swain, Transylvania, Watauga, Wilkes, Yadkin, and Yancey.*

*(H) In Ohio, the counties of Adams, Athens, Belmont, Brown, Carroll, Clermont, Columbiana, Coshocton, Gallia, Guernsey, Harrison, Highland, Hocking, Holmes, Jackson, Jefferson, Lawrence, Meigs, Monroe, Morgan, Muskingum, Noble, Perry, Pike, Ross, Scioto, Tuscarawas, Vinton, and Washington.*

*(I) In Pennsylvania, the counties of Allegheny, Armstrong, Beaver, Bedford, Blair, Bradford, Butler, Cambria, Cameron, Carbon, Centre, Clarion, Clearfield, Clinton, Columbia, Crawford, Elk, Erie, Fayette, Forest, Fulton, Greene, Huntingdon, Indiana, Jefferson, Juniata, Lackawanna, Lawrence, Luzerne, Lycoming, McKean,*

*Mercer, Mifflin, Monroe, Montour, Northumberland, Perry, Pike, Potter, Schuylkill, Snyder, Somerset, Sullivan, Susquehanna, Tioga, Union, Venango, Warren, Washington, Wayne, Westmoreland, and Wyoming.*

*(J) In South Carolina, the counties of Anderson, Cherokee, Greenville, Oconee, Pickens, and Spartanburg.*

*(K) In Tennessee, the counties of Anderson, Bledsoe, Blount, Bradley, Campbell, Cannon, Carter, Claiborne, Clay, Cocke, Coffee, Cumberland, De Kalb, Fentress, Franklin, Grainger, Greene, Grundy, Hamblen, Hamilton, Hancock, Hawkins, Jackson, Jefferson, Johnson, Knox, Loudon, McMinn, Macon, Marion, Meigs, Monroe, Morgan, Overton, Pickett, Polk, Putnam, Rhea, Roane, Scott, Sequatchie, Sevier, Smith, Sullivan, Unicoi, Union, Van Buren, Warren, Washington, and White.*

*(L) In Virginia, the counties of Alleghany, Bath, Bland, Botetourt, Buchanan, Carroll, Craig, Dickenson, Floyd, Giles, Grayson, Highland, Lee, Montgomery, Pulaski, Rockbridge, Russell, Scott, Smyth, Tazewell, Washington, Wise, and Wythe.*

*(M) All the counties of West Virginia.*

*(2) LOCAL DEVELOPMENT DISTRICT.—The term "local development district" means any of the following entities for which the Governor of the State in which the entity is located, or the appropriate state officer, certifies to the Appalachian Regional Commission that the entity has a charter or authority that includes the economic development of counties or parts of counties or other political subdivisions within the region:*

*(A) a nonprofit incorporated body organized or chartered under the law of the State in which it is located.*

*(B) a nonprofit agency or instrumentality of a state or local government.*

*(C) a nonprofit agency or instrumentality created through an interstate compact.*

*(D) a nonprofit association or combination of bodies, agencies, and instrumentalities described in this paragraph.*

*(b) CHANGE IN DEFINITION.—The Commission may not propose or consider a recommendation for any change in the definition of the Appalachian region as set forth in this section without a prior resolution by the Committee on Environment and Public Works of the Senate or the Committee on Transportation and Infrastructure of the House of Representatives that directs a study of the change.*

## *CHAPTER 143—APPALACHIAN REGIONAL COMMISSION*

*SUBCHAPTER I—ORGANIZATION AND ADMINISTRATION*

*Sec.*

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*SUBCHAPTER I—ORGANIZATION AND ADMINISTRATION*

### *§ 14301. Establishment, membership, and employees*

*(a) ESTABLISHMENT.—There is an Appalachian Regional Commission.*

*(b) MEMBERSHIP.—*

*(1) FEDERAL AND STATE MEMBERS.—The Commission is composed of the Federal Cochairman, appointed by the President by and with the advice and consent of the Senate, and the Governor of each participating State in the Appalachian region.*

*(2) ALTERNATE MEMBERS.—Each state member may have a single alternate, appointed by the Governor from among the members of the Governor's cabinet or the Governor's personal staff. The President, by and with the advice and consent of the Senate, shall appoint an alternate for the Federal Cochairman. An alternate shall vote in the event of the absence, death, disability, removal, or resignation of the member for whom the individual is an alternate. A state alternate shall not be counted toward the establishment of a quorum of the Commission when a quorum of the state members is required.*

*(3) COCHAIRMEN.—The Federal Cochairman is one of the two Cochairmen of the Commission. The state members shall elect a Cochairman of the Commission from among themselves for a term of not less than one year.*

*(c) COMPENSATION.—The Federal Cochairman shall be compensated by the Federal Government at level III of the Executive Schedule as set out in section 5314 of title 5. The Federal Cochairman's alternate shall be compensated by the Government at level V of the Executive Schedule as set out in section 5316 of title 5. Each state member and alternate shall be compensated by the State which they represent at the rate established by law of that State.*

*(d) DELEGATION.—*

*(1) POWERS AND RESPONSIBILITIES.—Commission powers and responsibilities specified in section 14302(c) and (d) of this title, and the vote of any Commission member, may not be delegated to an individual who is not a Commission member or who is not entitled to vote in Commission meetings.*

*(2) ALTERNATE FEDERAL COCHAIRMAN.—The alternate to the Federal Cochairman shall perform the functions and duties the Federal Cochairman delegates when not actively serving as the alternate.*

*(e) EXECUTIVE DIRECTOR.—The Commission has an executive director. The executive director is responsible for carrying out the administrative functions of the Commission, for directing the Commission staff, and for other duties the Commission may assign.*

*(f) STATUS OF PERSONNEL.—Members, alternates, officers, and employees of the Commission are not federal employees for any purpose, except the Federal Cochairman, the alternate to the Federal Cochairman, the staff of the Federal Cochairman, and federal employees detailed to the Commission under section 14306(a)(3) of this title.*

### *§ 14302. Decisions*

*(a) REQUIREMENTS FOR APPROVAL.—Except as provided in section 14306(d) of this title, decisions by the Appalachian Regional Commission require the affirmative vote of the Federal Cochairman and of a majority of the state members, exclusive of members representing States delinquent under section 14306(d).*

*(b) CONSULTATION.—In matters coming before the Commission, the Federal Cochairman, to the extent practicable, shall consult with the federal departments and agencies having an interest in the subject matter.*

*(c) DECISIONS REQUIRING QUORUM OF STATE MEMBERS.—A decision involving Commission policy, approval of state, regional or subregional development plans or strategy statements, modification or revision of the Appalachian Regional Commission Code, allocation of amounts among the States, or designation of a distressed county or an economically strong county shall not be made without a quorum of state members.*

*(d) PROJECT AND GRANT PROPOSALS.—The approval of project and grant proposals is a responsibility of the Commission and shall be carried out in accordance with section 14322 of this title.*

### *§ 14303. Functions*

*(a) IN GENERAL.—In carrying out the purposes of this subtitle, the Appalachian Regional Commission shall—*

*(1) develop, on a continuing basis, comprehensive and coordinated plans and programs and establish priorities under those plans and programs, giving due consideration to other federal, state, and local planning in the Appalachian region;*

*(2) conduct and sponsor investigations, research, and studies, including an inventory and analysis of the resources of the region, and, in cooperation with federal, state, and local agencies, sponsor demonstration projects designed to foster regional productivity and growth;*

*(3) review and study, in cooperation with the agency involved, federal, state, and local public and private programs and, where appropriate, recommend modifications or additions which will increase their effectiveness in the region;*

*(4) formulate and recommend, where appropriate, interstate compacts and other forms of interstate cooperation and work with state and local agencies in developing appropriate model legislation;*

*(5) encourage the formation of, and support, local development districts;*

*(6) encourage private investment in industrial, commercial, and recreational projects;*

*(7) serve as a focal point and coordinating unit for Appalachian programs;*

*(8) provide a forum for consideration of problems of the region and proposed solutions and establish and utilize, as appropriate, citizens and special advisory councils and public conferences;*

*(9) encourage the use of eco-industrial development technologies and approaches; and*

*(10) seek to coordinate the economic development activities of, and the use of economic development resources by, federal agencies in the region.*

*(b) IDENTIFY NEEDS AND GOALS OF SUBREGIONAL AREAS.—In carrying out its functions under this section, the Commission shall identify the characteristics of, and may distinguish between the needs and goals of, appropriate subregional areas, including central, northern, and southern Appalachia.*

### *§ 14304. Recommendations*

*The Appalachian Regional Commission may make recommendations to the President and to the Governors and appropriate local officials with respect to—*

*(1) the expenditure of amounts by federal, state, and local departments and agencies in the Appalachian region in the fields of natural resources, agriculture, education, training, and health and welfare and in other fields related to the purposes of this subtitle; and*

*(2) additional federal, state, and local legislation or administrative actions as the Commission considers necessary to further the purposes of this subtitle.*

### *§ 14305. Liaison between Federal Government and Commission*

*(a) PRESIDENT.—The President shall provide effective and continuing liaison between the Federal Government and the Appalachian Regional Commission and a coordinated review within the Government of the plans and rec-*

*ommendations submitted by the Commission pursuant to sections 14303 and 14304 of this title.*

*(b) INTERAGENCY COORDINATING COUNCIL ON APPALACHIA.—In carrying out subsection (a), the President shall establish the Interagency Coordinating Council on Appalachia, to be composed of the Federal Cochairman and representatives of federal agencies that carry out economic development programs in the Appalachian region. The Federal Cochairman is the Chairperson of the Council.*

***§ 14306. Administrative powers and expenses***

*(a) POWERS.—To carry out its duties under this subtitle, the Appalachian Regional Commission may—*

*(1) adopt, amend, and repeal bylaws and regulations governing the conduct of its business and the performance of its functions;*

*(2) appoint and fix the compensation of an executive director and other personnel as necessary to enable the Commission to carry out its functions, except that the compensation shall not exceed the maximum rate of basic pay for the Senior Executive Service under section 5382 of title 5, including any applicable locality-based comparability payment that may be authorized under section 5304(h)(2)(C) of title 5;*

*(3) request the head of any federal department or agency to detail to temporary duty with the Commission personnel within the administrative jurisdiction of the head of the department or agency that the Commission may need for carrying out its functions, each detail to be without loss of seniority, pay, or other employee status;*

*(4) arrange for the services of personnel from any state or local government, subdivision or agency of a state or local government, or intergovernmental agency;*

*(5)(A) make arrangements, including contracts, with any participating state government for inclusion in a suitable retirement and employee benefit system of Commission personnel who may not be eligible for, or continue in, another governmental retirement or employee benefit system; or*

*(B) otherwise provide for coverage of its personnel;*

*(6) accept, use, and dispose of gifts or donations of services or any property;*

*(7) enter into and perform contracts, leases (including the lease of office space for any term), cooperative agreements, or other transactions, necessary in carrying out its functions, on terms as it may consider appropriate, with any—*

*(A) department, agency, or instrumentality of the Federal Government;*

*(B) State or political subdivision, agency, or instrumentality of a State; or*

*(C) person;*

*(8) maintain a temporary office in the District of Columbia and establish a permanent office at a central and appropriate location it may select and field offices at other places it may consider appropriate; and*

*(9) take other actions and incur other expenses as may be necessary or appropriate.*

*(b) AUTHORIZATIONS.—*

*(1) DETAIL EMPLOYEES.—The head of a federal department or agency may detail personnel under subsection (a)(3).*

*(2) ENTER INTO AND PERFORM TRANSACTIONS.—A department, agency, or instrumentality of the Government, to the extent not otherwise prohibited by law, may enter into and perform a contract, lease, cooperative agreement, or other transaction under subsection (a)(7).*

*(c) RETIREMENT AND OTHER EMPLOYEE BENEFIT PROGRAMS.—The Director of the Office of Personnel Management may contract with the Commission for continued coverage of Commission employees, if the employees are federal employees when they begin Commission employment, in the retirement program and other employee benefit programs of the Government.*

*(d) EXPENSES.—Administrative expenses of the Commission shall be paid equally by the Government and the States in the Appalachian region, except that the expenses of the Federal Cochairman, the alternate to the Federal Cochairman, and the staff of the Federal Cochairman shall be paid only by the Government. The Commission shall determine the amount to be paid by each State. The Federal Cochairman shall not participate or vote in that determination. Assistance authorized by this subtitle shall not be furnished to any State or to any political subdivision or any resident of any State, and a state member of the Commission shall not participate or vote in any decision by the Commission, while the State is delinquent in payment of its share of administrative expenses.*

### *§ 14307. Meetings*

*(a) IN GENERAL.—The Appalachian Regional Commission shall conduct at least one meeting each year with the Federal Cochairman and at least a majority of the state members present.*

*(b) ADDITIONAL MEETINGS BY ELECTRONIC MEANS.—The Commission may conduct additional meetings by electronic means as the Commission considers advisable, including meetings to decide matters requiring an affirmative vote.*

### *§ 14308. Information*

*(a) ACTIONS OF COMMISSION.—To obtain information needed to carry out its duties, the Appalachian Regional Commission shall—*

*(1) hold hearings, sit and act at times and places, take testimony, receive evidence, and print or otherwise reproduce and distribute so much of its proceedings and reports on the proceedings as the Commission may deem advisable;*

*(2) arrange for the head of any federal, state, or local department or agency to furnish to the Commission information as may be available to or procurable by the department or agency; and*

*(3) keep accurate and complete records of its doings and transactions which shall be made available for—*

*(A) public inspection; and*

*(B) audit and examination by the Comptroller General or an authorized representative of the Comptroller General.*

*(b) AUTHORIZATIONS.—*

*(1) ADMINISTER OATHS.—A Cochairman of the Commission, or any member of the Commission designated by the Commission, may administer oaths when the Commission decides that testimony shall be taken or evidence received under oath.*

*(2) FURNISH INFORMATION.—The head of any federal, state, or local department or agency, to the extent not otherwise prohibited by law, may carry out section (a)(2).*

*(c) PUBLIC PARTICIPATION.—Public participation in the development, revision, and implementation of all plans and programs under this subtitle by the Commission, any State, or any local development district shall be provided for, encouraged, and assisted. The Commission shall develop and publish regulations specifying minimum guidelines for public participation, including public hearings.*

### *§ 14309. Personal financial interests*

*(a) CONFLICT OF INTEREST.—*

*(1) NO ROLE ALLOWED.—Except as permitted by paragraph (2), an individual who is a state member or alternate, or an officer or employee of the Appalachian Regional Commission, shall not participate personally and substantially as a member, alternate, officer, or employee in any way in any particular matter in which, to the individual's knowledge, any of the following has a financial interest:*

*(A) the individual.*

*(B) the individual's spouse, minor child, or partner.*

*(C) an organization (except a State or political subdivision of a State) in which the individual is serving as an officer, director, trustee, partner, or employee.*

*(D) any person or organization with whom the individual—*

*(i) is serving as an officer, director, trustee, partner, or employee; or*

*(ii) is negotiating or has any arrangement concerning prospective employment.*

*(2) EXCEPTION.—Paragraph (1) does not apply if the individual first advises the Commission of the nature and circumstances of the particular matter and makes full disclosure of the financial interest and receives in advance a written decision of the Commission that the interest is not so substantial as to be considered likely to affect the integrity of the services which the Commission may expect from the individual.*

*(3) CRIMINAL PENALTY.—An individual violating this subsection shall be fined under title 18, imprisoned for not more than two years, or both.*

*(b) ADDITIONAL SOURCES OF SALARY DISALLOWED.—*

*(1) STATE MEMBER OR ALTERNATE.—A state member or alternate may not receive any salary, or any contribution to, or supplementation of, salary, for services on the Commission from a source other than the State of the member or alternate.*

*(2) INDIVIDUALS DETAILED TO COMMISSION.—An individual detailed to serve the Commission under section 14306(a)(4) of this title may not receive any salary, or any contribution to, or supplementation of, salary, for services on the Commission from a source other than the state, local, or intergovernmental department or agency from which the individual was detailed or from the Commission.*

*(3) CRIMINAL PENALTY.—An individual violating this subsection shall be fined under title 18, imprisoned for not more than one year, or both.*

*(c) FEDERAL COCHAIRMAN, ALTERNATE TO FEDERAL COCHAIRMAN, AND FEDERAL OFFICERS AND EMPLOYEES.—The Federal Cochairman, the alternate to the Federal Cochairman, and any federal officer or employee detailed to duty with the Commission under section 14306(a)(3) of this title are not subject to this section but remain subject to sections 202–209 of title 18.*

*(d) RESCISSION.—The Commission may declare void and rescind any contract, loan, or grant of or by the Commission in relation to which it finds that there has been a violation of subsection (a)(1) or (b) of this section or any of the provisions of sections 202–209 of title 18.*

### *§ 14310. Annual report*

*Not later than six months after the close of each fiscal year, the Appalachian Regional Commission shall prepare and submit to the Governor of*

*each State in the Appalachian region and to the President, for transmittal to Congress, a report on the activities carried out under this subtitle during the fiscal year.*

*SUBCHAPTER II—FINANCIAL ASSISTANCE*

***§ 14321. Grants and other assistance***

*(a) AUTHORIZATION TO MAKE GRANTS.—*

*(1) IN GENERAL.—The Appalachian Regional Commission may make grants—*

*(A) for administrative expenses, including the development of areawide plans or action programs and technical assistance activities, of local development districts, but—*

*(i) the amount of a grant shall not exceed 50 percent of administrative expenses or, at the discretion of the Commission, 75 percent of administrative expenses if the grant is to a local development district that has a charter or authority that includes the economic development of a county or part of a county for which a distressed county designation is in effect under section 14526 of this title;*

*(ii) grants for administrative expenses shall not be made for a state agency certified as a local development district for a period of more than three years beginning on the date the initial grant is made for the development district; and*

*(iii) the local development district contributions for administrative expenses may be in cash or in kind, fairly evaluated, including space, equipment, and services;*

*(B) for assistance to States for a period of not more than two years to strengthen the state development planning process for the Appalachian region and the coordination of state planning under this subtitle, the Public Works and Economic Development Act of 1965 (42 U.S.C. 3121 et seq.), and other federal and state programs; and*

*(C) for investigation, research, studies, evaluations, and assessments of needs, potentials, or attainments of the people of the region, technical assistance, training programs, demonstrations, and the construction of necessary facilities incident to those activities, which will further the purposes of this subtitle.*

*(2) LIMITATION ON AVAILABLE AMOUNTS.—*

*(A) IN GENERAL.—Except as provided in subparagraph (B), not more than 50 percent (or 80 percent in the case of a project to be carried out in a county for which a distressed county designation is in effect under section 14526 of this title) of the cost of any activ-*

*ity eligible for financial assistance under this section may be provided from amounts appropriated to carry out this subtitle.*

*(B) DISCRETIONARY GRANTS.—*

*(i) GRANTS TO WHICH PERCENTAGE LIMITATION DOESN'T APPLY.—Discretionary grants made by the Commission to implement significant regional initiatives, to take advantage of special development opportunities, or to respond to emergency economic distress in the region may be made without regard to the percentage limitations specified in subparagraph (A).*

*(ii) LIMITATION ON AGGREGATE AMOUNT.—For each fiscal year, the aggregate amount of discretionary grants referred to in clause (i) shall not be more than 10 percent of the amount appropriated under section 14703 of this title for the fiscal year.*

*(3) SOURCES OF GRANTS.—Grant amounts may be provided entirely from appropriations to carry out this section, in combination with amounts available under other federal or federal grant programs, or from any other source.*

*(4) FEDERAL SHARE.—Notwithstanding any law limiting the federal share in any other federal or federal grant program, amounts appropriated to carry out this section may be used to increase that federal share, as the Commission decides is appropriate.*

*(b) ASSISTANCE FOR DEMONSTRATIONS OF ENTERPRISE DEVELOPMENT.—*

*(1) IN GENERAL.—The Commission may provide assistance under this section for demonstrations of enterprise development, including site acquisition or development where necessary for the feasibility of the project, in connection with the development of the region's energy resources and the development and stimulation of indigenous arts and crafts of the region.*

*(2) COOPERATION BY FEDERAL AGENCIES.—In carrying out the purposes of this subtitle and in implementing this section, the Secretary of Energy, the Environmental Protection Agency, and other federal agencies shall cooperate with the Commission and shall provide assistance that the Federal Cochairman may request.*

*(3) AVAILABLE AMOUNTS.—In any fiscal year, not more than—*

*(A) $3,000,000 shall be obligated for energy resource related demonstrations; and*

*(B) $2,500,000 shall be obligated for indigenous arts and crafts demonstrations.*

*(c) RECORDS.—*

*(1) COMMISSION.—The Commission, as required by the President, shall maintain accurate and complete records of transactions and activities financed with federal amounts and report to the President on the transactions and activities. The records of the Commission with respect to grants are available for audit by the President and the Comptroller General.*

*(2) RECIPIENTS OF FEDERAL ASSISTANCE.—Recipients of federal assistance under this section, as required by the Commission, shall maintain accurate and complete records of transactions and activities financed with federal amounts and report to the Commission on the transactions and activities. The records are be available for audit by the President, the Comptroller General, and the Commission.*

### *§ 14322. Approval of development plans, strategy statements, and projects*

*(a) ANNUAL REVIEW AND APPROVAL REQUIRED.—The Appalachian Regional Commission annually shall review and approve, in accordance with section 14302 of this title, state and regional development plans and strategy statements, and any multistate subregional plans which may be developed.*

*(b) APPLICATION PROCESS.—An application for a grant or for other assistance for a specific project under this subtitle shall be made through the state member of the Commission representing the applicant. The state member shall evaluate the application for approval. To be approved, the state member must certify, and the Federal Cochairman must determine, that the application—*

*(1) implements the Commission-approved state development plan;*

*(2) is included in the Commission-approved strategy statement;*

*(3) adequately ensures that the project will be properly administered, operated, and maintained; and*

*(4) otherwise meets the requirements for assistance under this subtitle.*

*(c) AFFIRMATIVE VOTE REQUIREMENT DEEMED MET.—After the appropriate state development plan and strategy statement are approved, certification by a state member, when joined by an affirmative vote of the Federal Cochairman, is deemed to satisfy the requirements for affirmative votes for decisions under section 14302(a) of this title.*

## *CHAPTER 145—SPECIAL APPALACHIAN PROGRAMS*

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*14526. Distressed and economically strong counties.*

*SUBCHAPTER I—PROGRAMS*

### *§ 14501. Appalachian development highway system*

*(a) PURPOSE.—To provide a highway system which, in conjunction with the Interstate System and other Federal-aid highways in the Appalachian region, will open up an area with a developmental potential where commerce and communication have been inhibited by lack of adequate access, the Secretary of Transportation may assist in the construction of an Appalachian development highway system and local access roads serving the Appalachian region. Construction on the development highway system shall not be more than 3,025 miles. There shall not be more than 1,400 miles of local access roads that serve specific recreational, residential, educational, commercial, industrial, or similar facilities or facilitate a school consolidation program.*

*(b) COMMISSION DESIGNATIONS.—*

*(1) WHAT IS TO BE DESIGNATED.—The Appalachian Regional Commission shall transmit to the Secretary its designations of—*

*(A) the general corridor location and termini of the development highways;*

*(B) local access roads to be constructed;*

*(C) priorities for the construction of segments of the development highways; and*

*(D) other criteria for the program authorized by this section.*

*(2) STATE TRANSPORTATION DEPARTMENT RECOMMENDATION REQUIRED.—Before a state member participates in or votes on designations, the member must obtain the recommendations of the state transportation department of the State which the member represents.*

*(c) ADDITION TO FEDERAL-AID PRIMARY SYSTEM.—When completed, each development highway not already on the Federal-aid primary system shall be added to the system.*

*(d) USE OF SPECIFIC MATERIALS AND PRODUCTS.—*

*(1) INDIGENOUS MATERIALS AND PRODUCTS.—In the construction of highways and roads authorized under this section, a State may give special preference to the use of materials and products indigenous to the Appalachian region.*

*(2) COAL DERIVATIVES.—For research and development in the use of coal and coal products in highway construction and maintenance, the Secretary may require each participating State, to the maximum extent possible, to use coal derivatives in the construction of not more than 10 percent of the roads authorized under this subtitle.*

*(e) FEDERAL SHARE.—Federal assistance to any construction project under this section shall not be more than 80 percent of the cost of the project.*

*(f) CONSTRUCTION WITHOUT FEDERAL AMOUNTS.—*

*(1) PAYMENT OF FEDERAL SHARE.—When a participating State constructs a segment of a development highway without the aid of federal amounts and the construction is in accordance with all procedures and requirements applicable to the construction of segments of Appalachian development highways with those amounts, except for procedures and requirements that limit a State to the construction of projects for which federal amounts have previously been appropriated, the Secretary, on application by the State and with the approval of the Commission, may pay to the State the federal share, which shall not be more than 80 percent of the cost of the construction of the segment, from any amounts appropriated and allocated to the State to carry out this section.*

*(2) NO COMMITMENT OR OBLIGATION.—This subsection does not commit or obligate the Federal Government to provide amounts for segments of development highways constructed under this subsection.*

*(g) APPLICATION OF TITLE 23.—*

*(1) SECTIONS 106(a) AND 118.—Sections 106(a) and 118 of title 23 apply to the development highway system and the local access roads.*

*(2) CONSTRUCTION AND MAINTENANCE.—States are required to maintain each development highway and local access road as provided for Federal-aid highways in title 23. All other provisions of title 23 that are applicable to the construction and maintenance of Federal-aid primary and secondary highways and which the Secretary decides are not inconsistent with this subtitle shall apply to the system and roads, respectively.*

### *§ 14502. Demonstration health projects*

*(a) PURPOSE.—To demonstrate the value of adequate health facilities and services to the economic development of the Appalachian region, the Secretary of Health and Human Services may make grants for the planning, construction, equipment, and operation of multi-county demonstration health, nutrition, and child care projects, including hospitals, regional health diagnostic and treatment centers, and other facilities and services necessary for the purposes of this section.*

*(b) PLANNING GRANTS.—*

*(1) AUTHORITY TO PROVIDE AMOUNTS AND MAKE GRANTS.—The Secretary may provide amounts to the Appalachian Regional Commission for the support of its Health Advisory Committee and may make grants for expenses of planning necessary for the development and operation of demonstration health projects for the region.*

*(2) LIMITATION ON AVAILABLE AMOUNTS.—The amount of a grant under this section for planning shall not be more than 75 percent of expenses.*

*(3) SOURCES OF ASSISTANCE.—The federal contribution may be provided entirely from amounts authorized under this section or in combination with amounts provided under other federal or federal grant programs.*

*(4) FEDERAL SHARE.—Notwithstanding any provision of law limiting the federal share in those other programs, amounts appropriated to carry out this section may be used to increase the federal share to the maximum percentage cost of a grant authorized by this subsection.*

*(c) CONSTRUCTION AND EQUIPMENT GRANTS.—*

*(1) ADDITIONAL USES FOR CONSTRUCTION GRANTS.—Grants under this section for construction may also be used for—*

*(A) the acquisition of privately owned facilities—*

*(i) not operated for profit; or*

*(ii) previously operated for profit if the Commission finds that health services would not otherwise be provided in the area served by the facility if the acquisition is not made; and*

*(B) initial equipment.*

*(2) STANDARDS FOR MAKING GRANTS.—Grants under this section for construction shall be made in accordance with section 14523 of this title and shall not be incompatible with the applicable provisions of title VI of the Public Health Service Act (42 U.S.C. 291 et seq.), the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15001 et seq.), and other laws authorizing grants for the construction of health-related facilities, without regard to any provisions in those laws relating to appropriation authorization ceilings or to allotments among the States.*

*(3) LIMITATION ON AVAILABLE AMOUNTS.—A grant for the construction or equipment of any component of a demonstration health project shall not be more than 80 percent of the cost.*

*(4) SOURCES OF ASSISTANCE.—The federal contribution may be provided entirely from amounts authorized under this section or in combination with amounts provided under other federal grant programs for the construction or equipment of health-related facilities.*

*(5) FEDERAL SHARE.—Notwithstanding any provision of law limiting the federal share in those other programs, amounts authorized under this section may be used to increase federal grants for component facilities of a demonstration health project to a maximum of 80 percent of the cost of the facilities.*

*(d) OPERATION GRANTS.—*

*(1) STANDARDS FOR MAKING GRANTS.—A grant for the operation of a demonstration health project shall not be made—*

*(A) unless the facility is publicly owned, or owned by a public or private nonprofit organization, and is not operated for profit;*

*(B) after five years following the commencement of the initial grant for operation of the project, except that child development demonstrations assisted under this section during fiscal year 1979 may be approved under section 14322 of this title for continued support beyond that period, on request of the State, if the Commission finds that no federal, state, or local amounts are available to continue the project; and*

*(C) unless the Secretary of Health and Human Services is satisfied that the operation of the project will be conducted under efficient management practices designed to obviate operating deficits.*

*(2) LIMITATION ON AVAILABLE AMOUNTS.—Grants under this section for the operation (including initial operating amounts and operating deficits, which include the cost of attracting, training, and retaining qualified personnel) of a demonstration health project, whether or not constructed with amounts authorized by this section, may be made for up to 50 percent of the cost of that operation (or 80 percent of the cost of that operation for a project to be carried out in a county for which a distressed county designation is in effect under section 14526 of this title).*

*(3) SOURCES OF ASSISTANCE.—The federal contribution may be provided entirely from amounts appropriated to carry out this section or in combination with amounts provided under other federal grant programs for the operation of health related facilities and the provision of health and child development services, including parts A and B of title IV and title XX of the Social Security Act (42 U.S.C. 601 et seq., 620 et seq., 1397 et seq.).*

*(4) FEDERAL SHARE.—Notwithstanding any provision of law limiting the federal share in those other programs, amounts appropriated to carry out this section may be used to increase federal grants for operating components of a demonstration health project to the maximum percentage cost of a grant authorized by this subsection.*

*(5) STATE DEEMED TO MEET REQUIREMENT OF PROVIDING ASSISTANCE OR SERVICES ON STATEWIDE BASIS.—Notwithstanding any provision of the Social Security Act (42 U.S.C. 301 et seq.) requiring assistance or services on a statewide basis, a State providing assistance or services under a federal grant program described in paragraph (2) in*

*any area of the region approved by the Commission is deemed to be meeting that requirement.*

*(e) GRANT SOURCES AND USE OF GRANTS IN COMPUTING ALLOTMENTS.—Grants under this section—*

*(1) shall be made only out of amounts specifically appropriated for the purpose of carrying out this subtitle; and*

*(2) shall not be taken into account in computing allotments among the States under any other law.*

*(f) MAXIMUM COMMISSION CONTRIBUTION.—*

*(1) IN GENERAL.—Subject to paragraph (2), the Commission may contribute not more than 50 percent of any project cost eligible for financial assistance under this section from amounts appropriated to carry out this subtitle.*

*(2) DISTRESSED COUNTIES.—The maximum Commission contribution for a project to be carried out in a county for which a distressed county designation is in effect under section 14526 of this title may be increased to the lesser of—*

*(A) 80 percent; or*

*(B) the maximum federal contribution percentage authorized by this section.*

*(g) EMPHASIS ON OCCUPATIONAL DISEASES FROM COAL MINING.—To provide for the further development of the Appalachian region's human resources, grants under this section shall give special emphasis to programs and research for the early detection, diagnosis, and treatment of occupational diseases arising from coal mining, such as black lung.*

***§ 14503. Assistance for proposed low- and middle-income housing projects***

*(a) APPALACHIAN HOUSING FUND.—*

*(1) ESTABLISHMENT.—There is an Appalachian Housing Fund.*

*(2) SOURCE AND USE OF AMOUNTS IN FUND.—Amounts allocated to the Secretary of Housing and Urban Development for the purposes of this section shall be deposited in the Fund. The Secretary shall use the Fund as a revolving fund to carry out those purposes. Amounts in the Fund not needed for current operation may be invested in bonds or other obligations the Federal Government guarantees as to principal and interest. General expenses of administration of this section may be charged to the Fund.*

*(b) PURPOSE.—To encourage and facilitate the construction or rehabilitation of housing to meet the needs of low- and moderate-income families and individuals, the Secretary may make grants and loans from the Fund, under terms and conditions the Secretary may prescribe. The grants and loans may*

*be made to nonprofit, limited dividend, or cooperative organizations and public bodies and are for planning and obtaining federally insured mortgage financing or other financial assistance for housing construction or rehabilitation projects for low- and moderate-income families and individuals, in any area of the Appalachian region the Appalachian Regional Commission establishes, under—*

*(1) section 221 of the National Housing Act (12 U.S.C. 1715l);*

*(2) section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f);*

*(3) section 515 of the Housing Act of 1949 (42 U.S.C. 1485); or*

*(4) any other law of similar purpose administered by the Secretary or any other department, agency, or instrumentality of the Federal Government or a state government.*

*(c) PROVIDING AMOUNTS TO STATES FOR GRANTS AND LOANS.—The Secretary or the Commission may provide amounts to the States for making grants and loans to nonprofit, limited dividend, or cooperative organizations and public bodies for the purposes for which the Secretary may provide amounts under this section.*

*(d) LOANS.—*

*(1) LIMITATION ON AVAILABLE AMOUNTS.—A loan under subsection (b) shall not be more than 50 percent (or 80 percent for a project to be carried out in a county for which a distressed county designation is in effect under section 14526 of this title) of the cost of planning and obtaining financing for a project, including preliminary surveys and analyses of market needs, preliminary site engineering and architectural fees, site options, application and mortgage commitment fees, legal fees, and construction loan fees and discounts.*

*(2) INTEREST.—A loan shall be made without interest, except that a loan made to an organization established for profit shall bear interest at the prevailing market rate authorized for an insured or guaranteed loan for that type of project.*

*(3) PAYMENT.—The Secretary shall require payment of a loan made under this section, under terms and conditions the Secretary may require, no later than on completion of the project. Except for a loan to an organization established for profit, the Secretary may cancel any part of a loan made under this section on determining that a permanent loan to finance the project cannot be obtained in an amount adequate for repayment of a loan made under this section.*

*(e) GRANTS.—*

*(1) IN GENERAL.—A grant under this section shall not be made to an organization established for profit and, except as provided in paragraph*

*(2), shall not exceed 50 percent (or 80 percent for a project to be carried out in a county for which a distressed county designation is in effect under section 14526 of this title) of expenses, incident to planning and obtaining financing for a project, which the Secretary considers not to be recoverable from the proceeds of a permanent loan made to finance the project.*

*(2) SITE DEVELOPMENT COSTS AND OFFSITE IMPROVEMENTS.—The Secretary may make grants and commitments for grants, and may advance amounts under terms and conditions the Secretary may require, to nonprofit, limited dividend, or cooperative organizations and public bodies for reasonable site development costs and necessary offsite improvements, such as sewer and water line extensions, when the grant, commitment, or advance is essential to the economic feasibility of a housing construction or rehabilitation project for low- and moderate-income families and individuals which otherwise meets the requirements for assistance under this section. A grant under this paragraph for—*

*(A) the construction of housing shall not be more than 10 percent of the cost of the project; and*

*(B) the rehabilitation of housing shall not be more than 10 percent of the reasonable value of the rehabilitation housing, as determined by the Secretary.*

*(f) INFORMATION, ADVICE, AND TECHNICAL ASSISTANCE.—The Secretary or the Commission may provide, or contract with public or private organizations to provide, information, advice, and technical assistance with respect to the construction, rehabilitation, and operation by nonprofit organizations of housing for low- or moderate- income families in areas of the region the Commission establishes.*

*(g) APPLICATION OF CERTAIN PROVISIONS.—Programs and projects assisted under this section are subject to the provisions cited in section 14701 of this title to the extent provided in the laws authorizing assistance for low- and moderate-income housing.*

### *§ 14504. Telecommunications and technology initiative*

*(a) PROJECTS TO BE ASSISTED.—The Appalachian Regional Commission may provide technical assistance, make grants, enter into contracts, or otherwise provide amounts to persons or entities in the region for projects—*

*(1) to increase affordable access to advanced telecommunications, entrepreneurship, and management technologies or applications in the region;*

*(2) to provide education and training in the use of telecommunications and technology;*

*(3) to develop programs to increase the readiness of industry groups and businesses in the region to engage in electronic commerce; or*

*(4) to support entrepreneurial opportunities for businesses in the information technology sector.*

*(b) LIMITATION ON AVAILABLE AMOUNTS.—Not more than 50 percent (or 80 percent in the case of a project to be carried out in a county for which a distressed county designation is in effect under section 14526 of this title) of the cost of any activity eligible for a grant under this section may be provided from amounts appropriated to carry out this section.*

*(c) SOURCES OF ASSISTANCE.—Assistance under this section may be provided entirely from amounts made available to carry out this section, in combination with amounts made available under other federal programs, or from any other source.*

*(d) FEDERAL SHARE.—Notwithstanding any provision of law limiting the federal share under any other federal program, amounts made available to carry out this section may be used to increase that federal share, as the Commission decides is appropriate.*

### *§ 14505. Entrepreneurship initiative*

*(a) BUSINESS INCUBATOR SERVICE.—In this section, the term "business incubator service" means a professional or technical service necessary for the initiation and initial sustainment of the operations of a newly established business, including a service such as—*

*(1) a legal service, including aid in preparing a corporate charter, partnership agreement, or basic contract;*

*(2) a service in support of the protection of intellectual property through a patent, a trademark, or any other means;*

*(3) a service in support of the acquisition and use of advanced technology, including the use of Internet services and Web-based services; and*

*(4) consultation on strategic planning, marketing, or advertising.*

*(b) PROJECTS TO BE ASSISTED.—The Appalachian Regional Commission may provide technical assistance, make grants, enter into contracts, or otherwise provide amounts to persons or entities in the region for projects—*

*(1) to support the advancement of, and provide, entrepreneurial training and education for youths, students, and businesspersons;*

*(2) to improve access to debt and equity capital by such means as facilitating the establishment of development venture capital funds;*

*(3) to aid communities in identifying, developing, and implementing development strategies for various sectors of the economy;*

*(4) to develop a working network of business incubators; and*

*(5) to support entities that provide business incubator services.*

*(c) LIMITATION ON AVAILABLE AMOUNTS.—Not more than 50 percent (or 80 percent in the case of a project to be carried out in a county for which a distressed county designation is in effect under section 14526 of this title) of the cost of any activity eligible for a grant under this section may be provided from amounts appropriated to carry out this section.*

*(d) SOURCES OF ASSISTANCE.—Assistance under this section may be provided entirely from amounts made available to carry out this section, in combination with amounts made available under other federal programs, or from any other source.*

*(e) FEDERAL SHARE.—Notwithstanding any provision of law limiting the federal share under any other federal program, amounts made available to carry out this section may be used to increase that federal share, as the Commission decides is appropriate.*

***§ 14506. Regional skills partnerships***

*(a) ELIGIBLE ENTITY.—In this section, the term "eligible entity" means a consortium that—*

*(1) is established to serve one or more industries in a specified geographic area; and*

*(2) consists of representatives of—*

*(A) businesses (or a nonprofit organization that represents businesses);*

*(B) labor organizations;*

*(C) State and local governments; or*

*(D) educational institutions.*

*(b) PROJECTS TO BE ASSISTED.—The Appalachian Regional Commission may provide technical assistance, make grants, enter into contracts, or otherwise provide amounts to eligible entities in the region for projects to improve the job skills of workers for a specified industry, including projects for—*

*(1) the assessment of training and job skill needs for the industry;*

*(2) the development of curricula and training methods, including, in appropriate cases, electronic learning or technology-based training;*

*(3) the identification of training providers;*

*(4) the development of partnerships between the industry and educational institutions, including community colleges;*

*(5) the development of apprenticeship programs;*

*(6) the development of training programs for workers, including dislocated workers; and*

*(7) the development of training plans for businesses.*

*(c) ADMINISTRATIVE COSTS.— An eligible entity may use not more than 10 percent of amounts made available to the eligible entity under subsection*

*(b) to pay administrative costs associated with the projects described in subsection (b).*

*(d) LIMITATION ON AVAILABLE AMOUNTS.—Not more than 50 percent (or 80 percent in the case of a project to be carried out in a county for which a distressed county designation is in effect under section 14526 of this title) of the cost of any activity eligible for a grant under this section may be provided from amounts appropriated to carry out this section.*

*(e) SOURCES OF ASSISTANCE.—Assistance under this section may be provided entirely from amounts made available to carry out this section, in combination with amounts made available under other federal programs, or from any other source.*

*(f) FEDERAL SHARE.—Notwithstanding any provision of law limiting the federal share under any other federal program, amounts made available to carry out this section may be used to increase that Federal share, as the Commission decides is appropriate.*

### *§ 14507. Supplements to federal grant programs*

*(a) DEFINITION.—*

*(1) FEDERAL GRANT PROGRAMS.—In this section, the term "federal grant programs"—*

*(A) means any federal grant program that provides assistance for the acquisition or development of land, the construction or equipment of facilities, or other community or economic development or economic adjustment activities, including a federal grant program authorized by—*

*(i) the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.);*

*(ii) the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–4 et seq.);*

*(iii) the Watershed Protection and Flood Prevention Act (16 U.S.C. 1001 et seq.);*

*(iv) the Carl D. Perkins Vocational and Technical Education Act of 1998 (20 U.S.C. 2301 et seq.);*

*(v) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) (known as the Clean Water Act);*

*(vi) title VI of the Public Health Services Act (42 U.S.C. 291 et seq.);*

*(vii) sections 201 and 209 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3141, 3149);*

*(viii) title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.); and*

*(ix) part IV of title III of the Communications Act of 1934 (47 U.S.C. 390 et seq.); but*

*(B) does not include—*

*(i) the program for the construction of the development highway system authorized by section 14501 of this title or any other program relating to highway or road construction authorized by title 23; or*

*(ii) any other program to the extent that financial assistance other than a grant is authorized.*

*(2) CERTAIN SEWAGE TREATMENT WORKS DEEMED CONSTRUCTED WITH FEDERAL GRANT ASSISTANCE.—For the purpose of this section, any sewage treatment works constructed pursuant to title II of the Federal Water Pollution Control Act (33 U.S.C. 1281 et seq.) (known as the Clean Water Act) without federal grant assistance under that title is deemed to be constructed with that assistance.*

*(b) PURPOSE.—To enable the people, States, and local communities of the Appalachian region, including local development districts, to take maximum advantage of federal grant programs for which they are eligible but for which, because of their economic situation, they cannot supply the required matching share, or for which there are insufficient amounts available under the federal law authorizing the programs to meet pressing needs of the region, the Federal Cochairman may use amounts made available to carry out this section—*

*(1) for any part of the basic federal contribution to projects or activities under the federal grant programs authorized by federal laws; and*

*(2) to increase the federal contribution to projects and activities under the programs above the fixed maximum part of the cost of the projects or activities otherwise authorized by the applicable law.*

*(c) CERTIFICATION REQUIRED.—For a program, project, or activity for which any part of the basic federal contribution to the project or activity under a federal grant program is proposed to be made under subsection (b), the contribution shall not be made until the responsible federal official administering the federal law authorizing the contribution certifies that the program, project, or activity meets the applicable requirements of the federal law and could be approved for federal contribution under that law if amounts were available under the law for the program, project, or activity.*

*(d) LIMITATIONS IN OTHER LAWS INAPPLICABLE.—Amounts provided pursuant to this subtitle are available without regard to any limitations on areas eligible for assistance or authorizations for appropriation in any other law.*

*(e) ACCEPTANCE OF CERTAIN MATERIAL.—For a supplemental grant for a project or activity under a federal grant program, the Federal Cochairman shall accept any finding, report, certification, or documentation required to*

*be submitted to the head of the department, agency, or instrumentality of the Federal Government responsible for the administration of the program.*

*(f) FEDERAL SHARE.—The federal portion of the cost of a project or activity shall not—*

*(1) be increased to more than the percentages the Commission establishes; nor*

*(2) be more than 80 percent of the cost.*

*(g) MAXIMUM COMMISSION CONTRIBUTION.—*

*(1) IN GENERAL.—Subject to paragraph (2), the Commission may contribute not more than 50 percent of a project or activity cost eligible for financial assistance under this section from amounts appropriated to carry out this subtitle.*

*(2) DISTRESSED COUNTIES.— The maximum Commission contribution for a project or activity to be carried out in a county for which a distressed county designation is in effect under section 14526 of this title may be increased to 80 percent.*

*SUBCHAPTER II—ADMINISTRATIVE*

### *§ 14521. Required level of expenditure*

*A State or political subdivision of a State is not eligible to receive benefits under this subtitle unless the aggregate expenditure of state amounts, except expenditures for participation in the Dwight D. Eisenhower System of Interstate and Defense Highways and local and federal amounts, for the benefit of the area within the State located in the Appalachian region is maintained at a level which does not fall below the average level of those expenditures for the State's last two full fiscal years prior to March 9, 1965. In computing the level, a State's past expenditure for participation in the Dwight D. Eisenhower System of Interstate and Defense Highways and expenditures of local and federal amounts shall not be included. The Commission shall recommend to the President a lesser requirement when it finds that a substantial population decrease in that part of a State which lies within the region would not justify a state expenditure equal to the average level of the last two years or when it finds that a State's average level of expenditure in an individual program has been disproportionate to the present need for that part of the State.*

### *§ 14522. Consent of States*

*This subtitle does not require a State to engage in or accept a program under this subtitle without its consent.*

### *§ 14523. Program implementation*

*(a) REQUIREMENTS.—A program or project authorized under this chapter shall not be implemented until—*

*(1) the responsible federal official has decided that applications and plans relating to the program or project are not incompatible with the provisions and objectives of federal laws that the official administers that are not inconsistent with this subtitle; and*

*(2) the Appalachian Regional Commission has approved the program or project and has determined that it—*

*(A) meets the applicable criteria under section 14524 of this title and the requirements of the development planning process under section 14525 of this title; and*

*(B) will contribute to the development of the Appalachian region.*

*(b) DECISION IS CONTROLLING.—A decision under subsection (a)(2) is controlling and shall be accepted by the federal agencies.*

### *§ 14524. Program development criteria*

*(a) FACTORS TO BE CONSIDERED.—In considering programs and projects to be given assistance under this subtitle, and in establishing a priority ranking of the requests for assistance presented to the Appalachian Regional Commission, the Commission shall follow procedures that will ensure consideration of—*

*(1) the relationship of the project or class of projects to overall regional development, including its location in a severely and persistently distressed county or area;*

*(2) the population and area to be served by the project or class of projects, including the per capita market income and the unemployment rates in the area;*

*(3) the relative financial resources available to the State or political subdivisions or instrumentalities of the State that seek to undertake the project;*

*(4) the importance of the project or class of projects in relation to other projects or classes of projects that may be in competition for the same amounts;*

*(5) the prospects that the project for which assistance is sought will improve, on a continuing rather than a temporary basis, the opportunities for employment, the average level of income, or the economic and social development of the area served by the project; and*

*(6) the extent to which the project design provides for detailed outcome measurements by which grant expenditures may be evaluated.*

*(b) LIMITATION ON USE.—Financial assistance made available under this subtitle shall not be used to assist establishments relocating from one area to another.*

*(c) DETERMINATION REQUIRED BEFORE AMOUNTS MAY BE PROVIDED.—Amounts may be provided for programs and projects in a State under this*

*subtitle only if the Commission determines that the level of federal and state financial assistance under other laws for the same type of programs or projects in that part of the State within the Appalachian region will not be diminished in order to substitute amounts authorized by this subtitle.*

*(d) MINIMUM AMOUNT OF ASSISTANCE TO DISTRESSED COUNTIES AND AREAS.—For each fiscal year, not less than 50 percent of the amount of grant expenditures the Commission approves shall support activities or projects that benefit severely and persistently distressed counties and areas.*

### *§ 14525. State development planning process*

*(a) STATE DEVELOPMENT PLAN.—Pursuant to policies the Appalachian Regional Commission establishes, each state member shall submit a development plan for the area of the State within the Appalachian region. The plan shall—*

*(1) be submitted according to a schedule the Commission prescribes;*

*(2) reflect the goals, objectives, and priorities identified in the regional development plan and in any subregional development plan that may be approved for the subregion of which the State is a part;*

*(3) describe the state organization and continuous process for Appalachian development planning, including—*

*(A) the procedures established by the State for the participation of local development districts in the process;*

*(B) how the process is related to overall statewide planning and budgeting processes; and*

*(C) the method of coordinating planning and projects in the region under this subtitle, the Public Works and Economic Development Act of 1965 (42 U.S.C. 3121 et seq.), and other federal, state, and local programs;*

*(4) set forth the goals, objectives, and priorities of the State for the region, as established by the Governor, and identify the needs on which the goals, objectives, and priorities are based; and*

*(5) describe the development strategies for achieving the goals, objectives, and priorities, including funding sources, and recommendations for specific projects to receive assistance under this subtitle.*

*(b) AREAWIDE ACTION PROGRAMS.—The Commission shall encourage the preparation and execution of areawide action programs that specify interrelated projects and schedules of actions, the necessary agency funding, and other commitments to implement the programs. The programs shall make appropriate use of existing plans affecting the area.*

*(c) LOCAL DEVELOPMENT DISTRICTS.—Local development districts certified by the State as described in section 14102(a)(2) of this title provide the linkage between state and substate planning and development. The districts*

*shall assist the States in the coordination of areawide programs and projects and may prepare and adopt areawide plans or action programs. In carrying out the development planning process, including the selection of programs and projects for assistance, States shall consult with local development districts, local units of government, and citizen groups and shall consider the goals, objectives, priorities, and recommendations of those bodies.*

*(d) FEDERAL RESPONSIBILITIES.—To the maximum extent practicable, federal departments, agencies, and instrumentalities undertaking or providing financial assistance for programs or projects in the region shall—*

*(1) take into account the policies, goals, and objectives the Commission and its member States establish pursuant to this subtitle;*

*(2) recognize Appalachian state development strategies approved by the Commission as satisfying requirements for overall economic development planning under the programs or projects; and*

*(3) accept the boundaries and organization of any local development district certified under this subtitle that the Governor may designate as the areawide agency required under any of those programs undertaken or assisted by those federal departments, agencies, and instrumentalities.*

***§ 14526. Distressed and economically strong counties***

*(a) DESIGNATIONS.—*

*(1) IN GENERAL.—The Appalachian Regional Commission, in accordance with criteria the Commission may establish, each year shall—*

*(A) designate as "distressed counties" those counties in the Appalachian region that are the most severely and persistently distressed; and*

*(B) designate two categories of economically strong counties, consisting of—*

*(i) "competitive counties", which shall be those counties in the region that are approaching economic parity with the rest of the United States; and*

*(ii) "attainment counties", which shall be those counties in the region that have attained or exceeded economic parity with the rest of the United States.*

*(2) ANNUAL REVIEW OF DESIGNATIONS.—The Commission shall—*

*(A) conduct an annual review of each designation of a county under paragraph (1) to determine if the county still meets the criteria for the designation; and*

*(B) renew the designation for another one-year period only if the county still meets the criteria.*

*(b) DISTRESSED COUNTIES.—In program and project development and implementation and in the allocation of appropriations made available to carry*

*out this subtitle, the Commission shall give special consideration to the needs of counties for which a distressed county designation is in effect under this section.*

*(c) ECONOMICALLY STRONG COUNTIES.—*

*(1) COMPETITIVE COUNTIES.—Except as provided in paragraphs (3) and (4), assistance under this subtitle for a project that is carried out in a county for which a competitive county designation is in effect under this section shall not be more than 30 percent of the project cost.*

*(2) ATTAINMENT COUNTIES.—Except as provided in paragraphs (3) and (4), amounts may not be provided under this subtitle for a project that is carried out in a county for which an attainment county designation is in effect under this section.*

*(3) EXCEPTIONS.—Paragraphs (1) and (2) do not apply to—*

*(A) a project on the Appalachian development highway system authorized by section 14501 of this title;*

*(B) a local development district administrative project assisted under section 14321(a)(1)(A) of this title; or*

*(C) a multicounty project that is carried out in at least two counties designated under this section if—*

*(i) at least one of the participating counties is designated as a distressed county under this section; and*

*(ii) the project will be of substantial direct benefit to at least one distressed county.*

*(4) WAIVER.—*

*(A) IN GENERAL.—The Commission may waive the requirements of paragraphs (1) and (2) for a project when the recipient of assistance for the project shows the existence of any of the following:*

*(i) a significant pocket of distress in the part of the county in which the project is carried out.*

*(ii) a significant potential benefit from the project in at least one area of the region outside the designated county.*

*(B) REPORTS TO CONGRESS.—The Commission shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives an annual report describing each waiver granted under subparagraph (A) during the period covered by the report.*

## *CHAPTER 147—MISCELLANEOUS*

*Sec.*
*14701. Applicable labor standards.*
*14702. Nondiscrimination.*
*14703. Authorization of appropriations.*
*14704. Termination.*

### *§ 14701. Applicable labor standards*

*All laborers and mechanics employed by contractors or subcontractors in the construction, alteration, or repair, including painting and decorating, of projects, buildings, and works which are financially assisted through federal amounts authorized under this subtitle shall be paid wages at rates not less than those prevailing on similar construction in the locality as the Secretary of Labor determines in accordance with sections 3141–3144, 3146, and 3147 of this title. With respect to those labor standards, the Secretary has the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (eff. May 24, 1950, 64 Stat. 1267) and section 3145 of this title.*

### *§ 14702. Nondiscrimination*

*An individual in the United States shall not, because of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under, a program or activity receiving federal financial assistance under this subtitle.*

### *§ 14703. Authorization of appropriations*

*(a) IN GENERAL.—In addition to amounts authorized by section 14501 of this title and other amounts made available for the Appalachian development highway system program, the following amounts may be appropriated to the Appalachian Regional Commission to carry out this subtitle:*

*(1) $88,000,000 for each of the fiscal years 2002–2004.*

*(2) $90,000,000 for fiscal year 2005.*

*(3) $92,000,000 for fiscal year 2006.*

*(b) TELECOMMUNICATIONS AND TECHNOLOGY INITIATIVE.—Of the amounts made available under subsection (a), the following amounts are available to carry out section 14504 of this title:*

*(1) $10,000,000 for fiscal year 2002.*

*(2) $8,000,000 for fiscal year 2003.*

*(3) $5,000,000 for each of the fiscal years 2004–2006.*

*(c) AVAILABILITY.—Amounts made available under subsection (a) remain available until expended.*

### *§ 14704. Termination*

*This subtitle, except sections 14102(a)(1) and (b) and 14501, ceases to be in effect on October 1, 2006.*

## *SUBTITLE V—MISCELLANEOUS*


| CHAPTER | | Sec. |
|---|---|---|
| 171. | SAFETY STANDARDS FOR MOTOR VEHICLES | 17101 |
| 173. | GOVERNMENT LOSSES IN SHIPMENT | 17301 |
| 175. | FEDERAL MOTOR VEHICLE EXPENDITURE CONTROL | 17501 |
| 177. | ALASKA COMMUNICATIONS DISPOSAL | 17701 |
| 179. | ALASKA FEDERAL-CIVILIAN ENERGY EFFICIENCY SWAP | 17901 |
| 181. | TELECOMMUNICATIONS ACCESSIBILITY FOR HEARING-IMPAIRED AND SPEECH-IMPAIRED INDIVIDUALS. | 18101 |
| 183. | NATIONAL CAPITAL AREA INTEREST ARBITRATION STANDARDS | 18301 |

## *CHAPTER 171—SAFETY STANDARDS FOR MOTOR VEHICLES*

*Sec.*
*17101. Definitions.*
*17102. Prohibition on acquisition or purchase of motor vehicles by Federal Government.*
*17103. Commercial standards for passenger safety devices.*

### *§ 17101. Definitions*

*In this chapter, the following definitions apply:*

*(1) FEDERAL GOVERNMENT.—The term "Federal Government" includes the government of the District of Columbia.*

*(2) MOTOR VEHICLE.—The term "motor vehicle" means a vehicle, self-propelled or drawn by mechanical power, designed for use on the highways principally for the transportation of passengers, except a vehicle designed or used for military field training, combat, or tactical purposes.*

### *§ 17102. Prohibition on acquisition or purchase of motor vehicles by Federal Government*

*The Federal Government shall not purchase a motor vehicle for use by the Government unless that motor vehicle is equipped with reasonable passenger safety devices that the Administrator of General Services requires. Those devices shall conform with standards the Administrator prescribes under section 17103 of this title.*

### *§ 17103. Commercial standards for passenger safety devices*

*The Administrator of General Services shall prescribe and publish in the Federal Register commercial standards for passenger safety devices the Administrator requires under section 17102 of this title. Changes in the standards take effect one year and 90 days after the publication of the standards in the Federal Register.*

## *CHAPTER 173—GOVERNMENT LOSSES IN SHIPMENT*

*Sec.*
*17301. Definitions.*
*17302. Compliance.*
*17303. Fund for the payment of Government losses in shipment.*
*17304. Claim for replacement.*
*17305. Replacing lost, destroyed, or damaged stamps, securities, obligations, or money.*
*17306. Agreements of indemnity.*
*17307. Purchase of insurance.*
*17308. Presumption of lawful conduct.*
*17309. Rules and regulations.*

### *§ 17301. Definitions*

*In this chapter, the following definitions apply:*

*(1) REPLACEMENT.—The term "replacement" means payment, reimbursement, replacement, or duplication or the expenses incident to payment, reimbursement, replacement, or duplication.*

*(2) SHIPMENT.—The term "shipment"—*

*(A) means the transportation, or the effecting of transportation, of valuables, without limitation as to the means or facilities used*

*or by which the transportation is effected or the person to whom it is made; and*

*(B) includes shipments made to any executive department, independent establishment, agency, wholly owned or mixed-ownership Government corporation, officer, or employee of the Federal Government, or any person acting on behalf of, or at the direction of, the executive department, independent establishment, agency, wholly or partly owned Government corporation, officer, or employee.*

*(3) VALUABLES.—*

*(A) DEFINITION.—The term "valuables" means any articles or things or representatives of value—*

*(i) in which the Government, its executive departments, independent establishments, and agencies, including wholly owned Government corporations, and officers and employees of the Government or its executive departments, independent establishments, and agencies while acting in their official capacity, have any interest, or in connection with which they have any obligation or responsibility; and*

*(ii) which the Secretary of the Treasury declares to be valuables within the meaning of this chapter.*

*(B) REQUIREMENT FOR DECLARING ARTICLES OR THINGS VALUABLE.—The Secretary shall not declare articles or things that are lost, destroyed, or damaged in the course of shipment to be valuables unless the Secretary determines that replacement of the articles or things in accordance with the procedure established in this chapter would be in the public interest.*

*(4) WHOLLY OWNED GOVERNMENT CORPORATION.—The term "wholly owned Government corporation"—*

*(A) means any corporation, regardless of the law under which it is incorporated, the capital of which is entirely owned by the Government; and*

*(B) includes the authorized officers, employees, and agents of the corporation.*

### *§ 17302. Compliance*

*(a) PRESCRIBING REGULATIONS.—With the approval of the President, the Secretary of the Treasury and the United States Postal Service jointly shall prescribe regulations governing the shipment of valuables by an executive department, independent establishment, agency, wholly owned Government corporation, officer, or employee of the Federal Government, with a view to minimizing the risk of loss and destruction of, and damage to, valuables in shipment.*

*(b) COMPLIANCE.—Each executive department, independent establishment, agency, wholly owned Government corporation, officer, and employee of the Government, and each person acting for, or at the direction of, the executive department, independent establishment, agency, wholly owned Government corporation, officer, or employee, must comply with the regulations when making any shipment of valuables.*

***§ 17303. Fund for the payment of Government losses in shipment***

*(a) ESTABLISHMENT.—There is a revolving fund in the Treasury known as "the fund for the payment of Government losses in shipment".*

*(b) USE.—The fund shall be used for the replacement of valuables, or the value of valuables, lost, destroyed, or damaged while being shipped in accordance with regulations prescribed under section 17302 of this title.*

*(c) UNAVAILABILITY.—The fund is not available with respect to any loss, destruction, or damage affecting valuables—*

*(1) that relates to property of the United States Postal Service that is chargeable to its officers or employees; or*

*(2) of which shipment shall have been made at the risk of persons other than the Federal Government and the executive departments, independent establishments, agencies, wholly owned Government corporations, officers and employees of the Government.*

*(d) CREDITING OF RECOVERIES AND REPAYMENTS.—All recoveries and repayments on account of loss, destruction, or damage to valuables for which replacement is made out of the fund shall be credited to it and are available for the purposes of the fund.*

*(e) APPROPRIATIONS.—Necessary amounts are appropriated for the fund.*

***§ 17304. Claim for replacement***

*(a) PRESENTATION OF CLAIM.—When valuables that have been shipped in accordance with regulations prescribed under section 17302 of this title are lost, destroyed, or damaged, a claim in writing for replacement shall be made on the Secretary of the Treasury.*

*(b) DECISION OF THE SECRETARY OF THE TREASURY.—*

*(1) REPLACEMENT MADE FROM FUND.—If the Secretary is satisfied that the loss, destruction, or damage has occurred and that shipment was made substantially in accordance with the regulations, the Secretary shall have replacement be made out of the fund described in section 17303 of this title through an officer the Secretary designates.*

*(2) REPLACEMENT MADE BY CREDIT.—When the Secretary decides that any part of the replacement can be made, without actual or ultimate injury to the Federal Government, by a credit in the accounts of the executive department, independent establishment, agency, officer, em-*

*ployee, or other accountable person making the claim, the Secretary shall—*

*(A) certify the decision to the Comptroller General who, on receiving the certification, shall make the credit in the settlement of accounts in the General Accounting Office; and*

*(B) use the fund only to the extent that the replacement cannot be made by the credit.*

*(c) DECISION OF SECRETARY NOT REVIEWABLE.—The decision of the Secretary that a loss, destruction, or damage has occurred or that a shipment was made substantially in accordance with regulations is final and conclusive and is not subject to review by any other officer of the Government.*

### *§ 17305. Replacing lost, destroyed, or damaged stamps, securities, obligations, or money*

*Stamps, securities, or other obligations of the Federal Government, or money lost, destroyed, or damaged while in the custody or possession of, or charged to, the United States Postal Service while it is acting as agent for, or on behalf of, the Secretary of the Treasury for the sale of the stamps, securities, or obligations and for the collection of the money, shall be replaced out of the fund described in section 17303 of this title under regulations the Secretary may prescribe, regardless of how the loss, destruction, or damage occurs.*

### *§ 17306. Agreements of indemnity*

*(a) DEFINITION.—In this section, the term "Federal Government" includes wholly owned Government corporations, and officers and employees of the Government or its executive departments, independent establishments, and agencies while acting in their official capacity.*

*(b) AUTHORITY TO MAKE AGREEMENT.—The Secretary of the Treasury may make and deliver, on behalf of the Federal Government, a binding agreement of indemnity the Secretary considers necessary and proper to enable the Government to obtain the replacement of any instrument or document—*

*(1) received by the Government or an agent of the Government in the agent's official capacity; and*

*(2) which, after having been received, is lost, destroyed, or so mutilated as to impair its value.*

*(c) WHEN FEDERAL GOVERNMENT NOT OBLIGATED.—The Government is not obligated under an agreement of indemnity if the obligee named in the agreement makes a payment or delivery not required by law on the original of the instrument or document covered by the agreement.*

*(d) USE OF FUND FOR THE PAYMENT OF GOVERNMENT LOSSES IN SHIPMENT.—The fund described in section 17303 of this title is available to pay*

*any obligation arising out of an agreement the Secretary makes under this section.*

### *§ 17307. Purchase of insurance*

*An executive department, independent establishment, agency, wholly owned Government corporation, officer, or employee may expend money, or incur an obligation, for insurance, or for the payment of premiums on insurance, against loss, destruction, or damage in the shipment of valuables only as specifically authorized by the Secretary of the Treasury. The Secretary may give the authorization if the Secretary finds that the risk of loss, destruction, or damage in the shipment cannot be guarded against adequately by the facilities of the Federal Government or that adequate replacement cannot be provided under this chapter.*

### *§ 17308. Presumption of lawful conduct*

*For purposes of the propriety of an act or omission related to a shipment to which the regulations prescribed under section 17302 of this title apply, every officer and employee of the Federal Government and every individual acting on behalf of a wholly owned Government corporation who makes a shipment of valuables in good faith under, and substantially in accordance with, the regulations is deemed to be acting in the faithful execution of the officer's, employee's, or individual's duties of office and in full performance of any conditions of the officer's, employee's, or individual's bond and oath of office.*

### *§ 17309. Rules and regulations*

*(a) GENERAL AUTHORITY.—With the approval of the President, the Secretary of the Treasury may prescribe regulations necessary to carry out the duties and powers vested in the Secretary under this chapter.*

*(b) PROVIDING INFORMATION.—To carry out subsection (a), the Secretary may require a person making a shipment of valuables or a claim for replacement to make a declaration or to provide other information the Secretary considers necessary.*

## *CHAPTER 175—FEDERAL MOTOR VEHICLE EXPENDITURE CONTROL*

*Sec.*
*17501. Definitions.*
*17502. Monitoring system.*
*17503. Data collection.*
*17504. Agency statements with respect to motor vehicle use.*
*17505. Presidential report.*
*17506. Reduction of storage and disposal costs.*
*17507. Savings.*
*17508. Compliance.*
*17509. Applicability.*
*17510. Cooperation.*

### *§ 17501. Definitions*

*In this chapter, the following definitions apply:*

*(1) EXECUTIVE AGENCY.—The term "executive agency"—*

*(A) means an executive agency (as that term is defined in section 105 of title 5) that operates at least 300 motor vehicles; but*

*(B) does not include the Tennessee Valley Authority.*

*(2) MOTOR VEHICLE.—The term "motor vehicle" means—*

*(A) a vehicle self-propelled or drawn by mechanical power; but not*

*(B) a vehicle designed or used for military field training, combat, or tactical purposes, or any other special purpose vehicle exempted from the requirements of this chapter by the Administrator of General Services.*

### *§ 17502. Monitoring system*

*The head of each executive agency shall designate one office, officer, or employee of the agency—*

*(1) to establish and operate a central monitoring system for the motor vehicle operations of the agency, related activities, and related reporting requirements; and*

*(2) provide oversight of those operations, activities, and requirements.*

### *§ 17503. Data collection*

*(a) COST IDENTIFICATION AND ANALYSIS.—The head of each executive agency shall develop a system to identify, collect, and analyze data with respect to all costs (including obligations and outlays) the agency incurs in the operation, maintenance, acquisition, and disposition of motor vehicles, including vehicles owned or leased by the Federal Government and privately owned vehicles used for official purposes.*

*(b) REQUIREMENTS FOR DATA SYSTEMS.—*

*(1) SCOPE OF REQUIREMENTS.—In cooperation with the Comptroller General of the United States and the Director of the Office of Management and Budget, the Administrator of General Services shall prescribe requirements governing the establishment and operation by executive agencies of the systems required by subsection (a), including requirements with respect to data on the costs and uses of motor vehicles and with respect to the uniform collection and submission of the data.*

*(2) CONFORMITY WITH PRINCIPLES AND STANDARDS.—Requirements prescribed under this section shall conform to accounting principles and standards issued by the Comptroller General. Each executive agency shall comply with those requirements.*

### *§ 17504. Agency statements with respect to motor vehicle use*

*(a) CONTENTS OF STATEMENT.—The head of each executive agency shall include with the appropriation request the agency submits under section 1108 of title 31 for each fiscal year, a statement—*

*(1) specifying—*

*(A) the total motor vehicle acquisition, maintenance, leasing, operation, and disposal costs (including obligations and outlays) the agency incurred in the most recently completed fiscal year; and*

*(B) an estimate of those costs for the fiscal year in which the request is submitted and for the succeeding fiscal year; and*

*(2) justifying why the existing and any new motor vehicle acquisition, maintenance, leasing, operation, and disposal requirements of the agency cannot be met through the Interagency Fleet Management System the Administrator of General Services operates, a qualified private fleet management firm, or any other method which is less costly to the Federal Government.*

*(b) COMPLIANCE WITH REQUIREMENTS.—The head of each executive agency shall comply with the requirements prescribed under section 17503(b) of this title in preparing each statement required under subsection (a).*

### *§ 17505. Presidential report*

*(a) SUMMARY AND ANALYSIS OF AGENCY STATEMENTS.—The President shall include with the budget transmitted under section 1105 of title 31 for each fiscal year, or in a separate written report to Congress for that fiscal year, a summary and analysis of the statements most recently submitted by the heads of executive agencies pursuant to section 17504(a) of this title.*

*(b) CONTENTS OF SUMMARY AND ANALYSIS.—Each summary and analysis shall include a review, for the fiscal year preceding the fiscal year in which the budget is submitted, the current fiscal year, and the fiscal year for which the budget is submitted, of the cost savings that have been achieved, that are estimated will be achieved, and that could be achieved, in the acquisition, maintenance, leasing, operation, and disposal of motor vehicles by executive agencies through—*

*(1) the use of a qualified private fleet management firm or another private contractor;*

*(2) increased reliance by executive agencies on the Interagency Fleet Management System the Administrator of General Services operates; or*

*(3) other existing motor vehicle management systems.*

### *§ 17506. Reduction of storage and disposal costs*

*The Administrator of General Services shall take such actions as may be necessary to reduce motor vehicle storage and disposal costs and to improve the rate of return on motor vehicle sales through a program of vehicle reconditioning prior to sale.*

### *§ 17507. Savings*

*(a) ACTIONS BY PRESIDENT REQUIRED.—The President shall establish, for each executive agency, goals to reduce outlays for the operation, maintenance,*

*leasing, acquisition, and disposal of motor vehicles in order to reduce, by fiscal year 1988, the total amount of outlays by all executive agencies for the operation, maintenance, leasing, acquisition, and disposal of motor vehicles to an amount which is $150,000,000 less than the amount for the operation, maintenance, leasing, acquisition, and disposal of motor vehicles requested by the President in the budget submitted under section 1105 of title 31 for fiscal year 1986.*

*(b) MONITORING OF COMPLIANCE.—The Director of the Office of Management and Budget shall monitor compliance by executive agencies with the goals established by the President under subsection (a) and shall include, in each summary and analysis required under section 17505 of this title, a statement specifying the reductions in expenditures by executive agencies, including the Department of Defense, achieved under those goals.*

### *§ 17508. Compliance*

*(a) ADMINISTRATOR OF GENERAL SERVICES.—The Administrator of General Services shall comply with and be subject to this chapter with regard to all motor vehicles that are used within the General Services Administration for official purposes.*

*(b) MANAGERS OF OTHER MOTOR POOLS.—This chapter with respect to motor vehicles from the Interagency Fleet Management System shall be complied with by the executive agencies to which such motor vehicles are assigned.*

### *§ 17509. Applicability*

*(a) PRIORITY IN REDUCING HEADQUARTERS USE.—The heads of executive agencies shall give first priority to meeting the goals established by the President under section 17507(a) of this title by reducing the costs of administrative motor vehicles used at the headquarters and regional headquarters of executive agencies, rather than by reducing the costs of motor vehicles used by line agency personnel working in agency field operations or activities.*

*(b) REGULATIONS, STANDARDS, AND DEFINITIONS.—The President shall require the Administrator of General Services, in cooperation with the Director of the Office of Management and Budget, to prescribe appropriate regulations, standards, and definitions to ensure that executive agencies meet the goals established under section 17507(a) of this title in the manner prescribed by subsection (a).*

### *§ 17510. Cooperation*

*The Director of the Office of Management and Budget and the Administrator of General Services shall cooperate closely in the implementation of this chapter.*

## *CHAPTER 177—ALASKA COMMUNICATIONS DISPOSAL*

*Sec.*

*17701. Definitions.*
*17702. Transfer of Government-owned long-lines communication facilities in and to Alaska.*

*17703. National defense considerations and qualification of transferee.*
*17704. Contents of agreements for transfer.*
*17705. Approval of Federal Communications Commission.*
*17706. Gross proceeds as miscellaneous receipts in the Treasury.*
*17707. Reports.*
*17708. Nonapplication.*

### *§ 17701. Definitions*

*In this chapter, the following definitions apply:*

*(1) AGENCY CONCERNED.—The term "agency concerned" means a department, agency, wholly owned corporation, or instrumentality of the Federal Government.*

*(2) LONG-LINES COMMUNICATION FACILITIES.—The term "long-lines communication facilities" means the transmission systems connecting points inside the State with each other and with points outside the State by radio or wire, and includes all kinds of property and rights of way necessary to accomplish this interconnection.*

*(3) TRANSFER.—The term "transfer" means the conveyance by the Government of any element of ownership, including any estate or interest in property, and franchise rights, by sale, exchange, lease, easement, or permit, for cash, credit, or other property with or without warranty.*

### *§ 17702. Transfer of Government-owned long-lines communication facilities in and to Alaska*

*(a) IN GENERAL.—*

*(1) AUTHORITY OF THE SECRETARY OF DEFENSE.—*

*(A) REQUIREMENTS PRIOR TO TRANSFER.—Subject to section 17703 of this title and with the advice, assistance, and, in the case of an agency not under the jurisdiction of the Secretary of Defense, the consent of the agency concerned, and after approval of the President, the Secretary of Defense shall transfer for adequate consideration any or all long-lines communication facilities in or to Alaska under the jurisdiction of the Federal Government to any person qualifying under section 17703.*

*(B) AUTHORITY TO CARRY OUT CHAPTER.—The Secretary of Defense may take action and exercise powers as may be necessary or appropriate to carry out the purposes of this chapter.*

*(2) CONSENT OF SECRETARY CONCERNED.—An interest in public lands, withdrawn or otherwise appropriated, shall not be transferred under this chapter without the prior consent of the Secretary of the Interior, or, with respect to lands in a national forest, of the Secretary of Agriculture.*

*(3) PROCEDURES AND METHODS.—The Secretary of Defense shall carry out a transfer under this chapter in accordance with the proce-*

*dures and methods required of the Administrator of General Services by section 545(a) and (b) of this title.*

*(b) DOCUMENTS OF TITLE OR OTHER PROPERTY INTERESTS.—The head of the agency concerned (or a designee of the head) shall execute documents for the transfer of title or other interest in property, except any mineral rights in the property, and take other action that the Secretary of Defense decides is necessary or proper to transfer the property under this chapter. A copy of a deed, lease, or other instrument executed by or on behalf of the head of the agency concerned purporting to transfer title or another interest in public land shall be provided to the Secretary of the Interior.*

*(c) SOLICITATION OF OFFERS TO PURCHASE CERTAIN FACILITIES.—In connection with soliciting offers to purchase long-lines facilities of the Alaska Communication System, the Secretary of Defense shall—*

*(1) provide any prospective purchaser who requests it data on—*

*(A) the facilities available for purchase;*

*(B) the amounts considered to be the current fair and reasonable value of those facilities; and*

*(C) the initial rates that will be charged to the purchaser for capacity in facilities retained by the Government and available for commercial use;*

*(2) provide in the request for offers to purchase that offerors must specify the rates the offerors propose to charge for service and the improvements in service the offerors propose to initiate;*

*(3) provide an opportunity for prospective purchasers to meet as a group with Department of Defense representatives to ensure that the data and public interest requirements described in clauses (1) and (2) are fully understood; and*

*(4) seek the advice and assistance of the Federal Communications Commission and the Governor of Alaska (or a designee of the Governor) to ensure consideration of all public interest factors associated with the transfer.*

*(d) APPLICABILITY OF ANTITRUST PROVISIONS.—The requirements of section 559 of this title apply to transfers under this chapter.*

### *§ 17703. National defense considerations and qualification of transferee*

*A transfer under this chapter shall not be made unless the Secretary of Defense determines that—*

*(1) the Federal Government does not need to retain the property involved in the transfer for national defense purposes;*

*(2) the transfer is in the public interest;*

*(3) the person to whom the transfer is made is prepared and qualified to provide the communication service involved in the transfer without interruption; and*

*(4) the long-lines communication facilities will not directly or indirectly be owned, operated, or controlled by a person that would legally be disqualified from holding a radio station license by section 310(a) of the Communications Act of 1934 (47 U.S.C. 310(a)).*

### *§ 17704. Contents of agreements for transfer*

*An agreement by which a transfer is made under this chapter shall provide that—*

*(1) subject to regulations of the Federal Communications Commission and of any body or commission established by Alaska to govern and regulate communications services to the public and all applicable statutes, treaties, and conventions, the person to whom the transfer is made shall provide the communication services involved in the transfer without interruption, except those services reserved by the Federal Government in the transfer;*

*(2) the rates and charges for those services applicable at the time of transfer shall not be changed for a period of one year from the date of the transfer unless approved by a governmental body or commission having jurisdiction; and*

*(3) the transfer will not be final until the transferee receives the requisite license and certificate of convenience and necessity to operate interstate and intrastate commercial communications in Alaska from the appropriate governmental regulatory bodies.*

### *§ 17705. Approval of Federal Communications Commission*

*A transfer under this chapter does not require the approval of the Federal Communications Commission except to the extent that the approval of the Commission is necessary under section 17704(3) of this title.*

### *§ 17706. Gross proceeds as miscellaneous receipts in the Treasury*

*The gross proceeds of each transfer shall be deposited in the Treasury as miscellaneous receipts.*

### *§ 17707. Reports*

*The Secretary of Defense shall report to the Congress and the President—*

*(1) in January of each year, the actions taken under this chapter during the preceding 12 months; and*

*(2) not later than 90 days after completion of each transfer under this chapter, a full account of that transfer.*

### *§ 17708. Nonapplication*

*This chapter does not modify in any manner the Communications Act of 1934 (47 U.S.C. 151 et seq.).*

## *CHAPTER 179—ALASKA FEDERAL-CIVILIAN ENERGY EFFICIENCY SWAP*

*Sec.*
*17901. Definitions.*
*17902. Sale of electric energy.*
*17903. Purchase of electric power.*
*17904. Implementation powers and limitations.*

### *§ 17901. Definitions*

*In this chapter, the following definitions apply:*

*(1) FEDERAL AGENCY.—The term "federal agency" means a department, agency, or instrumentality of the Federal Government.*

*(2) FEDERALLY GENERATED ELECTRIC ENERGY.—The term "federally generated electric energy" means any electric power generated by an electric generating facility owned and operated by a federal agency.*

*(3) NON-FEDERAL PERSON.—The term "non-federal person" means a corporation, cooperative, municipality, or other non-federal entity that generates electric energy through a facility other than a federally owned electric generating facility.*

### *§ 17902. Sale of electric energy*

*(a) IN GENERAL.—To conserve oil and natural gas and better utilize coal, the head of a federal agency may sell, or enter into a contract to sell, to any non-federal person electric energy generated by coal-fired electric generating facilities of that agency in Alaska without regard to any provision of law that precludes the sale when the electric energy to be sold is available from other local sources, if the head of the federal agency determines that—*

*(1) the electric energy to be sold is generated by an existing coal-fired generating facility;*

*(2) the electric energy to be sold is surplus to the federal agency's needs and is in excess of the electric energy specifically generated for consumption by, or necessary to serve the requirements of, another federal agency;*

*(3) the cost to the ultimate consumers of the electric energy to be sold is less than the cost that, in the absence of the sale, would be incurred by those consumers for the purchase of an equivalent amount of energy; and*

*(4) the sale will reduce the total consumption of oil or natural gas by the non-federal person purchasing the electric energy below the level of consumption that would occur in the absence of the sale.*

*(b) PRICING POLICIES.—Federally generated electric energy sold by the head of a federal agency under subsection (a) shall be priced to recover the fuel and variable operation and maintenance costs of the facility generating*

*the energy that are attributable to that sale, plus an amount equal to one-half the difference between—*

*(1) the costs of producing the electric energy by coal generation; and*

*(2) the costs of producing electric energy by the oil or gas generation being displaced.*

### *§ 17903. Purchase of electric power*

*For purposes of economy, efficiency, and conserving oil and natural gas, the head of a federal agency, when practicable and consistent with other laws and requirements applicable to that agency, shall endeavor to purchase electric energy from a non-federal person for consumption in Alaska by a facility of that agency when (taking into account the remaining useful life of any facility available to that agency to generate electric energy for that agency and the cost of maintaining the facility on a standby basis) the purchase will result in—*

*(1) a savings to other consumers of electric energy sold by that non-federal person without increasing the cost incurred by any federal agency for electric energy; or*

*(2) a cost savings to the federal agency purchasing the electric energy without increasing costs to other consumers of electric energy.*

### *§ 17904. Implementation powers and limitations*

*(a) ACCOMMODATION OF NEEDS FOR ELECTRIC ENERGY.—This chapter does not require or authorize a federal agency to construct a new electric generating facility or related facility, to modify an existing facility, or to employ reserve or standby equipment to accommodate the needs of a non-federal person for electric energy.*

*(b) AVAILABILITY OF REVENUE FROM SALES.—Revenue received by a federal agency pursuant to section 17902 of this title from the sale of electric energy generated from a facility of that agency is available to the agency without fiscal year limitation to purchase fuel and for operation, maintenance, and other costs associated with that facility.*

*(c) EXERCISE OF AUTHORITIES.—The authority under this chapter shall be exercised for those periods and pursuant to terms and conditions that the head of the federal agency concerned decides are necessary consistent with—*

*(1) this chapter; and*

*(2) responsibilities of the head of the federal agency under other law.*

*(d) NEGOTIATION AND EXECUTION OF CONTRACTS AND OTHER AGREEMENTS.—A contract or other agreement executed under this chapter shall be negotiated and executed by the head of the federal agency selling or purchasing electric energy under this chapter.*

## *CHAPTER 181—TELECOMMUNICATIONS ACCESSIBILITY FOR HEARING-IMPAIRED AND SPEECH-IMPAIRED INDIVIDUALS*

*Sec.*
*18101. Definitions.*
*18102. Federal telecommunications system.*
*18103. Research and development.*
*18104. TTY installation by Congress.*

### *§ 18101. Definitions*

*In this chapter—*

*(1) FEDERAL AGENCY.—The term "federal agency" has the same meaning given that term in section 102 of this title.*

*(2) TTY.—The term "TTY" means a text-telephone used in the transmission of coded signals through the nationwide telecommunications system.*

### *§ 18102. Federal telecommunications system*

*(a) REGULATIONS TO ENSURE ACCESSIBILITY.—The Administrator of General Services, after consultation with the Architectural and Transportation Barriers Compliance Board, the Interagency Committee on Computer Support of Handicapped Employees, the Federal Communications Commission, and affected federal agencies, shall prescribe regulations to ensure that the federal telecommunications system is fully accessible to hearing-impaired and speech-impaired individuals, including federal employees, for communications with and within federal agencies.*

*(b) FEDERAL RELAY SYSTEM.—The Administrator shall provide for the continuation of the existing federal relay system for users of TTY's.*

*(c) DIRECTORY.—The Administrator shall assemble, publish, and maintain a directory of TTY's and other devices used by federal agencies to comply with regulations prescribed under subsection (a).*

*(d) PUBLICATION OF ACCESS NUMBERS.—The Administrator shall publish access numbers of TTY's and such other devices in federal agency directories.*

*(e) LOGO.—After consultation with the Board, the Administrator shall adopt the design of a standard logo to signify the presence of a TTY or other device used by a federal agency to comply with regulations prescribed under subsection (a).*

### *§ 18103. Research and development*

*(a) SUPPORT FOR RESEARCH.—The Administrator of General Services, in consultation with the Federal Communications Commission, shall seek to promote research by federal agencies, state agencies, and private entities to reduce the cost and improve the capabilities of telecommunications devices and systems that provide accessibility to hearing-impaired and speech-impaired individuals.*

*(b) PLANNING TO ASSIMILATE TECHNOLOGICAL DEVELOPMENTS.—In planning future alterations to and modifications of the federal telecommunications system, the Administrator shall take into account—*

*(1) modifications that the Administrator determines are necessary to achieve the objectives of section 18102(a) of this title; and*

*(2) technological improvements in telecommunications devices and systems that provide accessibility to hearing-impaired and speech-impaired individuals.*

### *§ 18104. TTY installation by Congress*

*Each House of Congress shall establish a policy under which Members of the House of Representatives and the Senate may obtain TTY's for use in communicating with hearing-impaired and speech-impaired individuals, and for the use of hearing-impaired and speech-impaired employees.*

## *CHAPTER 183—NATIONAL CAPITAL AREA INTEREST ARBITRATION STANDARDS*

*Sec.*
*18301. Findings and purposes.*
*18302. Definitions.*
*18303. Standards for arbitrators.*
*18304. Procedures for enforcement of awards.*

### *§ 18301. Findings and purposes*

*(a) FINDINGS.—Congress finds that—*

*(1) affordable public transportation is essential to the economic vitality of the national capital area and is an essential component of regional efforts to improve air quality to meet environmental requirements and to improve the health of both residents of and visitors to the national capital area as well as to preserve the beauty and dignity of the Nation's capital;*

*(2) use of mass transit by both residents of and visitors to the national capital area is substantially affected by the prices charged for mass transit services, prices that are substantially affected by labor costs, since more than two-thirds of operating costs are attributable to labor costs;*

*(3) labor costs incurred in providing mass transit in the national capital area have increased at an alarming rate and wages and benefits of operators and mechanics currently are among the highest in the Nation;*

*(4) higher operating costs incurred for public transit in the national capital area cannot be offset by increasing costs to patrons, since this often discourages ridership and thus undermines the public interest in promoting the use of public transit;*

*(5) spiraling labor costs cannot be offset by the governmental entities that are responsible for subsidy payments for public transit services since local governments generally, and the District of Columbia government in particular, are operating under severe fiscal constraints;*

*(6) imposition of mandatory standards applicable to arbitrators resolving arbitration disputes involving interstate compact agencies operating in the national capital area will ensure that wage increases are justified and do not exceed the ability of transit patrons and taxpayers to fund the increase; and*

*(7) federal legislation is necessary under section 8 of Article I of the United States Constitution to balance the need to moderate and lower labor costs while maintaining industrial peace.*

*(b) PURPOSE.—The purpose of this chapter is to adopt standards governing arbitration that must be applied by arbitrators resolving disputes involving interstate compact agencies operating in the national capital area in order to lower operating costs for public transportation in the Washington metropolitan area.*

### *§ 18302. Definitions*

*In this chapter, the following definitions apply:*

*(1) ARBITRATION.—The term "arbitration"—*

*(A) means the arbitration of disputes, regarding the terms and conditions of employment, that is required under an interstate compact governing an interstate compact agency operating in the national capital area; but*

*(B) does not include the interpretation and application of rights arising from an existing collective bargaining agreement.*

*(2) ARBITRATOR.—The term "arbitrator" refers to either a single arbitrator, or a board of arbitrators, chosen under applicable procedures.*

*(3) INTERSTATE COMPACT AGENCY OPERATING IN THE NATIONAL CAPITAL AREA.—The term "interstate compact agency operating in the national capital area" means any interstate compact agency that provides public transit services and that was established by an interstate compact to which the District of Columbia is a signatory.*

### *§ 18303. Standards for arbitrators*

*(a) DEFINITION.—In this section, the term "public welfare" includes, with respect to arbitration under an interstate compact—*

*(1) the financial ability of the individual jurisdictions participating in the compact to pay for the costs of providing public transit services; and*

*(2) the average per capita tax burden, during the term of the collective bargaining agreement to which the arbitration relates, of the residents of the Washington metropolitan area, and the effect of an arbitration award rendered under that arbitration on the respective income or property tax rates of the jurisdictions that provide subsidy payments to the interstate compact agency established under the compact.*

*(b) FACTORS IN MAKING ARBITRATION AWARD.—An arbitrator rendering an arbitration award involving the employees of an interstate compact agency operating in the national capital area may not make a finding or a decision for inclusion in a collective bargaining agreement governing conditions of employment without considering the following factors:*

*(1) The existing terms and conditions of employment of the employees in the bargaining unit.*

*(2) All available financial resources of the interstate compact agency.*

*(3) The annual increase or decrease in consumer prices for goods and services as reflected in the most recent consumer price index for the Washington metropolitan area, published by the Bureau of Labor Statistics.*

*(4) The wages, benefits, and terms and conditions of the employment of other employees who perform, in other jurisdictions in the Washington standard metropolitan statistical area, services similar to those in the bargaining unit.*

*(5) The special nature of the work performed by the employees in the bargaining unit, including any hazards or the relative ease of employment, physical requirements, educational qualifications, job training and skills, shift assignments, and the demands placed upon the employees as compared to other employees of the interstate compact agency.*

*(6) The interests and welfare of the employees in the bargaining unit, including—*

*(A) the overall compensation presently received by the employees, having regard not only for wage rates but also for wages for time not worked, including vacations, holidays, and other excused absences;*

*(B) all benefits received by the employees, including previous bonuses, insurance, and pensions; and*

*(C) the continuity and stability of employment.*

*(7) The public welfare.*

*(c) ABILITY TO FINANCE SALARIES AND BENEFITS PROVIDED IN AWARD.—An arbitrator rendering an arbitration award involving the employees of an interstate compact agency operating in the national capital area may not, with respect to a collective bargaining agreement governing conditions of employment, provide for salaries and other benefits that exceed the ability of the interstate compact agency, or of any governmental jurisdiction that provides subsidy payments or budgetary assistance to the interstate compact agency, to obtain the necessary financial resources to pay for wage and benefit increases for employees of the interstate compact agency.*

*(d) REQUIREMENTS FOR FINAL AWARD.—*

*(1) WRITTEN AWARD.—In resolving a dispute submitted to arbitration involving the employees of an interstate compact agency operating in the national capital area, the arbitrator shall issue a written award that demonstrates that all the factors set forth in subsections (b) and (c) have been considered and applied.*

*(2) PREREQUISITES.—An award may grant an increase in pay rates or benefits (including insurance and pension benefits), or reduce hours of work, only if the arbitrator concludes that any costs to the agency do not adversely affect the public welfare.*

*(3) SUBSTANTIAL EVIDENCE.—The arbitrator's conclusion regarding the public welfare must be supported by substantial evidence.*

### *§ 18304. Procedures for enforcement of awards*

*(a) MODIFICATIONS AND FINALITY OF AWARD.—Within 10 days after the parties receive an arbitration award to which section 18303 of this title applies, the interstate compact agency and the employees, through their representative, may agree in writing on any modifications to the award. After the end of that 10-day period, the award, and any modifications, become binding on the interstate compact agency, the employees in the bargaining unit, and the employees' representative.*

*(b) IMPLEMENTATION.—Each party to an award that becomes binding under subsection (a) shall take all actions necessary to implement the award.*

*(c) JUDICIAL REVIEW.—Within 60 days after an award becomes binding under subsection (a), the interstate compact agency or the exclusive representative of the employees concerned may bring a civil action in a court that has jurisdiction over the interstate compact agency for review of the award. The court shall review the award on the record, and shall vacate the award or any part of the award, after notice and a hearing, if—*

*(1) the award is in violation of applicable law;*

*(2) the arbitrator exceeded the arbitrator's powers;*

*(3) the decision by the arbitrator is arbitrary or capricious;*

*(4) the arbitrator conducted the hearing contrary to the provisions of this chapter or other laws or rules that apply to the arbitration so as to substantially prejudice the rights of a party;*

*(5) there was partiality or misconduct by the arbitrator prejudicing the rights of a party;*

*(6) the award was procured by corruption, fraud, or bias on the part of the arbitrator; or*

*(7) the arbitrator did not comply with the provisions of section 18303 of this title.*

***SEC. 2. TRANSFER OF MATERIAL AND EQUIPMENT TO THE ARCHITECT OF THE CAPITOL.***

*Chapter 443 of title 10, United States Code, is amended as follows:*

*(1) Insert immediately after section 4688 the following new section:*

***"§ 4689. Transfer of material and equipment to the Architect of the Capitol***

*"The Secretary of the Army is authorized to transfer, without payment, to the Architect of the Capitol, such material and equipment, not required by the Department of the Army, as the Architect may request for use at the Capitol power plant, the Capitol Building, and the Senate and House Office Buildings.".*

*(2) Insert immediately below item 4688 in the analysis of the chapter the following new item:*

*"4689. Transfer of material and equipment to the Architect of the Capitol.".*

***SEC. 3. CONFORMING CROSS-REFERENCES.***

*(a) TITLE 5.—Title 5, United States Code, is amended as follows:*

*(1) In section 7342(e)(1)—*

*(A) insert "subtitle I of title 40 and title III of" before "the Federal"; and*

*(B) insert "(41 U.S.C. 251 et seq.)" after "of 1949".*

*(2) In section 9505(b), strike "division E of the Clinger-Cohen Act of 1996 (Public Law 104–106; 110 Stat. 679)" and substitute "subtitle III of title 40".*

*(3) In section 9508(a)(2)(A), strike "division E of the Clinger-Cohen Act of 1996 (Public Law 104–106; 110 Stat. 679)" and substitute "subtitle III of title 40".*

*(b) TITLE 10.—Title 10, United States Code, is amended as follows:*

*(1) In section 2223—*

*(A) in subsection (a), strike "section 5125 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1425)" and substitute "section 11315 of title 40";*

*(B) in subsection (b), strike "section 5125 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1425)" and substitute "section 11315 of title 40";*

*(C) in subsection (c)(2), strike "section 5002 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1401)" and substitute "section 11101 of title 40"; and*

*(D) in subsection (c)(3), strike "section 5142 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1452)" and substitute "section 11103 of title 40".*

*(2) In section 2302(2)(A), strike "title IX of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 541 et seq.)" and substitute "chapter 11 of title 40".*

*(3) In section 2304(h)—*

*(A) before clause (1), strike "laws"; and*

*(B) strike clause (2) and substitute "(2) Sections 3141–3144, 3146, and 3147 of title 40.".*

*(4) In section 2305a(a), strike "the Brooks Architect-Engineers Act (40 U.S.C. 541 et seq.)" and substitute "chapter 11 of title 40".*

*(5) In section 2315(a), strike "division E of the Clinger-Cohen Act of 1996 (40 U.S.C. 1401 et seq.)" and substitute "subtitle III of title 40".*

*(6) In section 2381(c)—*

*(A) strike "section 205 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 486)" and substitute "section 121 of title 40"; and*

*(B) strike "section 201(a) of that Act (40 U.S.C. 481(a))" and substitute "section 501(a)(2) of title 40".*

*(7) In section 2535(b)(1)(G), strike "title II of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481 et seq.)" and substitute "chapter 5 of title 40".*

*(8) In subsection 2562(a)(1)—*

*(A) insert "subtitle I of title 40 and title III of" before "the Federal"; and*

*(B) strike "(40 U.S.C. 472 et seq.)" and substitute "(41 U.S.C. 251 et seq.)".*

*(9) In section 2572(d)(1), strike "section 205 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 486)" and substitute "section 121 of title 40".*

*(10) In section 2576(a)—*

*(A) insert "subtitle I of title 40 and title III of" before "the Federal"; and*

*(B) strike "(40 U.S.C. 471 et seq.)" and substitute "(41 U.S.C. 251 et seq.)".*

*(11) In section 2577(a)(2), strike "section 203 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484)" and substitute "sections 541–555 of title 40".*

*(12) In section 2667—*

*(A) in subsection (a)(2), strike "section 3 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 472)" and substitute "section 102 of title 40";*

*(B) in subsection (b)(5), strike "section 321 of the Act of June 30, 1932 (40 U.S.C. 303b)" and substitute "section 1302 of title 40"; and*

*(C) in subsection (f)(1)—*

*(i) insert "subtitle I of title 40 and title III of" before "the Federal"; and*

*(ii) strike "such Act is" and substitute "subtitle I and title III are".*

*(13) In section 2667a(a)(3), strike "section 3 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 472)" and substitute "section 102 of title 40".*

*(14) In section 2676(a)—*

*(A) insert "subtitle I of title 40 and title III of" before "the Federal"; and*

*(B) strike "(40 U.S.C. 471 et seq.)" and substitute "41 U.S.C. 251 et seq.)".*

*(15) In section 2691(b)—*

*(A) insert "subtitle I of title 40 and title III of" before "the Federal"; and*

*(B) strike "(40 U.S.C. 471 et seq.)" and substitute "(41 U.S.C. 251 et seq.)".*

*(16) In section 2696—*

*(A) in subsection (a)—*

*(i) insert "subtitle I of title 40 and title III of" before "the Federal"; and*

*(ii) strike "(40 U.S.C. 471 et seq.)" and substitute "(41 U.S.C. 251 et seq.)"; and*

*(B) strike subsection (e)(5) and substitute—*

*"(5) Chapter 5 of title 40.".*

*(17) In section 2701(i)(1)—*

*(A) strike "the Miller Act (40 U.S.C. 270a et seq.)" and substitute "sections 3131 and 3133 of title 40";*

*(B) strike "the Act of April 29, 1941 (40 U.S.C. 270e–270f)" and substitute "section 3134 of title 40"; and*

*(C) strike "the Miller Act" and substitute "sections 3131 and 3133".*

*(18) In section 2814(j)(3), strike "Sections 202 and 203 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 483, 484)" and substitute "Subchapter II of chapter 5 and sections 541–555 of title 40".*

*(19) In section 2831(b)(3), strike "section 204(b) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 485(b))" and substitute "section 572(a) of title 40".*

*(20) In section 2852(b)(1), strike "section 355 of the Revised Statutes (40 U.S.C. 255)" and substitute "section 3111 of title 40".*

*(21) In section 2854a(d)(1)—*

*(A) strike "The" and substitute "Subtitle I of title 40 and title III of the"; and*

*(B) strike "(40 U.S.C. 471 et seq.)" and substitute "(41 U.S.C. 251 et seq.)".*

*(22) In subsection 2855(a), strike "title IX of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 541 et seq.)" and substitute "chapter 11 of title 40".*

*(23) In section 2878(d)—*

*(A) in clause (2)—*

*(i) strike "The" and substitute "Subtitle I of title 40 and title III of the"; and*

*(ii) strike "(40 U.S.C. 471 et seq.)" and substitute "(41 U.S.C. 251 et seq.)"; and*

*(B) strike clause (3) and substitute—*

*"(3) Section 1302 of title 40.".*

*(24) In section 4681, strike "section 205 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 486)" and substitute "section 121 of title 40".*

*(25) In section 4682, strike "section 205 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 486)" and substitute "section 121 of title 40".*

*(26) In section 4684, strike "section 205 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 486)" and substitute "section 121 of title 40".*

*(27) In section 4686, strike "section 205 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 486)" and substitute "section 121 of title 40".*

*(28) In section 7305(d)—*

*(A) insert "subtitle I of title 40 and title III of" before "the Federal";*

*(B) strike "(40 U.S.C. 471 et seq.)" and substitute "(41 U.S.C. 251 et seq.)"; and*

*(C) strike "that Act" and substitute "subtitle I of title 40 and title III".*

*(29) In section 7306(a), strike "subsections (c) and (d) of section 602 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 474)" and substitute "section 113 of title 40".*

*(30) In section 7422(c)(1), strike "the Act of February 26, 1931 (40 U.S.C. 258a–258e)" and substitute "sections 3114–3116 and 3118 of title 40".*

*(31) In section 7541, strike "section 205 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 486)" and substitute "section 121 of title 40".*

*(32) In section 7541a, strike "section 205 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 486)" and substitute "section 121 of title 40".*

*(33) In section 7542(a), strike "section 205 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 486)" and substitute "section 121 of title 40".*

*(34) In section 7545(a), strike "section 205 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 486)" and substitute "section 121 of title 40".*

*(35) In section 9444(b)(1)—*

*(A) insert "subtitle I of title 40 and title III of" before "the Federal"; and*

*(B) strike "(40 U.S.C. 471 et seq.)" and substitute "(41 U.S.C. 251 et seq.)".*

*(36) In section 9681, strike "section 205 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 486)" and substitute "section 121 of title 40".*

*(37) In section 9682, strike "section 205 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 486)" and substitute "section 121 of title 40".*

*(38) In section 9684, strike "section 205 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 486)" and substitute "section 121 of title 40".*

*(39) In section 9686, strike "section 205 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 486)" and substitute "section 121 of title 40".*

*(40) In section 9781—*

*(A) in subsection (b)(2)(D), strike "title II of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481 et seq.)" and substitute "chapter 5 of title 40";*

*(B) in subsection (d), strike "title II of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481 et seq.)" and substitute "chapter 5 of title 40"; and*

*(C) in subsection (g)—*

*(i) insert "subtitle I of title 40 and subtitle III of" before "the Federal"; and*

*(ii) add at the end of the subsection "(41 U.S.C. 251 et seq.)".*

*(41) In section 12603(d), strike "section 201(a) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481(a))" and substitute "section 501 of title 40".*

*(42) In section 18239(b)(1), strike "section 355 of the Revised Statutes (40 U.S.C. 255)" and substitute "section 3111 of title 40".*

*(c) TITLE 14.—Title 14, United States Code, is amended as follows:*

*(1) In section 92—*

*(A) insert "subtitle I of title 40 and title III of" before "the Federal"; and*

*(B) strike "(40 U.S.C. 471 et seq.)" and substitute "(41 U.S.C. 251 et seq.)".*

*(2) In section 93(h)—*

*(A) insert "subtitle I of title 40 and title III of" before "the Federal"; and*

*(B) strike "(40 U.S.C. 471 et seq.)" and substitute "(41 U.S.C. 251 et seq.)".*

*(3) In section 641—*

*(A) in subsection (a)—*

*(i) insert "subtitle I of title 40 and title III of" before "the Federal"; and*

*(ii) strike "(40 U.S.C. 471 et seq.)" and substitute "(41 U.S.C. 251 et seq.)"; and*

*(B) in subsection (c)(2), strike "section 203 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484)" and substitute "sections 541–555 of title 40".*

*(4) In section 685(c)—*

*(A) in clause (1), strike—*

*(i) "The" and substitute "Subtitle I of title 40 and title III of the"; and*

*(ii) "(40 U.S.C. 471 et seq.)" and substitute "(41 U.S.C. 251 et seq.)"; and*

*(B) strike clause (2) and substitute—*

*"(2) Section 1302 of title 40.".*

*(d) TITLE 18.—Section 3668(c) of title 18, United States Code, is amended by striking "sections 304f–304m of Title 40" and substituting "section 1306 of title 40".*

*(e) TITLE 23.—Title 23, United States Code, is amended as follows:*

*(1) In section 112(b)(2)(A), strike "title IX of the Federal Property and Administrative Services Act of 1949" and substitute "chapter 11 of title 40".*

*(2) In section 113(a), strike "the Act of March 3, 1931, known as the Davis-Bacon Act (40 U.S.C. 276a)" and substitute "sections 3141–3144, 3146, and 3147 of title 40".*

*(f) THE INTERNAL REVENUE CODE OF 1986.—Section 7608(c)(1)(A)(i)(IV) of the Internal Revenue Code of 1986 (26 U.S.C. 7608(c)(1)(A)(i)(IV)) is amended by striking "section 34 of title 40, United States Code" and substituting "section 8141 of title 40".*

*(g) TITLE 28.—Title 28, United States Code, is amended as follows:*

*(1) In section 604(g)(3)(B), strike "section 203 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484)" and substitute "sections 541–555 of title 40".*

*(2) In section 612(f), strike "section 201 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481)" and substitute "sections 501–505 of title 40".*

*(3) In section 1499, strike "section 104 of the Contract Work Hours and Safety Standards Act" and substitute "section 3703 of title 40".*

*(h) TITLE 31.—Title 31, United States Code, is amended as follows:*

*(1) In section 781(a), strike "section 7 of the Public Buildings Act of 1959, as amended (40 U.S.C. 606)" and substitute "section 3307 of title 40".*

*(2) In section 782, strike "(as defined in section 105 of the Public Buildings Cooperative Use Act of 1976 (40 U.S.C. 612a))" and substitute "(as defined in section 3306(a) of title 40)".*

*(3) In section 1105(g)(2)(B)(ii), strike "section 901 of the Brooks Architect-Engineers Act (40 U.S.C. 541)" and substitute section "1102 of title 40".*

*(4) In section 3126—*

*(A) in subsection (a), strike "section 2 of the Government Losses in Shipment Act (40 U.S.C. 722)" and substitute "section 17303(a) of title 40"; and*

*(B) in subsection (b), strike "Section 3 of the Government Losses in Shipment Act (40 U.S.C. 723) (related to finality of decisions of the Secretary)" and substitute "Section 17304(c) of title 40".*

*(5) In section 3511(c)(1), strike "section 205(b) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 486(b))" and substitute "section 121(b) of title 40".*

*(6) In section 3551(3), strike "section 3 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 472)" and substitute "section 102 of title 40".*

*(7) In section 3905(f)(1), strike "section 2 of the Act of August 24, 1935 (40 U.S.C. 270b)" and substitute "section 3133(b) of title 40".*

*(8) In section 6703(d)(5)—*

*(A) strike "the Act of March 3, 1931 (commonly known as the Davis-Bacon Act); as amended (40 U.S.C. 276a–276a–5)" and substitute "sections 3141–3144, 3146, and 3147 of title 40"; and*

*(B) strike "section 2 of the Act of June 1, 1934 (commonly known as the Copeland Anti-Kickback Act), as amended (40 U.S.C. 276c, 48 Stat. 948)" and substitute "section 3145 of title 40".*

*(9) In section 9303—*

*(A) in subsection (d), before clause (1)—*

*(i) strike "the Act of August 24, 1935 (known as the Miller Act) (40 U.S.C. 270a–270d)" and substitute "sections 3131 and 3133 of title 40"; and*

*(ii) strike "section 3 of the Act (40 U.S.C. 270c)" and substitute "section 3133(a) of title 40";*

*(B) in subsection (d)(1)—*

*(i) strike "the Act of August 24, 1935 (known as the Miller Act) (40 U.S.C. 270a–270d)" and substitute "sections 3131 and 3133 of title 40"; and*

*(ii) strike "section 2 of the Act (40 U.S.C. 270b)" and substitute "section 3133(b) of title 40"; and*

*(C) in subsection (e)(2)(A), strike "the Act of August 24, 1935 (known as the Miller Act) (40 U.S.C. 270a–270d)" and substitute "sections 3131 and 3133 of title 40".*

*(i) TITLE 36.—Title 36, United States Code, is amended as follows:*

*(1) In section 2103(a)(1), strike "section 355 of the Revised Statutes (40 U.S.C. 255)" and substitute "section 3111 of title 40".*

*(2) In section 220314(b), strike "section 451 of the Legislative Reorganization Act of 1970 (40 U.S.C. 193m–1)" and substitute "section 5108 of title 40".*

*(j) TITLE 38.—Title 38, United States Code, is amended as follows:*

*(1) In section 115(1), strike "section 355 of the Revised Statutes (40 U.S.C. 255)" and substitute "section 3111 of title 40".*

*(2) In section 310(b), strike "division E of the Clinger-Cohen Act of 1996 (40 U.S.C. 1401 et seq.)" and substitute "subtitle III of title 40".*

*(3) In section 8122(a)(1), strike "section 321 of the Act of June 30, 1932 (40 U.S.C. 303b)" and substitute "section 1302 of title 40".*

*(4) In section 8135(a)(8), strike "the Act of March 3, 1931 (40 U.S.C. 276a—276a–5) (known as the Davis-Bacon Act)" and substitute "sections 3141–3144, 3146, and 3147 of title 40".*

*(5) In section 8162(a)—*

*(A) in paragraph (1), strike "section 321 of the Act of June 30, 1932 (40 U.S.C. 303b), sections 202 and 203 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 483, 484)" and substitute "subchapter II of chapter 5 of title 40, sections 541–555 and 1302 of title 40"; and*

*(B) in paragraph (3), strike "the Act of March 3, 1931 (40 U.S.C. 276a et seq.)" and substitute "sections 3141–3144, 3146, and 3147 of title 40".*

*(6) In section 8165(c), strike "section 204 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 485) or the Act of June 8, 1896 (40 U.S.C. 485a)" and substitute "subchapter IV of chapter 5 of title 40".*

*(7) In section 8201(e), strike "section 321 of the Act of June 30, 1932 (40 U.S.C. 303b)" and substitute "section 1302 of title 40".*

*(k) TITLE 39.—Section 410(b)(4) of title 39, United States Code, is amended to read as follows:*

*"(4) the following provisions of title 40:*

*"(A) sections 3114–3116, 3118, 3131, 3133, and 3141–3147; and*

*"(B) chapters 37 and 173;".*

*(l) TITLE 44.—Title 44, United States Code, is amended as follows:*

*(1) In section 311(a), strike "the Federal Property and Administrative Services Act, approved June 30, 1949, as amended," and substitute "subtitle I of title 40 and title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.)".*

*(2) In section 2901(13), strike "section 3(a) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 472(a))" and substitute "section 102 of title 40".*

*(3) In section 3501(8)(B), strike "the Computer Security Act of 1987 (Public Law 100–235)" and substitute "section 11332 of title 40".*

*(4) In section 3502(9)—*

*(A) strike "section 5002 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1401)" and substitute "section 11101 of title 40"; and*

*(B) strike "section 5142 of that Act (40 U.S.C. 1452)" and substitute "section 11103 of title 40".*

*(5) In section 3504—*

*(A) in subsection (g)(2), strike "section 5131 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1441), and sections 5 and 6 of the Computer Security Act of 1987 (40 U.S.C. 759 note)" and substitute "sections 11331 and 11332(b) and (c) of title 40";*

*(B) in subsection (g)(3), strike "section 5131 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1441) and sections 5 and 6 of the Computer Security Act of 1987 (40 U.S.C. 759 note)" and substitute "sections 11331 and 11332(b) and (c) of title 40";*

*(C) in subsection (h)(1)(B), strike "section 5131 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1441)" and substitute "section 11331 of title 40"; and*

*(D) in subsection (h)(2)—*

*(i) strike "division E of the Clinger-Cohen Act of 1996 (40 U.S.C. 1401 et seq.)" and substitute "subtitle III of title 40"; and*

*(ii) strike "section 110 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 757)" and substitute "section 322 of title 40".*

*(6) In section 3506—*

*(A) in subsection (g)(2), strike "the Computer Security Act of 1987 (40 U.S.C. 759 note)" and substitute "section 11332 of title 40"; and*

*(B) in subsection (g)(3), strike "the Computer Security Act of 1987 (40 U.S.C. 759 note)" and substitute "section 11332 of title 40".*

*(7) In section 3518(d), strike "section 5131 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1441) and the Computer Security Act of 1987 (40 U.S.C. 759 note)" and substitute "sections 11331 and 11332 of title 40".*

*(m) TITLE 46.—Title 46, United States Code, is amended as follows:*

*(1) In section 2101(17), strike "section 13 of the Coast Guard Authorization Act of 1986" and substitute "section 558 of title 40".*

*(2) In section 3305(c), strike "section 13 of the Coast Guard Authorization Act of 1986" and substitute "section 558 of title 40".*

*(n) TITLE 49.—Title 49, United States Code, is amended as follows:*

*(1) In section 103(e)—*

*(A) insert "subtitle I of title 40 and title III of" before "the Federal Property"; and*

*(B) strike "(40 U.S.C. 471 et seq.)" and substitute "(41 U.S.C. 251 et seq.)".*

*(2) In section 5325(b), strike "title IX of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 541 et seq.)" and substitute "chapter 11 of title 40".*

*(3) In section 5333(a)—*

*(A) strike "the Act of March 3, 1931 (known as the Davis-Bacon Act) (40 U.S.C. 276a—276a–5)" and substitute "sections 3141–3144, 3146, and 3147 of title 40"; and*

*(B) strike "section 2 of the Act of June 13, 1934 (40 U.S.C. 276c)" and substitute "section 3145 of title 40".*

*(4) In section 24312—*

*(A) in subsection (a)—*

*(i) strike "the Act of March 3, 1931 (known as the Davis-Bacon Act) (40 U.S.C. 276a—276a–5)" and substitute "sections 3141–3144, 3146, and 3147 of title 40"; and*

*(ii) strike "section 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 333)" and substitute "section 3704 of title 40"; and*

*(B) in subsection (b), strike "the Act of March 3, 1931 (known as the Davis-Bacon Act) (40 U.S.C. 276a—276a–5)" and substitute "sections 3141–3144, 3146, and 3147 of title 40"*

*(5) In section 40110(c)(2)—*

*(A) in subclause (C), strike "(as defined in section 13 of the Public Buildings Act of 1959 (40 U.S.C. 612))" and substitute "(as defined in section 3301(a) of title 40)"; and*

*(B) in subclause (F), strike "title II of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481 et seq.)" and substitute "sections 121, 123, and 126 and chapter 5 of title 40".*

*(6) In section 44305(a)(1), strike "sections 1 and 2 of the Government Losses in Shipment Act (40 U.S.C. 721, 722)" and substitute "sections 17302 and 17303 of title 40".*

*(7) In section 47107(a)(17), strike "title IX of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 541 et seq.)" and substitute "chapter 11 of title 40".*

*(8) In section 47112(b), strike "the Act of March 3, 1931 (known as the Davis-Bacon Act) (40 U.S.C. 276a—276a–5)" and substitute "sections 3141–3144, 3146, and 3147 of title 40".*

*(9) In section 49111(d)(1), strike "section 5 of the Act of June 6, 1924 (40 U.S.C. 71d)," and substitute "section 8722 of title 40".*

*(o) VETERANS' BENEFITS PROGRAMS IMPROVEMENT ACT OF 1991.—Section 403(e) of the Veterans' Benefits Programs Improvement Act of 1991 (Pub. L. 102–86, 105 Stat. 424) is amended by striking "section 303b of title 40, sections 483 and 484 of title 40" and substituting "subchapter II of chapter 5 of title 40, sections 541–555 and 1302 of title 40".*

***SEC. 4. REPEAL OF TITLE V OF THE FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT OF 1949.***

*Title V of the Federal Property and Administrative Services Act of 1949 (ch. 288), as added by section 6(d) of the Act of September 5, 1950 (ch. 849, 64 Stat. 583), is repealed.*

***SEC. 5. LEGISLATIVE PURPOSE AND CONSTRUCTION.***

*(a) PURPOSE.—The purpose of this Act is to revise, codify, and enact without substantive change the general and permanent laws of the United States related to public buildings, property, and works, in order to remove ambiguities, contradictions, and other imperfections and to repeal obsolete, superfluous, and superseded provisions.*

*(b) NO SUBSTANTIVE CHANGE.—*

*(1) IN GENERAL.—This Act makes no substantive change in existing law and may not be construed as making a substantive change in existing law.*

*(2) DEEMED DATE OF ENACTMENT FOR CERTAIN PURPOSES.—For purposes of determining whether one provision of law supersedes another based on enactment later in time, and otherwise to ensure that this Act makes no substantive change in existing law, the date of enactment of a provision restated in section 1 or 2 of this Act is deemed to remain unchanged, continuing to be the date of enactment of the underlying provision of public law that is being restated.*

*(3) INCONSISTENT LAWS ENACTED AFTER MARCH 31, 2002.—This Act restates certain laws enacted before April 1, 2002. Any law enacted after March 31, 2002, that is inconsistent with this Act, including any law purporting to amend or repeal a provision that is repealed by this Act, supersedes this Act to the extent of the inconsistency.*

*(c) REFERENCES.—A reference to a law replaced by section 1 or 2 of this Act, including a reference in a regulation, order, or other law, is deemed to refer to the corresponding provision enacted by this Act.*

*(d) CONTINUING EFFECT.—An order, rule, or regulation in effect under a law replaced by section 1 or 2 of this Act continues in effect under the corresponding provision enacted by this Act until repealed, amended, or superseded.*

*(e) ACTIONS AND OFFENSES UNDER PRIOR LAW.—An action taken or an offense committed under a law replaced by section 1 or 2 of this Act is deemed*

*to have been taken or committed under the corresponding provision enacted by this Act.*

*(f) INFERENCES.—An inference of a legislative construction is not to be drawn by reason of the location in the United States Code of a provision enacted by this Act or by reason of a caption or catch line of the provision.*

*(g) SEVERABILITY.—If a provision enacted by this Act is held invalid, all valid provisions that are severable from the invalid provision remain in effect. If a provision enacted by this Act is held invalid in any of its applications, the provision remains valid for all valid applications that are severable from any of the invalid applications.*

***SEC. 6. REPEALS.***

*(a) INFERENCES OF REPEAL.—The repeal of a law by this Act may not be construed as a legislative inference that the provision was or was not in effect before its repeal.*

*(b) REPEALER SCHEDULE.—The laws specified in the following schedule are repealed, except for rights and duties that matured, penalties that were incurred, and proceedings that were begun before the date of enactment of this Act:*

*Schedule of Laws Repealed*

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| Date | Chapter or Public Law | Section | Statutes at Large | | U.S. Code (title 40 unless otherwise specified) |
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| | | | Volume | Page | |
| 1822 | | | | | |
| May 7 | 96 | 3 | 3 | 692 | 307 |
| 1874 | | | | | |
| Feb. 4 | 22 | | 18 | 14 | 28 |
| Mar. 7 | 50 | (proviso) | 18 | 20 | 29 |
| 1876 | | | | | |
| July 31 | 246 | (proviso (related to report) in 1st par. on p. 115). | 19 | 115 | 27 |
| 1877 | | | | | |
| Mar. 3 | 105 | (proviso (related to report) in 16th par. on p. 359). | 19 | 359 | 27 |
| | 106 | (words after 2d semicolon in 3d par. under heading "Miscellaneous"). | 19 | 370 | 34 |
| 1878 | | | | | |
| June 20 | 359 | (proviso in 2d par. under heading "Building and Grounds in and Around Washington and the Executive Mansion"). | 20 | 220 | 103 |
| 1879 | | | | | |
| Mar. 3 | 182 | 1 (words after semicolon in 5th par. on p. 388). | 20 | 388 | 30 |
| July 1 | 62 | | 21 | 47 | 307 |
| 1882 | | | | | |
| Aug. 5 | 389 | 1 (2d sentence in 8th par. on p. 241) | 22 | 241 | 35 |
| 1883 | | | | | |
| Jan. 16 | 27 | 4 | 22 | 405 | 42 |
| 1888 | | | | | |
| Aug. 1 | 728 | | 25 | 357 | 257, 258 |
| 1890 | | | | | |
| Aug. 30 | 837 | 3 | 26 | 412 | 120 |
| 1892 | | | | | |
| July 29 | 320 | 15 | 27 | 325 | 101 |
| Aug. 1 | 352 | 3 | 27 | 340 | 323 |

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| 1893 | | | | | |
| Mar. 3 | 211 | 3 | 27 | 715 | 286 |
| 1895 | | | | | |
| Mar. 2 | 189 | (words after last comma in 1st par. on p. 959). | 28 | 959 | 190a |
| 1896 | | | | | |
| June 8 | 373 | | 29 | 268 | 485a |
| 1898 | | | | | |
| July 1 | 543 | 5 | 30 | 570 | 79 |
| | 546 | 1 (6th complete par. on p. 614) | 30 | 614 | 285 |
| July 7 | 571 | (last par. under catchline "Capitol and Grounds"). | 30 | 672 | 164 |
| 1899 | | | | | |
| Mar. 3 | 458 | 2 (2d par.) | 30 | 1378 | 89 |
| 1900 | | | | | |
| Apr. 17 | 192 | (words between 1st and 2d semicolons (related to absence, disability, or vacancy) under catchline "Office of the Architect of the Capitol"). | 31 | 125 | 164 |
| 1901 | | | | | |
| Mar. 3 | 830 | 1 (words between 1st and 2d semicolons (related to absence, disability, or vacancy) under catchline "Office of the Architect of the Capitol"). | 31 | 1000 | 164 |
| 1902 | | | | | |
| Apr. 28 | 594 | 1 (6th, last pars. on p. 152) | 32 | 152 | 19, 31 |
| 1903 | | | | | |
| Feb. 25 | 755 | 1 (7th par. on p. 865) | 32 | 865 | 484–1 |
| Mar. 3 | 1007 | 1 (4th complete par. on p. 1112) | 32 | 1112 | 304 |
| 1905 | | | | | |
| Mar. 3 | 1483 | 1 (words before "namely" in last sentence of 9th par. on p. 1161). | 33 | 1161 | 279 |
| 1908 | | | | | |
| May 27 | 200 | 1 (7th complete par. on p. 327, 1st complete par. on p. 356, proviso on p. 358). | 35 | 327, 356, 358 | 43 note, 64, 283 |
| May 30 | 228 | 34 | 35 | 545 | 261 |
| 1909 | | | | | |
| Feb. 9 | 101 | (3d par. under heading "War Department"). | 35 | 615 | 43 note |
| Mar. 4 | 299 | 1 (proviso in 2d par. on p. 997) | 35 | 997 | 43 |
| 1910 | | | | | |
| May 17 | 243 | | 36 | 371 | 104, 106 |
| June 25 | 384 | 1 (8th complete par. on p. 728 (less appropriations)). | 36 | 728 | 105 |
| 1912 | | | | | |
| Aug. 23 | 350 | 1 (2d complete par. on p. 375) | 37 | 375 | 251 |
| Aug. 24 | 355 | 1 (last proviso in last par. on p. 432, 10th par. on p. 444). | 37 | 432, 444 | 68, 280 |
| Aug. 26 | 408 | 1 (last par. on p. 605) | 37 | 605 | 174 |
| 1913 | | | | | |
| Mar. 3 | 106 | 1 "Sec. 3", 4 | 37 | 727 | 323 |
| Mar. 4 | 142 | 1 (words after 4th comma in last par. on p. 771). | 37 | 771 | 38. |
| June 23 | 3 | 1 (proviso on p. 17, last proviso in 2d complete par. on p. 22, 1st, 3d pars. under heading "Central Heating and Power Plant"). | 38 | 17, 22, 25 | 22, 253, 281 |
| 1914 | | | | | |
| Aug. 1 | 223 | 1 (last par. on p. 633) | 38 | 633 | 82 |
| 1916 | | | | | |
| May 10 | 117 | 1 (last par. under catchline "Contingent Expenses", last par. less proviso under catchline "Rent"). | 39 | 109, 118 | 39, 40 |
| 1917 | | | | | |
| June 12 | 27 | 1 (words before 10th comma in 4th par. on p. 112, last par. on p. 133). | 40 | 112, 133 | 22, 91 |

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| *1918* | | | | | |
| July 9 | 143 | (last par. on p. 850) | 40 | 850 | 314 |
| Aug. 31 | 164 | 1 (6th par., words before "and over" in last par. under heading "Washington Aqueduct."). | 40 | 951 | 100 |
| *1919* | | | | | |
| Feb. 25 | 39 | 3 | 40 | 1173 | 314 |
| Aug. 25 | 52 | | 41 | 281 | 271 |
| *1920* | | | | | |
| Feb. 28 | 91 | 213 | | | 316 |
| Mar. 6 | 94 | (proviso in last par. under heading "Public Buildings"). | 41 | 507 | 272 |
| May 29 | 214 | 1 (1st complete par. on p. 642, words in par. under heading "Independent Treasury"). | 41 | 642, 654 | 42, 285 |
| June 5 | 235 | (2d complete par. on p. 913) | 41 | 913 | 113 |
| | 253 | 1 (1st par. under heading "Legislative") | 41 | 1035 | 186 |
| *1921* | | | | | |
| Mar. 3 | 123 | | 41 | 1251 | 307 |
| *1922* | | | | | |
| Feb. 17 | 55 | (last proviso in 2d par. and 3d par. under heading "General Supply Committee", last proviso in 1st complete par. on p. 387, 1st proviso on p. 388). | 42 | 369, 387, 388 | 25, 284, 312, 313 |
| Mar. 20 | 103 | (last par. (related to inspection) on p. 430). | 42 | 430 | 26 |
| *1923* | | | | | |
| Jan. 3 | 22 | (last proviso in 2d par. and 3d par. under heading "General Supply Committee", last proviso in 2d par. on p. 1108, 1st proviso on p. 1109). | 42 | 1090, 1108, 1109. | 25, 284, 312, 313 |
| Jan. 24 | 42 | (proviso in 1st complete par. on p. 1211) | 42 | 1211 | 115 |
| Feb. 20 | 98 | (par. (related to inspection) under catchline "Capitol Power Plant"). | 42 | 1273 | 26 |
| *1924* | | | | | |
| Apr. 4 | 84 | (proviso in 1st par. and 1st complete par. on. p. 67, last proviso in 2d par. under heading "Public Buildings, Operating Expenses", 1st proviso on p. 83). | 43 | 67, 82, 83 | 25, 284, 312, 313 |
| June 5 | 264 | (proviso in 2d complete par. on p. 422) | 43 | 422 | 115 |
| June 6 | 270 | 1–4(a), (d), (e), 5, 7–13 | 43 | 463 | 71–71d, 71f–72, 73, 74 |
| June 7 | 303 | 1(words between 1st and 2d semicolons (related to inspection) in 9th par. under heading "Capitol Buildings and Grounds"). | 43 | 587 | 26 |
| *1925* | | | | | |
| Jan. 22 | 87 | (last proviso in 2d par. and 3d par. under heading "General Supply Committee", last proviso in complete par. and 1st proviso in last par. on p. 781)). | 43 | 766, 781 | 25, 284, 312, 313 |
| Feb. 26 | 339 | | 43 | 983 | 2–6 |
| Mar. 3 | 462 | (proviso in 1st par. on p. 1176) | 43 | 1176 | 115 |
| Mar. 4 | 549 | 1 (words between 1st and 2d semicolons (related to inspection) in 1st par. on p. 1296). | 43 | 1296 | 26 |
| | 556 | 1 (1st par. under heading "Public Buildings and Grounds"). | 43 | 1323 | 91 |
| *1926* | | | | | |
| Mar. 2 | 43 | 1 (proviso in 1st par. and 1st complete par. on p. 139, last proviso in 2d par. under heading "Public Buildings, Operating Expenses", 1st proviso on p. 154). | 44 | 139, 153, 154 | 25, 284, 312, 313 |
| Mar. 3 | 44 | 1 (last par. under heading "Department of the Interior, Contingent Expenses"). | 44 | 173 | 117 |
| Apr. 29 | 195 | (proviso in 3d complete par. on p. 368) | 44 | 368 | 115 |
| Apr. 30 | 198 | | 44 | 374 | 71 |
| May 13 | 294 | 1 (words between 1st and 2d semicolons (related to inspection) in 1st par. and 4th complete par. on p. 547). | 44 | 547 | 26, 222 |
| May 25 | 380 | 3, 5 (related to "amendment" by Act of Feb. 16, 1931 (ch. 203, 46 Stat. 1164)), 8. | 44 | 632, 633, 635 | 343, 345a |

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| *1927* | | | | | |
| Jan. 26 | 58 | 1 (last proviso in 1st par. and 1st complete par. on p. 1030, last proviso in 2d par. under heading "Public Buildings, Operating Expenses", 1st proviso on p. 1045). | 44 | 1030, 1044, 1045. | 25, 284, 312, 313 |
| Feb. 23 | 168 | 1 (words between 1st and 2d semicolons (related to inspection) in 5th par. on p. 1156). | 44 | 1156 | 26 |
| Feb. 24 | 189 | (provisos in 3d par. on p. 1219) | 44 | 1219 | 115, 115a |
| *1928* | | | | | |
| Feb. 15 | 57 | (provisos in 3d complete par. on p. 103) | 45 | 103 | 115, 115a |
| Mar. 5 | 126 | 1 (last proviso in 1st par. and 1st complete par. on p. 165, last proviso in 2d par. under heading "Public Buildings, Operating Expenses", provisos and last sentence in 1st par. on p. 186). | 45 | 165, 185, 186 | 25, 112a, 284, 312, 313 |
| May 14 | 551 | 1 (words between 1st and 2d semicolons (related to inspection) in last par. on p. 526). | 45 | 526 | 26 |
| May 24 | 726 | | 45 | 726 | 71 |
| May 29 | 901 | 1(8), (85) | 45 | 986, 992 | 174, 314 |
| Dec. 20 | 39 | 1 (1st par. on p. 1031, 2d proviso and provisos in 1st complete par. on p. 1048). | 45 | 1031, 1048 | 25, 30a, 284, 313 |
| Dec. 22 | 48 | | 45 | 1070 | 72a, 72b |
| *1929* | | | | | |
| Jan. 25 | 102 | (provisos in 4th par. on p. 1133) | 45 | 1133 | 115, 155a |
| Feb. 28 | 367 | 1 (words between 1st and 2d semicolons (related to inspection) in 8th par. on p. 1396). | 45 | 1396 | 26 |
| Mar. 1 | 423 | | 45 | 1425 | 271 |
| June 20 | 33 | 6 (words after 1st comma) | 46 | 39 | 161a |
| *1930* | | | | | |
| Apr. 18 | 184 | (provisos in 2d complete par. on p. 212) | 46 | 212 | 115, 115a |
| May 15 | 289 | 1 (5th par. under heading "Division of Supply", 1st proviso and provisos in 1st complete par. on p. 358). | 46 | 337, 358 | 25, 30a, 284, 313 |
| May 16 | 291 | | 46 | 366 | 121, 121 note |
| June 6 | 407 | 1 (words between 5th and 6th semicolons (related to inspection) in 1st par. under heading "Capitol Buildings and Grounds", 1st complete par. on p. 514 (related to care and operation of Senate Office Building)). | 46 | 513, 514 | 26, 174a |
| June 28 | 710 | | 46 | 828 | 255 |
| *1931* | | | | | |
| Feb. 16 | 203 | 1 | 46 | 1164 | 345a |
| Feb. 20 | 234 | 1 (words between 5th and 6th semicolons (related to inspection) in 1st par. under heading "Capitol Buildings and Grounds", 1st complete par. on p. 1184 (related to care and operation of Senate Office Building)). | 46 | 1183, 1184 | 26, 174a |
| Feb. 23 | 277 | 1 (3d par. on p. 1219, last proviso in complete par. and proviso in last par. on p. 1234, proviso in 1st par. on p. 1235). | 46 | 1219, 1234, 1235. | 25, 30a, 284, 313 |
| | 280 | 1 (provisos in 3d par. on p. 1349) | 46 | 1349 | 115, 115a |
| Feb. 26 | 307 | | 46 | 1421 | 258a—258e–1 |
| Mar. 3 | 411 | | 46 | 1494 | 276a—276a–6 |
| *1932* | | | | | |
| May 20 | 197 | | 47 | 161 | 122, 123 |
| May 21 | 200 | | 47 | 163 | 124–126 |
| June 30 | 314 | 1 (words between 5th and 6th semicolons (related to inspection) in 1st par. under heading "Capitol Buildings and Grounds", 1st par. on p. 392 (related to care and operation of Senate Office Building)), 320, 321. | 47 | 391, 392, 412 | 26, 174a, 267a, 303b |
| July 1 | 361 | 1 (2d, last provisos in 1st par. on p. 517). | 47 | 517 | 115, 115a |
| July 5 | 430 | 1 (1st complete par. on p. 582, last proviso in 1st complete par. and provisos in last par. on p. 596). | 47 | 582, 596 | 25, 30a, 284, 313 |
| *1933* | | | | | |
| Feb. 11 | 48 | 1 | 47 | 799 | 124, 125 |

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| Feb. 28 | 134 | 1 (words between 5th and 6th semicolons (related to inspection) in 1st par. under heading "Capitol Buildings and Grounds", last par. on p. 1360 (related to care and operation of Senate Office Building)). | 47 | 1360 | 26, 174a |
| Mar. 1 | 144 | 1 (provisos in 4th par. on p. 1406) | 47 | 1406 | 115, 115a |
| Mar. 3 | 212 | (2d par. under heading "General Supply Committee", last proviso in complete par. and last proviso on p. 1505, proviso in 1st par. on p. 1506). | 47 | 1491, 1505, 1506. | 25, 30a, 284, 313 |
| June 16 | 90 | 202–210, 220, 303, 304 | 48 | 201, 210, 211 | 402–411, 413, 414 |
| | 101 | 7 | 48 | 305 | 315 |
| 1934 | | | | | |
| Jan. 24 | 4 | 34 | 48 | 336 | 191 |
| Feb. 15 | 13 | 1 (words before 1st proviso (related to continuation of Civil-Works program)). | 48 | 351 | 411a |
| Mar. 15 | 70 | 1 (1st complete par. on p. 438, last proviso in 2d par. under heading "Public Buildings, Operating Expenses", provisos in 1st par. on p. 442, last proviso in 4th par. under heading "Public Buildings, Maintenance and Operation"). | 48 | 438, 441, 442, 449. | 25, 30a, 284, 313 |
| May 7 | 222 | 1–3 | 48 | 668 | 13a–13c |
| May 30 | 372 | 1 (words between 5th and 6th semicolons (related to inspection) in 1st par. and 5th complete par. on p. 827 (related to care and operation of Senate Office Building)). | 48 | 827 | 26, 174a |
| June 13 | 482 | 2 | 48 | 948 | 276c |
| June 19 | 648 | (last par. on p. 1044) | 48 | 1044 | 22a |
| 1935 | | | | | |
| May 14 | 110 | 1 (last proviso in 3d par. on p. 233, last proviso and last par. on p. 234). | 49 | 233, 234 | 284, 313, 313a |
| June 27 | 320 | | 49 | 425 | 22b, 22b note, 22c |
| July 8 | 374 | (3d complete par. on p. 470 (related to care and operation of Senate Office Building)). | 49 | 470 | 174a |
| Aug. 24 | 642 | | 49 | 793 | 270, 270a, 270a notes, 270b—270d–1 |
| Aug. 26 | 684 | | 49 | 800 | 345b, 345c |
| Aug. 27 | 740 | 301–308 | 49 | 879 | 304f–304m |
| | 744 | | 49 | 885 | 304a–304e |
| Aug. 30 | 825 | | 49 | 1011 | 276a—276a–6 |
| 1936 | | | | | |
| June 23 | 725 | 1 (last proviso in 2d complete par. on p. 1843, last proviso and last par. on p. 1844). | 49 | 1843, 1844 | 284, 313, 313a |
| June 25 | 822 | | 49 | 1938 | 290 |
| June 29 | 860 | | 49 | 2025 | 421–425 |
| 1937 | | | | | |
| May 14 | 180 | 1 (last proviso in 2d complete par. on p. 153, last proviso and last par. on p. 154, last proviso in 1st par. on p. 163). | 50 | 153, 154, 163 | 284, 313, 313a |
| May 18 | 223 | (last par. on p. 179 (related to care and operation of Senate Office Building)). | 50 | 179 | 174a |
| July 8 | 444 | 1–7, 10, 11 | 50 | 479, 484 | 721, 721 notes, 722–729 |
| 1938 | | | | | |
| Mar. 28 | 55 | 1 (last proviso on p. 137, last proviso and 1st complete par. on p. 139, last proviso in 1st complete par. on p. 147). | 52 | 137, 139, 147 | 284, 313, 313a |
| May 17 | 236 | (1st par. under catchline "Senate Office Building" (related to care and operation of Senate Office Building)). | 52 | 391 | 174a |
| June 15 | 400 | | 52 | 693 | 311b |
| June 20 | 534 | 16 | 52 | 802 | None |

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| *1939* | | | | | |
| May 6 | 115 | 1 (last proviso in 2d complete par. on p. 672, 4th and last provisos and 1st complete par. on p. 674, last proviso in 1st complete par. on p. 682). | 53 | 672, 674, 682 | 109a, 284, 313, 313a |
| June 3 | 176 | | 53 | 808 | 311b |
| July 15 | 281 | (3d par. under heading "Department of Vehicles and Traffic"). | 53 | 1033 | 60a |
| July 31 | 400 | | 53 | 1144 | 121 |
| Aug. 5 | 449 | | 53 | 1211 | 72c, 72c note, 72d, 72d note, 72e, 72e note, 74a, 74a note, 74b, 74c |
| Aug. 10 | 665 | 1–3 | 53 | 1358 | 723–725, 729 |
| *1940* | | | | | |
| Feb. 1 | 18 | | 54 | 19 | 255 |
| Mar. 25 | 71 | (6th and last provisos on p. 69, 1st par. on p. 70, last proviso in 2d complete par. on p. 77). | 54 | 69, 70, 77 | 109a, 284, 313, 313a |
| June 12 | 333 | (3d par. under heading "Department of Vehicles and Traffic"). | 54 | 334 | 60a |
| June 15 | 373 | | 54 | 399 | 276a, 276a note |
| June 18 | 396 | (last par. under heading "Office of the Architect of the Capitol"). | 54 | 472 | 166a |
| July 18 | 634 | | 54 | 764 | 109, 109a |
| | 635 | | 54 | 764 | 304a–304d |
| Aug. 13 | 666 | | 54 | 788 | 316 |
| Sept. 9 | 717 | (3d proviso under heading "Military Posts"). | 54 | 873 | 269a |
| Oct. 8 | 756 | (1st proviso on p. 968) | 54 | 968 | 269a |
| Oct. 9 | 793 | | 54 | 1083 | 255 |
| Oct. 22 | 908 | 6 | 54 | 1208 | 13e |
| *1941* | | | | | |
| Mar. 23 | 26 | (last proviso in 5th complete par. on p. 53). | 55 | 53 | 276a–7 |
| Apr. 29 | 81 | | 55 | 147 | 270e, 270f |
| May 31 | 156 | 1 (6th and last provisos on p. 226, 2d par. under heading "Procurement Division", last proviso in 1st complete par. on p. 234). | 55 | 226, 234 | 109a, 284, 313, 313a |
| June 30 | 262 | (2d proviso under heading "Military Posts"). | 55 | 375 | 269a |
| July 1 | 268 | (last par. under heading "Office of the Architect of the Capitol"). | 55 | 457 | 166a |
| | 271 | (1st par. on p. 529) | 55 | 529 | 60a |
| Aug. 21 | 395 | (last proviso in 14th par. on p. 664) | 55 | 664 | 276a–7 |
| Dec. 10 | 563 | | 55 | 796 | 291 |
| *1942* | | | | | |
| Feb. 21 | 108 | (words after last comma in 1st par. on p. 109). | 56 | 109 | 313 |
| Mar. 10 | 178 | (5th and 6th provisos and 1st complete par. on p. 161, 2d proviso on p. 169). | 56 | 161, 169 | 109a, 284, 313, 313a |
| Apr. 28 | 249 | | 56 | 247 | 278b |
| June 8 | 396 | (last par. under heading "Office of the Architect of the Capitol"). | 56 | 341 | 166a |
| June 27 | 450 | (1st proviso in 2d complete par. and last par. on p. 407). | 56 | 407 | 277a, 284 |
| | 452 | (1st complete par. on p. 451) | 56 | 451 | 60a |
| Oct. 21 | 618 | | 56 | 797 | 258f |
| *1943* | | | | | |
| June 26 | 145 | 101 (proviso in par. under heading "Office of the Administrator", last proviso on p. 177, 1st and 2d complete pars. on p. 178). | 57 | 176, 177, 178 | 7a, 265a, 277a, 284 |
| June 28 | 173 | (1st complete par. on p. 232) | 57 | 232 | 166a |
| June 30 | 179 | (5th and 6th provisos and 1st complete par. on p. 262), 201 (last proviso). | 57 | 262, 269 | 109a, 284, 313, 313a |
| July 1 | 184 | (3d par. under heading "Department of Vehicles and Traffic"). | 57 | 338 | 60a |
| *1944* | | | | | |
| Apr. 1 | 152 | (words before proviso in last par. under heading "Treasury Department"). | 58 | 162 | 756 note |
| Apr. 22 | 175 | (7th proviso and 1st complete par. on p. 206, last proviso in 1st complete par. on p. 214). | 58 | 206, 214 | 284, 313, 313a |

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| June 26 | 277 | 101 (last par. under heading "Office of the Architect of the Capitol"). | 58 | 346 | 166a |
| June 27 | 286 | 101 (1st proviso on p. 367, 1st proviso in 2d complete par. and last par. on p. 368, 1st complete par. on p. 369). | 58 | 367, 368, 369 | 7a, 265a, 277a,284 |
| June 28 | 300 | (last proviso on p. 526) | 58 | 526 | 60a |
| 1945 | | | | | |
| Apr. 24 | 92 | (2d proviso and 1st complete par. on p. 67, last proviso in 3d par. under heading "Public Buildings, Maintenance and Operation"). | 59 | 67, 74 | 284, 313, 313a |
| May 3 | 106 | 101 (proviso in 1st par. under heading "Office of the Administrator", proviso in 1st and 2d complete pars., last complete par., and last par. on p. 114, 1st and 2d complete pars. on p. 115). | 59 | 112, 114 | 7a, 265a, 277a, 284, 292, 293 |
| June 13 | 189 | 101 (2d par. under heading "Office of the Architect of the Capitol"). | 59 | 251 | 166a |
| June 30 | 209 | (4th proviso in 1st complete par. on p. 289). | 59 | 289 | 60a |
| 1946 | | | | | |
| Mar. 28 | 113 | 101 (proviso in 1st par. under heading "Office of the Administrator", proviso in 1st and 2d pars. and 3d–last pars. on p. 67). | 60 | 65, 67 | 7a, 265a, 277a, 284, 292 |
| June 14 | 404 | 1–4, 7–9 | 60 | 257, 258 | 128, 295, 296, 304b, 304c, 341 note |
| July 1 | 530 | 101 (2d par. under heading "Office of the Architect of the Capitol"). | 60 | 400 | 166a |
| July 9 | 544 | (4th proviso in 1st complete par. on p. 518). | 60 | 518 | 60a |
| July 20 | 588 | 101 (5th proviso and 1st complete par. on p. 579, last proviso in 3d par. under heading "Public Buildings, Maintenance and Operation"). | 60 | 579, 585 | 284, 313, 313a |
| | 589 | 302 | 60 | 595 | 33a |
| July 31 | 707 | 1–8, 10–13, 15, 16(a) | 60 | 718, 719, 720 | 193a–193h, 193h note, 193i–193m, 194–205, 213 |
| Aug. 7 | 770 | (55) | 60 | 870 | 314 |
| 1947 | | | | | |
| July 1 | 186 | (last proviso and 1st complete par. on p. 224, last proviso in 1st complete par. on p. 233). | 61 | 224, 233 | 284, 313, 313a |
| July 17 | 262 | 101 (2d par. under heading "Office of the Architect of the Capitol"). | 61 | 369 | 166a |
| July 25 | 324 | (4th proviso in 1st par. on p. 443) | 61 | 443 | 60a |
| | 327 | 2(a) (5th par.) | 61 | 451 | 101 note |
| July 30 | 358 | 302 | 61 | 583 | 33a |
| | 359 | 101 (proviso in last complete par. and last par. on p. 593, 1st and 2d complete pars. on p. 594). | 61 | 593, 594 | 277a, 284, 292 |
| Aug. 5 | 493 | 2 (1st sentence) | 61 | 774 | 303 |
| 1948 | | | | | |
| Apr. 20 | 219 | 101 (proviso in 1st and 2d complete pars., last complete par., and last par. on p. 183). | 62 | 183 | 277a, 284, 292 |
| May 14 | 290 | | 62 | 235 | 129a–130a |
| June 1 | 359 | | 62 | 281 | 318–318d |
| June 14 | 466 | (5th proviso and 1st complete par. on p. 415, 3d complete par. on p. 416, last proviso on p. 421). | 62 | 415, 416, 421 | 284, 313, 313a, 756 note |
| | 467 | 101 (last par. under heading "Office of the Architect of the Capitol"). | 62 | 430 | 166a |
| June 19 | 555 | (4th proviso in 1st complete par. on p. 553). | 62 | 553 | 60a |
| June 25 | 646 | 6, 27 | 62 | 986, 990 | 13c, 257 |
| June 30 | 773 | 302 | 62 | 1194 | 33a |
| 1949 | | | | | |
| May 24 | 139 | 134 | 63 | 108 | 276c |
| June 16 | 218 | 404, 405, 410–413 | 63 | 199, 200 | 298a, 298a note, 298b, 298d, 356, 356a |
| June 22 | 235 | 101 (1st complete par. on p. 224) | 63 | 224 | 166a |
| June 29 | 279 | (1st proviso on p. 319) | 63 | 319 | 60a |

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| June 30 | 286 | (last proviso in 1st par. under heading "Bureau of Federal Supply", 2d–last sentences in 1st complete par. on p. 364, par. under heading "General Supply Fund"). | 63 | 363, 364 | 313–1, 314a, 756 note |
| | 288 | 1–3, 101–103, 106, 107, 109(a)–(c), (e)–(g), 110, 112, 201, 202(a)–(e), (g), (h), 203–212, 401–404, 601, 602(a), (c)–(e), 603, 605, 606, 801–806, 901–905. | 63 | 377, 381, 382, 383, 385, 397, 399, 401, 403. | 471, 471 notes, 472–476, 481, 483, 484, 485, 486–490, 491, 492, 511–514, 531, 531 note, 532–535, 541, 541 note, 542–544, 751–755, 756, 757, 758, 760 |
| Aug. 18 | 479 | | 63 | 616 | 13f–13p |
| Aug. 24 | 506 | 101 (provisos and 3d and 4th complete pars. on p. 640), 307. | 63 | 640, 662 | 33a, 277a, 284, 292 |
| Oct. 13 | 685 | 1–5, 7, 8 | 63 | 841, 842 | 451–455, 457, 458 |
| Oct. 26 | 737 | | 63 | 920 | 482 |
| 1950 | | | | | |
| July 18 | 467 | (3d proviso on p. 364) | 64 | 364 | 60a |
| Sept. 5 | 849 | 1–5, 6(a) (related to §§ 601, 602(a) and (c)–(e), 603, and 605), (b) (related to §§ 601, 602(a) and (c)–(e), 603, and 605), (c), 7(a)–(d), (e)("Sec. 602(c)"), (f), (g), 8(a), (b), (c) (related to § 602(e)), 9, 10(b), 11. | 64 | 578, 583, 590, 591. | 471 note, 472, 472 note, 473, 474, 475, 481, 484, 486, 490, 491, 492, 752, 756, 756 note, 758 |
| Sept. 6 | 896 | (last par. under heading "Office of the Architect of the Capitol", 1st complete par. on p. 706, 1st par. and 2d–last sentences in last par. on p. 708, "Sec. 1207"). | 64 | 602, 706, 708, 764. | 33a, 166a, 278c, 313–1, 756 note |
| Sept. 27 | 1052 | (par. under heading "General Supply Fund"). | 64 | 1056 | 756 note |
| 1951 | | | | | |
| Aug. 3 | 292 | (3d proviso in 1st par. on p. 167) | 65 | 167 | 60a |
| Aug. 31 | 376 | (1st proviso on p. 275) | 65 | 275 | 313–2 |
| Oct. 11 | 485 | (last par. under heading "Office of the Architect of the Capitol"). | 65 | 396 | 166a |
| Oct. 24 | 559 | 1–9, 11 | 65 | 634 | 193n–193v, 193x |
| Oct. 31 | 654 | 1(73)–(97), 2(1), (20), (24), 4(8) | 65 | 704, 706, 707, 709. | 5a, 7, 8–13, 14, 15–18, 20, 21, 27a, 44, 110–112, 114, 116, 117, 119, 266, 269, 273, 287, 294, 302, 303a, 304, 311b, 312, 484–1, 485a |
| Nov. 1 | 664 | 1307 | 65 | 756 | 33a |
| 1952 | | | | | |
| July 5 | 576 | (3d proviso in 1st complete par. on p. 385, proviso on p. 400). | 66 | 385, 400 | 60a, 313–2 |
| July 9 | 598 | (last par. under heading "Office of the Architect of the Capitol"). | 66 | 472 | 166a |
| July 10 | 630 | 633 | 66 | 537 | 483a |
| July 12 | 703 | 1(a)–(l) | 66 | 593 | 472, 483, 484, 487, 490, 756, 41:259 |
| July 15 | 758 | 1407 | 66 | 660 | 33a |
| July 19 | 949 | 1 "Sec. 1–4(a), (d), (e), 5, 7–10", 2 | 66 | 781, 787, 789 | 71, 71 note, 71a–71d, 71f–72, 73, 74 |

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| July 31 | 299 | (4th proviso in 1st complete par. on p. 290, last proviso on p. 304). | 67 | 290, 304 | 60a, 313–2 |
| Aug. 1 | 304 | (last par. under heading "Office of the Architect of the Capitol"). | 67 | 327 | 166a |
| | 305 | 630 | 67 | 355 | 483a |
| Aug. 7 | 340 | 1307, 1316 | 67 | 436, 439 | 33a, 483b |
| Aug. 8 | 399 | | 67 | 521 | 484 |
| *1954* | | | | | |
| June 24 | 359 | (last proviso on p. 282) | 68 | 282 | 313–2 |
| June 30 | 432 | 723 | 68 | 355 | 483a |
| July 1 | 449 | (last proviso on p. 386) | 68 | 386 | 60a |
| July 2 | 455 | (last par. under heading "Office of the Architect of the Capitol"). | 68 | 405 | 166a |
| July 14 | 481 | | 68 | 474 | 484 |
| Aug. 2 | 649 | 702(a), (b), (d)–(g), 703 | 68 | 641 | 460, 462 |
| Aug. 26 | 935 | 1307 | 68 | 829 | 33a |
| Aug. 30 | 1076 | (20) | 68 | 967 | 122 |
| Aug. 31 | 1178 | | 68 | 1051 | 485 |
| Sept. 1 | 1211 | 1–4 | 68 | 1126 | 471, 472, 490, 491, 491 note |
| *1955* | | | | | |
| May 25 | 76 | | 69 | 66 | 106 |
| June 3 | 129 | | 69 | 83 | 270e |
| | 130 | | 69 | 83 | 484, 484 notes |
| June 29 | 226 | 207 | 69 | 196 | 33a |
| June 30 | 244 | (last proviso on p. 205) | 69 | 205 | 313–2 |
| July 5 | 272 | (3d par. under heading "Department of Vehicles and Traffic"). | 69 | 254 | 60a |
| July 13 | 358 | 622 | 69 | 319 | 483a |
| Aug. 1 | 442 | | 69 | 430 | 484 |
| Aug. 5 | 568 | (2d par. under heading "Office of the Architect of the Capitol"). | 69 | 515 | 166a |
| Aug. 11 | 783 | 112 | 69 | 641 | 462 |
| Aug. 12 | 874 | 1, 2 | 69 | 721 | 472 |
| *1956* | | | | | |
| June 13 | 385 | 207 | 70 | 281 | 33a |
| June 27 | 452 | (2d par. on p. 344, 3d par. on p. 345) | 70 | 344, 345 | 313–2, 756 note |
| | 453 | (2d par. under heading "Office of the Architect of the Capitol"). | 70 | 365 | 166a |
| June 29 | 479 | (3d par. under heading "Department of Vehicles and Traffic"). | 70 | 447 | 60a |
| July 2 | 488 | 618 | 70 | 471 | 483a |
| July 3 | 513 | 1–3, 5 | 70 | 493, 495 | 484, 484 note |
| July 27 | 748 | (par. under heading "General Supply Fund"). | 70 | 686 | 756 note |
| Aug. 3 | 942 | | 70 | 1020 | 484 |
| *1957* | | | | | |
| June 5 | 85–48 | 207 | 71 | 54 | 33a |
| June 29 | 85–69 | (3d complete par. on p. 231, 5th complete par. on p. 232). | 71 | 231, 232 | 313–2, 756 note |
| July 1 | 85–75 | (2d par. under heading "Office of the Architect of the Capitol"). | 71 | 251 | 166a |
| Aug. 2 | 85–117 | 618 | 71 | 326 | 483a |
| *1958* | | | | | |
| Feb. 28 | 85–337 | 5 | 72 | 29 | 472 |
| June 25 | 85–468 | 207 | 72 | 225 | 33a |
| July 2 | 85–486 | | 72 | 288 | 484 |
| | 85–493 | | 72 | 294 | 304c, 490 |
| July 18 | 85–542 | | 72 | 399 | 298d |
| July 31 | 85–570 | (last par. under heading "Salaries") | 72 | 448 | 166a |
| Aug. 19 | 85–680 | | 72 | 631 | 488 |
| Aug. 22 | 85–724 | 617 | 72 | 727 | 483a |
| Aug. 23 | 85–726 | 1406 | 72 | 808 | 474 |
| Aug. 27 | 85–781 | | 72 | 936 | 481 |
| Aug. 28 | 85–800 | 12 | 72 | 967 | 276c |
| Aug. 28 | 85–844 | (par. under heading "General Supply Fund", last par. on p. 1069). | 72 | 1068, 1069 | 313–2, 756 note |
| Sept. 2 | 85–886 | 1, 3 | 72 | 1709 | 490 |
| *1959* | | | | | |
| May 20 | 86–30 | (par. under heading "General Supply Fund"). | 73 | 43 | 756 note |
| June 25 | 86–70 | 30(a) | 73 | 148 | 472 |
| July 8 | 86–79 | 207 | 73 | 166 | 33a |
| Aug. 4 | 86–135 | | 73 | 279 | 270b, 270b note, 270c |
| Aug. 18 | 86–166 | 616 | 73 | 381 | 483a |

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| Sept. 9 | 86–249 | 1–17(5), (7)–(23), 19–21 | 73 | 479, 484 | 23, 24, 32, 33, 59, 260, 262–265, 267, 268, 274–276, 277, 278, 282, 297–298, 298c, 341–342a, 344, 345, 346–350a, 352–354, 490, 601, 601 note, 602, 603–612, 613–615, 617–619 |
| Sept. 14 | 86–255 | (4th par. under heading "General Provisions"). | 73 | 507 | 313–2 |
| Sept. 23 | 86–372 | 801 | 73 | 686 | 462 |
| 1960 | | | | | |
| May 13 | 86–461 | | 74 | 128 | 106 |
| June 27 | 86–527 | | 74 | 223 | 131, 131 note, 132–135 |
| July 5 | 86–591 | | 74 | 330 | 756 |
| July 7 | 86–601 | 516 | 74 | 352 | 483a |
| | 86–608 | | 74 | 363 | 345c |
| July 12 | 86–624 | 26, 27(a)–(c) | 74 | 418 | 276a, 472, 491, 514 |
| | 86–626 | 101 (3d and 6th complete pars. on p. 434). | 74 | 434 | 313–2, 484a |
| | 86–628 | (last par. under heading "Salaries") | 74 | 455 | 166a |
| | 86–642 | 207 | 74 | 478 | 33a |
| Sept. 13 | 86–764 | | 74 | 904 | 126 |
| 1961 | | | | | |
| Mar. 31 | 87–14 | (par. under heading "General Supply Fund"). | 75 | 25 | 756 note |
| June 30 | 87–70 | 502 | 75 | 175 | 462 |
| July 6 | 87–82 | 2 | 75 | 199 | 174j–2 |
| July 20 | 87–94 | | 75 | 213 | 484 |
| Aug. 3 | 87–125 | 507 | 75 | 283 | 33a |
| Aug. 10 | 87–130 | (last par. under heading "Salaries") | 75 | 329 | 166a |
| Aug. 17 | 87–141 | (par. under heading "General Supply Fund", 2d par. on p. 353). | 75 | 351, 353 | 313–2, 756 note |
| | 87–144 | 616 | 75 | 378 | 483a |
| Sept. 22 | 87–275 | | 75 | 574 | 318d |
| Oct. 4 | 87–372 | | 75 | 802 | 756 |
| 1962 | | | | | |
| May 24 | 87–456 | 303(b) | 76 | 78 | 474 |
| June 8 | 87–476 | | 76 | 92 | 607 |
| July 25 | 87–545 | (par. under heading "General Supply Fund"). | 76 | 212 | 756 note |
| Aug. 6 | 87–571 | | 76 | 307 | 193f, 193h |
| Aug. 9 | 87–577 | 516 | 76 | 331 | 483a |
| Aug. 13 | 87–581 | 1, 2, 101–108, 203, 204 | 76 | 357, 360 | 321, 321 note, 322, 324–327, 327 notes, 328–334 |
| Aug. 24 | 87–600 | | 76 | 401 | 756 |
| Aug. 31 | 87–619 | | 76 | 414 | 486 |
| Sept. 14 | 87–658 | 6 | 76 | 544 | 462 |
| Sept. 25 | 87–683 | | 76 | 575 | 71a |
| Oct. 2 | 87–730 | (last par. under heading "Salaries") | 76 | 688 | 166a |
| Oct. 3 | 87–741 | (par. under heading "General Supply Fund", last par. on p. 727). | 76 | 725, 727 | 313–2, 756 note |
| Oct. 10 | 87–786 | | 76 | 805 | 484 |
| Oct. 23 | 87–847 | | 76 | 1117 | 757 |
| | 87–852 | | 76 | 1129 | 319c |
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| May 17 | 88–25 | (par. under heading "General Supply Fund"). | 77 | 26 | 756 note |
| Oct. 17 | 88–149 | 516 | 77 | 267 | 483a |
| Dec. 19 | 88–215 | (par. under heading "General Supply Fund", 4th par. on p. 436). | 77 | 434, 436 | 313–2, 756 note |
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| Aug. 14 | 88–426 | 203(d) (related to Assistant Architect of the Capitol), (e). | 78 | 415 | 166b, 166b–1 |
| Aug. 19 | 88–446 | 516 | 78 | 477 | 483a |
| Aug. 20 | 88–454 | (last par. under heading "Salaries") | 78 | 544 | 166a |
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| Aug. 16 | 89–128 | (2d complete par. on p. 531) | 79 | 531 | 313–2 |
| Sept. 8 | 89–173 | 1, 5(a), 6 | 79 | 663, 665, 666 | 684, 685 |
| Sept. 29 | 89–213 | 616 | 79 | 876 | 483a |
| Oct. 20 | 89–276 | | 79 | 1010 | 490 |
| Nov. 8 | 89–343 | 6 | 79 | 1303 | 474 |
| | 89–344 | | 79 | 1304 | 490 |
| | 89–348 | 2(4) | 79 | 1312 | 484 |
| 1966 | | | | | |
| Aug. 27 | 89–545 | (last par. under heading "Salaries") | 80 | 364 | 166a |
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| Oct. 15 | 89–670 | 8(b) | 80 | 942 | 40 App.:201 |
| | 89–687 | 616 | 80 | 994 | 483a |
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| May 25 | 90–19 | 7, 10(a) (related to § 702), (d) | 81 | 22 | 460, 462, 474 |
| May 29 | 90–21 | (par. under heading "General Supply Fund"). | 81 | 33 | 756 note |
| July 28 | 90–57 | (last par. under heading "Salaries") | 81 | 136 | 166a |
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| | 104–208 | 101(e) [title VII, § 709(a)(4), (5)], (f) [title IV, 3d-6th provisos on p. 3009–335, § 407, title VI, § 611, title VIII, § 808(b)]. | 110 | 3009–312, 3009–335, 3009–337, 3009–355, 3009–394. | 276d–3, 486a, 490, 612, 872 note, 1401 note, 40 App.:214 |
| Oct. 9 | 104–280 | 1 | 110 | 3359 | 13n |
| Oct. 19 | 104–316 | 120 | 110 | 3836 | 485a, 490 |
| Nov. 12 | 104–333 | 814(d)(1)(G) | 110 | 4196 | 805 |
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| July 18 | 105–27 | 1 | 111 | 244 | 484 |
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| Oct. 10 | 105–61 | (proviso related to buildings considered to be federally owned), 413. | 111 | 1297, 1300 | 481, 490i note |
| Oct. 13 | 105–62 | (par. under heading "Appalachian Regional Commission"). | 111 | 1336 | 40 App.:401 note |
| Oct. 27 | 105–65 | (last proviso in par. under heading "Consumer Information Center Fund"). | 111 | 1377 | 761a |
| Nov. 14 | 105–83 | (last proviso in par. under heading "National Capital Planning Commission"). | 111 | 1589 | 71a note |
| Nov. 18 | 105–85 | 850(f)(2), 852, 1073(h)(4) | 111 | 1849, 1851, 1907. | 1441 note, 1492, 1501 |
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| Aug. 7 | 105–220 | 199(a)(4) | 112 | 1059 | 40 App.:211 |
| Oct. 7 | 105–245 | (par. under heading "Appalachian Regional Commission"). | 112 | 1854 | 40 App.:401 note |
| Oct. 21 | 105–277 | 101(h) [title IV, 6th and 9th provisos on p. 2681–502, title VI, §§ 603, 630], 1335(h). | 112 | 2681–502, 2681–513, 2681–522, 2681–788. | 490 note, 490b note, 490i, 1106 |
| Oct. 31 | 105–332 | 3(g) | 112 | 3126 | 40 App.:214 |
| Nov. 10 | 105–362 | 401(g) | 112 | 3282 | 795d |
| Nov. 13 | 105–393 | 201–220(c)(1), 221, 222 | 112 | 3618, 3625 | 40 App.:1 note, 2, 101, 105, 106, 202–208, 211–214, 224, 226, 302, 401, 405 |
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| Aug. 17 | 106–49 | | 113 | 231 | 270a, 270a notes, 270b |
| Sept. 29 | 106–60 | (par. under heading "Appalachian Regional Commission"). | 113 | 498 | 40 App.:401 note |
| Oct. 5 | 106–65 | 1067(18) | 113 | 775 | 485 |

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**House Calendar No. 161**

107TH CONGRESS
2D SESSION

# H. R. 2068

**[Report No. 107–479]**

# A BILL

To revise, codify, and enact without substantive change certain general and permanent laws, related to public buildings, property, and works, as title 40, United States Code, ''Public Buildings, Property, and Works''.

MAY 20, 2002

Reported with an amendment, referred to the House Calendar, and ordered to be printed