

Archives Establishment six months after May 23, 1938, should gain a competitive classified civil service status.

§§ 233 to 241. Transferred

CODIFICATION

Sections 233 to 241, act June 19, 1934, ch. 668, §§3-11, 48 Stat. 1122-1124, were transferred to sections 300c to 300k of former Title 44, Public Printing and Documents, and were thereafter repealed by act June 30, 1949, ch. 288, title VI, §602(a)(32), renumbered and added Sept. 5, 1950, ch. 849, §7(d), 64 Stat. 590. For further details, see below.

Section 233, act June 19, 1934, ch. 668, §3, 48 Stat. 1122, which placed all archives or records belonging to the Government under the charge of the Archivist, was transferred to section 300c of former Title 44, Public Printing and Documents. See sections 2103 and 2104 of Title 44.

Section 234, act June 19, 1934, ch. 668, §4, 48 Stat. 1123, which vested the custody of the National Archives Building and other grounds in the Archivist, was transferred to section 300d of former Title 44. See section 2903 of Title 44.

Section 235, act June 19, 1934, ch. 668, §5, 48 Stat. 1123, which related to the creation, membership, and duties of a National Historical Publications Commission, was transferred to section 300e of former Title 44. See section 2501 et seq. of Title 44.

Section 236, act June 19, 1934, ch. 668, §6, 48 Stat. 1123, which related to the creation, membership and duties of a National Archives Council, was transferred to section 300f of former Title 44. See section 2701 of Title 44.

Section 237, act June 19, 1934, ch. 668, §7, 48 Stat. 1123, which related to storing and projection of motion-picture films, was transferred to section 300g of former Title 44. See section 2110 of Title 44.

Section 238, act June 19, 1934, ch. 668, §8, 48 Stat. 1123, which related to official seal of National Archives and judicial notice thereof, was transferred to section 300h of former Title 44. See section 2112 of Title 44.

Section 239, act June 19, 1934, ch. 668, §9, 48 Stat. 1123, which related to reports and recommendation by Archivist to Congress, was transferred to section 300i of former Title 44. See sections 2507, 2902, and 3303a of Title 44.

Section 240, act June 19, 1934, ch. 668, §10, 48 Stat. 1124, which related to appropriations for maintenance of the Archives Building and administration of records, etc., was transferred to section 300j of former Title 44.

Section 241, act June 19, 1934, ch. 668, §11, 48 Stat. 1124, which repealed all acts inconsistent with provisions of act June 19, 1934, was transferred to section 300k of former Title 44.

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CODIFICATION

Section, act Aug. 23, 1912, ch. 350, 37 Stat. 375, related to salaries for personal services required in Office of Supervising Architect of Treasury. That office was transferred to the Public Buildings Branch of the Procurement Division of the Treasury Department under Ex. Ord. No. 6166, § 1, eff. June 10, 1933, set out as a note under section 901 of Title 5, Government Organization and Employees. The Public Buildings Branch of the Procurement Division was transferred to the Federal Works Agency by Reorg. Plan No. 1 of 1939, §§ 301, 303, eff. July 1, 1939, 4 F.R. 2729, 53 Stat. 1426, 1427, set out in the Appendix, Title 5. The Federal Works Agency was abolished and its functions transferred to the Administrator of General Services by section 753 of this title.

§ 252. Repealed. Pub. L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 642

Section, act Mar. 4, 1913, ch. 147, § 28, 37 Stat. 888, related to employment of technical experts in Office of Supervising Architect of Treasury Department.

§ 253. Detail of members of field force of General Services Administration

On and after June 23, 1913, members of the field force of the General Services Administration, such as supervising superintendents, superintendents, junior superintendents, and inspectors of the several classes, may be detailed to the District of Columbia, in the discretion of the Administrator of General Services, for temporary duty for periods not exceeding thirty days in any one case, in the General Services Administration, but no subsistence or other expenses of like character shall be allowed such employees while on duty in Washington serving under such details.

(June 23, 1913, ch. 3, 38 Stat. 17; Ex. Ord. No. 6166, § 1, eff. June 10, 1933; 1939 Reorg. Plan No. 1, §§ 301, 303, eff. July 1, 1939, 4 F.R. 2729, 53 Stat. 1426, 1427; June 30, 1949, ch. 288, title I, § 103(a), 63 Stat. 380.)

CODIFICATION

Section is based on act June 23, 1913, popularly known as the "Sundry Civil Appropriation Act June 23, 1913, fiscal year 1914".

Section originally provided that members of the field force of the public buildings service in the Treasury Department could be detailed to the District of Columbia in the discretion of the Secretary of the Treasury, for duty in the Office of the Supervising Architect in the Treasury Department.

TRANSFER OF FUNCTIONS

Functions of office of Commissioner of Public Buildings and Public Buildings Administration transferred to Administrator of General Services by section 103(a) of act June 30, 1949, which is classified to section 753(a) of this title. Office of Commissioner of Public Buildings and Public Buildings Administration abolished by section 103(b) of act June 30, 1949. Public Buildings Service, within General Services Administration, established on December 11, 1949, by Administrator of General Services, to perform those transferred functions.

Public Buildings Branch of Procurement Division of Treasury Department transferred to Public Buildings Administration in Federal Works Agency by Reorg. Plan No. 1 of 1939.

Office of Supervising Architect in Treasury Department transferred to Public Buildings Branch of Procurement Division of Treasury Department by Ex. Ord. No. 6166.

EFFECTIVE DATE OF TRANSFER OF FUNCTIONS

Transfer of functions by act June 30, 1949, effective July 1, 1949, see section 605 of act June 30, 1949, ch. 288, 63 Stat. 403, set out as an Effective Date note under section 471 of this title.

§ 254. Repealed. Pub. L. 86-249, § 17(6), Sept. 9, 1959, 73 Stat. 484

Section, act June 23, 1874, ch. 476, § 2, 18 Stat. 276, related to selection of sites for public buildings. See section 601 et seq. of this title.

Act June 23, 1874, and section 17(6) of Pub. L. 86-249, Sept. 9, 1959, 73 Stat. 484, which repealed section 2 of the 1874 act, were repealed by Pub. L. 97-258, § 5(b), Sept. 13, 1982, 96 Stat. 1068, 1079.

SAVINGS PROVISION

Section repealed except as to its application to any project referred to in section 613 of this title, see section 17 of Pub. L. 86-249, set out as a note under section 341 of this title.

§ 255. Approval of title prior to Federal land purchases; payment of title expenses; application to Tennessee Valley Authority; Federal jurisdiction over acquisitions

Unless the Attorney General gives prior written approval of the sufficiency of the title to land for the purpose for which the property is being acquired by the United States, public money may not be expended for the purchase of the land or any interest therein.

The Attorney General may delegate his responsibility under this section to other departments and agencies, subject to his general supervision and in accordance with regulations promulgated by him.

Any Federal department or agency which has been delegated the responsibility to approve land titles under this section may request the Attorney General to render his opinion as to the validity of the title to any real property or interest therein, or may request the advice or assistance of the Attorney General in connection with determinations as to the sufficiency of titles.

Except where otherwise authorized by law or provided by contract, the expenses of procuring

certificates of titles or other evidences of title as the Attorney General may require may be paid out of the appropriations for the acquisition of land or out of the appropriations made for the contingencies of the acquiring department or agency.

The foregoing provisions of this section shall not be construed to affect in any manner any existing provisions of law which are applicable to the acquisition of lands or interests in land by the Tennessee Valley Authority.

Notwithstanding any other provision of law, the obtaining of exclusive jurisdiction in the United States over lands or interests therein which have been or shall hereafter be acquired by it shall not be required; but the head or other authorized officer of any department or independent establishment or agency of the Government may, in such cases and at such times as he may deem desirable, accept or secure from the State in which any lands or interests therein under his immediate jurisdiction, custody, or control are situated, consent to or cession of such jurisdiction, exclusive or partial, not theretofore obtained, over any such lands or interests as he may deem desirable and indicate acceptance of such jurisdiction on behalf of the United States by filing a notice of such acceptance with the Governor of such State or in such other manner as may be prescribed by the laws of the State where such lands are situated. Unless and until the United States has accepted jurisdiction over lands hereafter to be acquired as aforesaid, it shall be conclusively presumed that no such jurisdiction has been accepted.

(R.S. §355; June 28, 1930, ch. 710, 46 Stat. 828; Feb. 1, 1940, ch. 18, 54 Stat. 19; Oct. 9, 1940, ch. 793, 54 Stat. 1083; Sept. 1, 1970, Pub. L. 91-393, §1, 84 Stat. 835.)

CODIFICATION

R.S. §355 derived from Res. Sept. 11, 1841, No. 6, 5 Stat. 468.

The first four and sixth paragraphs of this section are based on R.S. §355, as amended. The fifth paragraph of this section is based on the last paragraph of section 1 of Pub. L. 91-393. For amendment of this section by the remainder of section 1 of Pub. L. 91-393, see 1970 Amendment note below.

AMENDMENTS

1970—Pub. L. 91-393 substituted first four paragraphs of this section, requiring the Attorney General to give written approval of the sufficiency of title prior to the purchase of lands or interests therein, empowering the Attorney General to delegate his responsibilities, authorizing Federal departments and agencies which have been delegated the responsibility to approve land titles to request opinions, advice or assistance of the Attorney General, and permitting the payment from appropriations of the expenses of procuring certificates or other evidences of title, for the former first seven paragraphs of this section which prohibited expenditures of public money upon any site or land purchased by the United States until the Attorney General gave his written opinion in favor of the validity of title, permitted acceptance of title subject to infirmities if the Attorney General approved, authorized the Attorney General to approve title to easements or rights-of-way, and which made certain exceptions from the provisions of this section.

1940—Act Oct. 9, 1940, among other changes, divided section into paragraphs, struck out provision requiring United States attorneys, upon application of Attorney

General, to furnish assistance in relation to titles, and inserted provisions contained in second, third, fourth and seventh paragraphs.

Act Feb. 1, 1940, struck out provision requiring consent of State legislature to the purchase, and inserted provisions now set out as eighth paragraph.

1930—Act June 28, 1930, inserted reference to armories, arsenals, forts, fortifications, navy yards and light-houses, and provision that the Attorney General may base his opinion as to title upon certificate of title of a title company.

CROSS REFERENCES

Erection of public buildings on condemned property authorized though Attorney General has not approved title, see section 258e of this title.

Power of United States to acquire land within the States, see Const. Art. 1, §8, cl. 17.

President authorized to procure consent of State within which any land has been purchased for forts, magazines, etc., see section 103 of Title 4, Flag and Seal, Seat of Government, and the States.

Purchase contract agreements, applicability of section to, see section 356 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 356 of this title; title 7 section 2250a; title 10 sections 2852, 18239; title 16 sections 343b, 430a, 441i, 571c; title 22 section 1471; title 36 section 138b; title 38 section 115; title 42 sections 1502, 1594a, 2224, 5196; title 50 App. section 460.

§ 256. Repealed. Pub. L. 91-393, § 2, Sept. 1, 1970, 84 Stat. 835

Section, acts Mar. 2, 1889, ch. 411, 25 Stat. 941; Sept. 22, 1961, Pub. L. 87-277, 75 Stat. 577, directed that all legal services connected with procurement of titles to site for public buildings shall be rendered by United States attorneys.

§ 257. Condemnation of realty for sites and other uses

In every case in which the Secretary of the Treasury or any other officer of the Government has been, or hereafter shall be, authorized to procure real estate for the erection of a public building or for other public uses, he may acquire the same for the United States by condemnation, under judicial process, whenever in his opinion it is necessary or advantageous to the Government to do so, and the Attorney General of the United States, upon every application of the Secretary of the Treasury, under this section and section 258¹ of this title, or such other officer, shall cause proceedings to be commenced for condemnation within thirty days from receipt of the application at the Department of Justice.

(Aug. 1, 1888, ch. 728, §1, 25 Stat. 357; June 25, 1948, ch. 646, §6, 62 Stat. 986.)

REFERENCES IN TEXT

Section 258 of this title, referred to in text, has been omitted from the Code.

AMENDMENTS

1948—Act June 25, 1948, struck out jurisdictional and venue provisions. See sections 1358 and 1403 of Title 28, Judiciary and Judicial Procedure.

EFFECTIVE DATE OF 1948 AMENDMENT

Section 38 of act June 25, 1948, provided that the amendment made by that act is effective Sept. 1, 1948.

¹ See References in Text note below.

FEDERAL RULES OF CIVIL PROCEDURE

Procedure in condemnation proceedings, see rule 71A, Title 28, Appendix, Judiciary and Judicial Procedure.

CROSS REFERENCES

Acquisition of land—

District of Columbia, see section 16-1301 et seq. of the D.C. Code.

Irrigation Project, see section 421 of Title 43, Public Lands.

River and harbor improvements, see section 591 et seq. of Title 33, Navigation and Navigable Waters.

War purposes, see section 2663 of Title 10, Armed Forces.

Jurisdiction of United States district courts in condemnation proceedings, see section 1358 of Title 28, Judiciary and Judicial Procedure.

Possession and title in advance of judgment, taking of, see sections 258a to 258f of this title.

Tennessee Valley Authority, procedure in condemnation proceedings, see section 831x of Title 16, Conservation.

Venue in condemnation proceedings, see section 1403 of Title 28, Judiciary and Judicial Procedure.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 16 sections 81e, 159a, 231b, 242, 263, 403i, 423k, 423n, 425a, 430a, 430k, 430u, 430nn, 433c, 433n, 447b, 449, 450m, 450p, 459a; title 25 sections 500a, 941j, 1724, 1754; title 42 sections 1532, 2222; title 43 section 1522; title 50 section 167f.

§ 258. Omitted

CODIFICATION

Section, acts Aug. 1, 1888, ch. 728, §2, 25 Stat. 357; Mar. 3, 1911, ch. 231, §291, 36 Stat. 1167, which in connection with condemnation proceedings, required conformity, as near as might be, to state practice and pleading, has been superseded by Rule 71A of the Federal Rules of Civil Procedure, Title 28, Appendix, Judiciary and Judicial Procedure.

§ 258a. Lands, easements, or rights of way for public use; taking of possession and title in advance of final judgment; authority; procedure

In any proceeding in any court of the United States outside of the District of Columbia which has been or may be instituted by and in the name of and under the authority of the United States for the acquisition of any land or easement or right of way in land for the public use, the petitioner may file in the cause, with the petition or at any time before judgment, a declaration of taking signed by the authority empowered by law to acquire the lands described in the petition, declaring that said lands are thereby taken for the use of the United States. Said declaration of taking shall contain or have annexed thereto—

(1) A statement of the authority under which and the public use for which said lands are taken.

(2) A description of the lands taken sufficient for the identification thereof.

(3) A statement of the estate or interest in said lands taken for said public use.

(4) A plan showing the lands taken.

(5) A statement of the sum of money estimated by said acquiring authority to be just compensation for the land taken.

Upon the filing said declaration of taking and of the deposit in the court, to the use of the per-

sons entitled thereto, of the amount of the estimated compensation stated in said declaration, title to the said lands in fee simple absolute, or such less estate or interest therein as is specified in said declaration, shall vest in the United States of America, and said lands shall be deemed to be condemned and taken for the use of the United States, and the right to just compensation for the same shall vest in the persons entitled thereto; and said compensation shall be ascertained and awarded in said proceeding and established by judgment therein, and the said judgment shall include, as part of the just compensation awarded, interest in accordance with section 258e-1 of this title on the amount finally awarded as the value of the property as of the date of taking, from said date to the date of payment; but interest shall not be allowed on so much thereof as shall have been paid into the court. No sum so paid into the court shall be charged with commissions or poundage.

Upon the application of the parties in interest, the court may order that the money deposited in the court, or any part thereof, be paid forthwith for or on account of the just compensation to be awarded in said proceeding. If the compensation finally awarded in respect of said lands, or any parcel thereof, shall exceed the amount of the money so received by any person entitled, the court shall enter judgment against the United States for the amount of the deficiency.

Upon the filing of a declaration of taking, the court shall have power to fix the time within which and the terms upon which the parties in possession shall be required to surrender possession to the petitioner. The court shall have power to make such orders in respect of encumbrances, liens, rents, taxes, assessments, insurance, and other charges, if any, as shall be just and equitable.

(Feb. 26, 1931, ch. 307, §1, 46 Stat. 1421; Nov. 14, 1986, Pub. L. 99-656, §1(1), 100 Stat. 3668.)

AMENDMENTS

1986—Pub. L. 99-656 substituted “interest in accordance with section 258e-1 of this title” for “interest at the rate of 6 per centum per annum” in second par.

SHORT TITLE

Act Feb. 26, 1931, ch. 307, 46 Stat. 1421, as amended, which is classified to section 258a et seq. of this title, is popularly known as the “Declaration of Taking Act”.

FEDERAL RULES OF CIVIL PROCEDURE

Procedure in condemnation proceedings, see rule 71A, Title 28, Appendix, Judiciary and Judicial Procedure. Section as not affected by that rule, see note of the Advisory Committee set out thereunder.

CROSS REFERENCES

Condemnation of property, right of Government officers, see section 257 of this title.

District of Columbia, eminent domain, see, section 16-1301 et seq. of the District of Columbia Code.

Jurisdiction and venue in condemnation cases, see sections 1358 and 1403 of Title 28, Judiciary and Judicial Procedure.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 258b, 258c, 258d, 258e-1 of this title; title 10 section 7422; title 16 sections 79c, 831c; title 25 sections 500a, 941j, 1724, 1754; title 33

section 598; title 39 section 410; title 42 sections 1502, 1592d, 1594a, 2222, 4651; title 43 section 1522; title 50 section 167f.

§ 258b. Taking in advance of final judgment; appeal or giving of bond as preventing or delaying vesting of title

No appeal in any cause under section 258a of this title nor any bond or undertaking given therein shall operate to prevent or delay the vesting of title to such lands in the United States.

(Feb. 26, 1931, ch. 307, § 2, 46 Stat. 1422.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 258e-1 of this title; title 10 section 7422; title 16 section 831c; title 25 section 500a; title 33 section 598; title 39 section 410; title 42 sections 1502, 1594a, 2222; title 50 section 167f.

§ 258c. Obligation of United States to pay ultimate award when fixed

Action under section 258a of this title irrevocably committing the United States to the payment of the ultimate award shall not be taken unless the chief of the executive department or agency or bureau of the Government empowered to acquire the land shall be of the opinion that the ultimate award probably will be within any limits prescribed by Congress on the price to be paid.

(Feb. 26, 1931, ch. 307, § 3, 46 Stat. 1422.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 258e-1 of this title; title 10 section 7422; title 16 section 831c; title 25 section 500a; title 33 section 598; title 39 section 410; title 42 sections 1502, 1594a, 2222; title 50 section 167f.

§ 258d. Taking in advance of final judgment; right as additional to existing rights, powers, and authority

The right to take possession and title in advance of final judgment in condemnation proceedings as provided by section 258a of this title shall be in addition to any right, power, or authority conferred by the laws of the United States or those of any State or Territory under which such proceedings may be conducted, and shall not be construed as abrogating, limiting, or modifying any such right, power, or authority.

(Feb. 26, 1931, ch. 307, § 4, 46 Stat. 1422.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 258e-1 of this title; title 10 section 7422; title 16 section 831c; title 25 section 500a; title 33 section 598; title 39 section 410; title 42 sections 1502, 1594a, 2222; title 50 section 167f.

§ 258e. Taking in advance of final judgment; demolition of buildings thereon; erection of public buildings or works; funds available for purpose

In any case in which the United States has taken or may take possession of any real property during the course of condemnation proceedings and in advance of final judgment therein and the United States has become irrevocably committed to pay the amount ultimately to be

awarded as compensation, it shall be lawful to expend moneys duly appropriated for that purpose in demolishing existing structures on said land and in erecting public buildings or public works thereon: *Provided*, That in the opinion of the Attorney General, the title has been vested in the United States or all persons having an interest therein have been made parties to such proceeding and will be bound by the final judgment therein.

(Feb. 26, 1931, ch. 307, § 5, 46 Stat. 1422; Sept. 1, 1970, Pub. L. 91-393, § 4, 84 Stat. 835.)

AMENDMENTS

1970—Pub. L. 91-393 struck out “, notwithstanding the provisions of section 255 of this title” after “public works thereon”.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 258e-1 of this title; title 10 section 7422; title 16 section 831c; title 25 section 500a; title 33 section 598; title 39 section 410; title 42 sections 1502, 1594a, 2222; title 50 section 167f.

§ 258e-1. Interest as part of just compensation

Interest required to be paid under sections 258a to 258e-1 of this title shall be calculated by the district court as follows:

(1) Where the period for which interest is owed does not exceed one year, interest shall be calculated for such period from the date of taking at an annual rate equal to the coupon issue yield equivalent (as determined by the Secretary of the Treasury) of the average accepted auction price for the last auction of 52 week United States Treasury bills settled immediately before the date of taking.

(2) 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 combined amount of the principal (the amount by which the award of compensation exceeds the deposit referred to in section 258a of this title) and accrued interest at an annual rate equal to the coupon issue yield equivalent (as determined by the Secretary of the Treasury) of the average accepted auction price for the last auction of 52 week United States Treasury bills settled immediately before the beginning of each additional year.

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).

(Feb. 26, 1931, ch. 307, § 6, as added Nov. 14, 1986, Pub. L. 99-656, § 1(2), 100 Stat. 3668.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 258a of this title; title 10 section 7422; title 16 section 831c; title 25 section 500a; title 33 section 598; title 39 section 410; title 42 sections 1502, 1594a, 2222; title 50 section 167f.

§ 258f. Exclusion of certain property by stipulation of Attorney General

In any condemnation proceeding instituted by or on behalf of the United States, the Attorney General is authorized to stipulate or agree in be-

half of the United States to exclude any property or any part thereof, or any interest therein, that may have been, or may be, taken by or on behalf of the United States by declaration of taking or otherwise.

(Oct. 21, 1942, ch. 618, 56 Stat. 797.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 50 section 167f.

§§ 259, 260. Repealed. Pub. L. 86-249, § 17(7), (12), Sept. 9, 1959, 73 Stat. 484, 485

Section 259, R.S. §3734; act June 25, 1910, ch. 383, §33, 36 Stat. 699, prescribed a limitation on the cost of sites for public buildings.

Section 260, act Mar. 2, 1889, ch. 411, 25 Stat. 941, prohibited payment of commissions for disbursements on account of sites for public buildings, and prescribed the manner of making payments for sites for public buildings under the control of the Treasury Department. See section 601 et seq. of this title.

SAVINGS PROVISION

Sections repealed except as to their application to any project referred to in section 613 of this title, see section 17 of Pub. L. 86-249, set out as a note under section 341 of this title.

§ 261. Contracts authorized within limit of cost fixed, though appropriations are in part only

On and after May 30, 1908, in all cases where appropriations are made in part only for carrying into effect the provisions of legislation authorizing the acquisition of land for sites or for the enlargement of sites for public buildings, or for the erection or remodeling, extension, alteration, and repairs of public buildings, the Administrator of General Services unless otherwise specifically directed, may enter into contracts within the full limit of cost fixed by Congress therefor.

(May 30, 1908, ch. 228, §34, 35 Stat. 545; 1939 Reorg. Plan No. I, §303(b), eff. July 1, 1939, 4 F.R. 2729, 53 Stat. 1427; June 30, 1949, ch. 288, title I, §103(a), 63 Stat. 380.)

TRANSFER OF FUNCTIONS

Functions of Federal Works Agency and of all agencies thereof, including Public Buildings Administration together with functions of Federal Works Administrator transferred to Administrator of General Services by section 103(a) of act June 30, 1949, which is classified to section 753(a) of this title. Federal Works Agency (including the Public Buildings Administration) and office of Federal Works Administrator abolished by section 103(b) of act June 30, 1949.

Functions of Secretary of the Treasury relating to Administration of Public Buildings Branch of former Procurement Division of Treasury Department and to selection of location and sites for public buildings transferred to Federal Works Administrator by Reorg. Plan No. 1 of 1939.

EFFECTIVE DATE OF TRANSFER OF FUNCTIONS

Transfer of functions by act June 30, 1949, ch. 288, 63 Stat. 380, effective July 1, 1949, see section 605 of act June 30, 1949, set out as an Effective Date note under section 471 of this title.

CROSS REFERENCES

Appropriations, expenditures or contract obligations in excess of funds prohibited, see section 1341 of Title 31, Money and Finance.

Contracts for erection, repair, or furnishing of public buildings or for public improvements forbidden to exceed amount appropriated for that purpose, see section 12 of Title 41, Public Contracts.

No appropriation act to be construed as authorizing execution of contract for amount in excess of appropriations unless appropriation act in specific terms declares that contract may be made, see section 1301 of Title 31, Money and Finance.

Officer or employee contracting beyond specific appropriation, see section 435 of Title 18, Crimes and Criminal Procedure.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 16 sections 79g, 460bb-2.

§§ 262 to 265. Repealed. Pub. L. 86-249, § 17(8)-(11), Sept. 9, 1959, 73 Stat. 484, 485

Section 262, acts Mar. 4, 1909, ch. 299, 35 Stat. 959; May 29, 1928, ch. 901, §1(18), 45 Stat. 987, permitted rental of buildings on lands acquired for sites.

Section 263, act Aug. 7, 1882, ch. 433, 22 Stat. 305, provided that acts passed authorizing purchase of sites and erection of public buildings thereon shall not be held or construed to appropriate money unless the acts in express language make such appropriations.

Section 264, act Mar. 4, 1913, ch. 147, §5, 37 Stat. 879, placed restrictions on authorizations for construction of post offices.

Section 265, acts June 25, 1910, ch. 383, §35, 36 Stat. 699; June 15, 1938, ch. 382, 52 Stat. 683, related to construction of buildings for executive departments or establishments. See section 601 et seq. of this title.

SAVINGS PROVISION

Sections repealed except as to their application to any project referred to in section 613 of this title, see section 17 of Pub. L. 86-249, set out as a note under section 341 of this title.

§ 265a. Omitted

CODIFICATION

Section, acts June 26, 1943, ch. 145, title I, 57 Stat. 178; June 27, 1944, ch. 286, title I, 58 Stat. 369; May 3, 1945, ch. 106, title I, 59 Stat. 115; Mar. 28, 1946, ch. 113, title I, 60 Stat. 68, which related to availability of funds for payment of salaries, etc., in connection with construction projects, was not repeated in subsequent appropriation acts and expired with the appropriation acts of which it was a part.

§ 266. Repealed. Oct. 31, 1951, ch. 654, § 1(90), 65 Stat. 705

Section, act Mar. 3, 1903, ch. 1007, 32 Stat. 1091, related to purchase of, and payment for, specially prepared paper for duplication of plans, and payment for other incidental expenses and supplies, in connection with carrying into effect appropriations for public buildings.

§ 267. Repealed. Pub. L. 86-249, § 17(12), Sept. 9, 1959, 73 Stat. 485

Section, R.S. §3734; act June 25, 1910, ch. 383, §33, 36 Stat. 699, prohibited expenditures upon public buildings until after approval of sketch plans. See section 601 et seq. of this title.

SAVINGS PROVISION

Section repealed except as to its application to any project referred to in section 613 of this title, see section 17 of Pub. L. 86-249, set out as a note under section 341 of this title.

§ 267a. Omitted

CODIFICATION

Section, act June 30, 1932, ch. 314, §320, 47 Stat. 412, provided for a 10 per centum reduction of limit of cost

fixed by authorizations for construction of public buildings and public improvements granted by law prior to June 30, 1932.

§ 268. Repealed. Pub. L. 86-249, § 17(7), Sept. 9, 1959, 73 Stat. 484

Section, act Mar. 2, 1889, ch. 411, 25 Stat. 941, prohibited approval of plans for public buildings until after site therefor shall have been finally selected. See section 601 et seq. of this title.

SAVINGS PROVISION

Section repealed except as to its applications to any project referred to in section 613 of this title, see section 17 of Pub. L. 86-249, set out as a note under section 341 of this title.

§ 269. Repealed. Oct. 31, 1951, ch. 654, § 1(91), 65 Stat. 705

Section, act June 6, 1902, ch. 1036, § 21, 32 Stat. 326, related to liquidated damages for delay in connection with contracts for construction or repair of public buildings or works, and to suits thereon. See section 256a of Title 41, Public Contracts.

§ 269a. Omitted

CODIFICATION

Section, acts Sept. 9, 1940, ch. 717, title I, 54 Stat. 873; Oct. 8, 1940, ch. 756, title I, 54 Stat. 968; June 30, 1941, ch. 262, 55 Stat. 375, which limited, after Sept. 9, 1940, the contractor's fee for construction and installation of buildings, etc., at military posts, to 6 per centum of the estimated cost, exclusive of the fee, has not been repeated in subsequent years, except as a temporary measure and expired with the appropriation acts of which it was a part.

§ 270. Repealed. Aug. 24, 1935, ch. 642, § 5, 49 Stat. 794

Section, acts Aug. 13, 1894, ch. 280, 28 Stat. 278; Feb. 24, 1905, ch. 778, 33 Stat. 811; Mar. 3, 1911, ch. 231, § 291, 36 Stat. 1167, related to bonds of contractors for buildings or works. See sections 270a to 270d-1 of this title.

The repealing section provided that section should remain in force with respect to contracts for which invitations for bids had been issued on or before sixty days after August 24, 1935, and to persons and bonds in respect of such contracts.

§ 270a. Bonds of contractors of public buildings or works

(a) Type of bonds required

Before any contract for the construction, alteration, or repair of any public building or public work of the United States is awarded to any person, such person shall furnish to the United States the following bonds, which shall become binding upon the award of the contract to such person, who is hereinafter designated as "contractor":

(1) A performance bond with a surety or sureties satisfactory to the officer awarding such contract, and in such amount as he shall deem adequate, for the protection of the United States.

(2) A payment bond with a surety or sureties satisfactory to such officer for the protection of all persons supplying labor and material in the prosecution of the work provided for in said contract for the use of each such person. Whenever the total amount payable by the terms of the contract shall be not more than

\$1,000,000 the said payment bond shall be in a sum of one-half the total amount payable by the terms of the contract. Whenever the total amount payable by the terms of the contract shall be more than \$1,000,000 and not more than \$5,000,000, the said payment bond shall be in a sum of 40 per centum of the total amount payable by the terms of the contract. Whenever the total amount payable by the terms of the contract shall be more than \$5,000,000 the said payment bond shall be in the sum of \$2,500,000.

(b) Waiver of bonds for contracts performed in foreign countries

The contracting officer in respect of any contract is authorized to waive the requirement of a performance bond and payment bond for so much of the work under such contract as is to be performed in a foreign country if he finds that it is impracticable for the contractor to furnish such bonds.

(c) Authority to require additional bonds

Nothing in this section shall be construed to limit the authority of any contracting officer to require a performance bond or other security in addition to those, or in cases other than the cases specified in subsection (a) of this section.

(d) Coverage for taxes in performance bond

Every performance bond required under this section shall specifically provide coverage for taxes imposed by the United States which are collected, deducted, or withheld from wages paid by the contractor in carrying out the contract with respect to which such bond is furnished. However, the United States shall give the surety or sureties on such bond written notice, with respect to any such unpaid taxes attributable to any period, within ninety days after the date when such contractor files a return for such period, except that no such notice shall be given more than one hundred and eighty days from the date when a return for the period was required to be filed under title 26. No suit on such bond for such taxes shall be commenced by the United States unless notice is given as provided in the preceding sentence, and no such suit shall be commenced after the expiration of one year after the day on which such notice is given.

(Aug. 24, 1935, ch. 642, § 1, 49 Stat. 793; Nov. 2, 1966, Pub. L. 89-719, title I, § 105(b), 80 Stat. 1139; Nov. 2, 1978, Pub. L. 95-585, 92 Stat. 2484; Oct. 22, 1986, Pub. L. 99-514, § 2, 100 Stat. 2095; Oct. 13, 1994, Pub. L. 103-355, title IV, § 4104(b)(1)(B), 108 Stat. 3342.)

AMENDMENTS

1994—Subsec. (a). Pub. L. 103-355 struck out “, exceeding \$25,000 in amount,” after “Before any contract” in introductory provisions.

1986—Subsec. (d). Pub. L. 99-514 substituted “Internal Revenue Code of 1986” for “Internal Revenue Code of 1954”, which for purposes of codification was translated as “title 26” thus requiring no change in text.

1978—Subsec. (a). Pub. L. 95-585 substituted “\$25,000” for “\$2,000”.

1966—Subsec. (d). Pub. L. 89-719 added subsec. (d).

EFFECTIVE DATE OF 1994 AMENDMENT

For effective date and applicability of amendment by Pub. L. 103-355, see section 10001 of Pub. L. 103-355, set

out as a note under section 251 of Title 41, Public Contracts.

EFFECTIVE DATE OF 1966 AMENDMENT

Amendment by Pub. L. 89-719 applicable to contract entered into pursuant to invitations for bids issued after June 30, 1967, see section 114(c)(2) of Pub. L. 89-719, set out as a note under section 6323 of Title 26, Internal Revenue Code.

EFFECTIVE DATE

Section 5 of act Aug. 24, 1935, provided in part: "That this act [enacting this section and sections 270b to 270d of this title] shall take effect upon the expiration of sixty days after the date of its enactment [Aug. 24, 1935], but shall not apply to any contract awarded pursuant to any invitation for bids issued on or before the date it takes effect, or to any persons or bonds in respect of any such contract." [Another section 5 of act Aug. 24, 1935, is classified to section 270d-1 of this title].

SHORT TITLE

Section 6 of act Aug. 24, 1935, as added by Pub. L. 103-355, title X, §10005(f)(1), Oct. 13, 1994, 108 Stat. 3408, provided that: "This Act [enacting this section, sections 270b to 270d-1 of this title, and provisions set out as a note above] may be cited as the 'Miller Act'."

ALTERNATIVES TO PAYMENT BONDS PROVIDED BY FEDERAL ACQUISITION REGULATION

Section 4104(b)(2) of Pub. L. 103-355 provided that: "(2)(A) The Federal Acquisition Regulation shall provide alternatives to payment bonds as payment protections for suppliers of labor and materials under contracts referred to in subparagraph (C).

"(B) The contracting officer for a contract shall—

"(i) select, from among the payment protections provided for in the Federal Acquisition Regulation pursuant to subparagraph (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 such contract; and

"(ii) specify in the solicitation of offers for such contract the payment protection or protections so selected.

"(C) The regulations required under subparagraph (A) and the requirements of subparagraph (B) apply with respect to contracts referred to in subsection (a) of the first section of the Miller Act [40 U.S.C. 270a(a)] that are greater than \$25,000 but not greater than \$100,000."

WAIVER OF SECTIONS 270a TO 270d OF THIS TITLE BY SECRETARY OF THE TREASURY

Act July 11, 1941, ch. 290, §3(b), 55 Stat. 585, which authorized the Secretary of the Treasury, in his discretion, to waive sections 270a to 270d of this title with respect to certain contracts entered into for the Coast Guard during the national emergency, was repealed by Joint Res. July 25, 1947, ch. 327, §1, 61 Stat. 449.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 270b, 270d, 270d-1, 270e, 270f of this title; title 10 section 2701; title 15 sections 636, 637; title 25 sections 47a, 1656; title 31 section 9303; title 39 section 410; title 42 sections 1594, 9619, 11707.

§ 270b. Rights of persons furnishing labor or material

(a) Every person who has furnished labor or material in the prosecution of the work provided for in such contract, in respect of which a payment bond is furnished under sections 270a to 270d-1 of this title and who has not been paid in full therefor before the expiration of a period of ninety days after the day on which the last of

the labor was done or performed by him or material was furnished or supplied by him for which such claim is made, shall have the right to sue on such payment bond for the amount, or the balance thereof, unpaid at the time of institution of such suit and to prosecute said action to final execution and judgment for the sum or sums justly due him: *Provided, however,* That any person having direct contractual relationship with a subcontractor but no contractual relationship express or implied with the contractor furnishing said payment bond shall have a right of action upon the said payment bond upon giving written notice to said contractor within ninety days from the date on which such person did or performed the last of the labor or furnished or supplied the last of the material for which such claim is made, stating 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. Such notice shall be served by mailing the same by registered mail, postage prepaid, in an envelop addressed to the contractor at any place he maintains an office or conducts his business, or his residence, or in any manner in which the United States marshal of the district in which the public improvement is situated is authorized by law to serve summons.

(b) Every suit instituted under this section shall be brought in the name of the United States for the use of the person suing, in the United States District Court for any district in which the contract was to be performed and executed and not elsewhere, irrespective of the amount in controversy in such suit, but no such suit shall be commenced after the expiration of one year after the day on which the last of the labor was performed or material was supplied by him. The United States shall not be liable for the payment of any costs or expenses of any such suit.

(Aug. 24, 1935, ch. 642, §2, 49 Stat. 794; Aug. 4, 1959, Pub. L. 86-135, §1, 73 Stat. 279.)

AMENDMENTS

1959—Subsec. (b). Pub. L. 86-135 substituted "day on which the last of the labor was performed or material was supplied by him" for "date of final settlement of such contract".

EFFECTIVE DATE

Section effective upon expiration of sixty days after Aug. 24, 1935, but not applicable to any contract awarded pursuant to any invitation for bids issued on or before the date it takes effect, or to any persons or bonds in respect of any such contract, see section 5 of act Aug. 24, 1935, set out as a note under section 270a of this title.

RETROACTIVE EFFECT

Section 3 of Pub. L. 86-135 provided that: "The rights of laborers and material men under contracts entered into before the effective date [Aug. 4, 1959] of this amendment [amending this section and section 270c of this title] shall not be affected."

FEDERAL RULES OF CIVIL PROCEDURE

Parties, see rule 17, Title 28, Appendix, Judiciary and Judicial Procedure.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 270d, 270d-1, 270e, 270f of this title; title 10 section 2701; title 15 sec-

tion 636; title 25 sections 47a, 1656; title 31 sections 3905, 9303; title 39 section 410; title 42 sections 9619, 11707.

§ 270c. Right of person furnishing labor or material to copy of bond

The department secretary or agency head of the contracting agency is authorized and directed to furnish, to any person making application therefor who submits an affidavit that he has supplied labor or materials for such work and payment therefor has not been made or that he is being sued on any such bond, a certified copy of such bond and the contract for which it was given, which copy shall be prima facie evidence of the contents, execution, and delivery of the original. Applicants shall pay for such certified copies such fees as the department secretary or agency head of the contracting agency fixes to cover the cost of preparation thereof.

(Aug. 24, 1935, ch. 642, §3, 49 Stat. 794; Aug. 4, 1959, Pub. L. 86-135, §2, 73 Stat. 279; Apr. 18, 1984, Pub. L. 98-269, 98 Stat. 156.)

AMENDMENTS

1984—Pub. L. 98-269 substituted “department secretary or agency head of the contracting agency” for “Comptroller General” in two places.

1959—Pub. L. 86-135 struck out “, and, in case final settlement of such contract, has been made, a certified statement of the date of such settlement, which shall be conclusive as to such date upon the parties” and “and certified statements” after “original” and “certified copies”, respectively.

EFFECTIVE DATE

Section effective upon expiration of sixty days after Aug. 24, 1935, but not applicable to any contract awarded pursuant to any invitation for bids issued on or before the date it takes effect, or to any persons or bonds in respect of any such contract, see section 5 of act Aug. 24, 1935, set out as a note under section 270a of this title.

RETROACTIVE EFFECT

Rights of laborers and material men under contracts entered into before Aug. 4, 1959, unaffected, see section 3 of Pub. L. 86-135, set out as a note under section 270b of this title.

FEDERAL RULES OF CIVIL PROCEDURE

Proof of official records, see rule 44, Title 28, Appendix, Judiciary and Judicial Procedure.

Effect of rule 44 on this section, see note by Advisory Committee under that rule.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 270b, 270d, 270d-1, 270e, 270f of this title; title 10 section 2701; title 15 section 636; title 25 sections 47a, 1656; title 31 section 9303; title 39 section 410; title 42 sections 9619, 11707.

§ 270d. “Person” defined

The term “person” and the masculine pronoun as used in sections 270a to 270d-1 of this title shall include all persons whether individuals, associations, copartnerships, or corporations.

(Aug. 24, 1935, ch. 642, §4, 49 Stat. 794.)

EFFECTIVE DATE

Section effective upon expiration of sixty days after Aug. 24, 1935, but not applicable to any contract awarded pursuant to any invitation for bids issued on or before the date it takes effect, or to any persons or bonds

in respect of any such contract, see section 5 of act Aug. 24, 1935, set out as a note under section 270a of this title.

CROSS REFERENCES

Definition of “person” as used in any Act of Congress, see section 1 of Title 1, General Provisions.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 270b, 270d-1, 270e, 270f of this title; title 10 section 2701; title 15 section 636; title 25 sections 47a, 1656; title 31 section 9303; title 39 section 410; title 42 sections 9619, 11707.

§ 270d-1. Waiver of sections 270a to 270d with respect to small contracts

Sections 270a to 270d of this title do not apply to a contract in an amount that is not greater than \$100,000.

(Aug. 24, 1935, ch. 642, §5, as added Oct. 13, 1994, Pub. L. 103-355, title IV, §4104(b)(1)(A), 108 Stat. 3341.)

CODIFICATION

Another section 5 of act Aug. 24, 1935, is set out as an Effective Date note under section 270a of this title.

EFFECTIVE DATE

For effective date and applicability of section, see section 10001 of Pub. L. 103-355, set out as an Effective Date of 1994 Amendment note under section 251 of Title 41, Public Contracts.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 270b, 270d, 270e, 270f of this title; title 10 section 2701; title 15 section 636; title 25 sections 47a, 1656; title 31 section 9303; title 39 section 410; title 42 sections 9619, 11707.

§ 270e. Waiver of sections 270a to 270d-1 with respect to Army, Navy, Air Force, or Coast Guard contracts

The Secretary of the Army, the Secretary of the Navy, the Secretary of the Air Force, or the Secretary of Transportation may waive sections 270a to 270d-1 of this title 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 United States and with respect to contracts for the manufacturing, producing, furnishing, construction, alteration, repair, processing, or assembling of vessels, aircraft, munitions, materiel, or supplies of any kind or nature for the Army, Navy, Air Force, or Coast Guard, respectively, regardless of the terms of such contracts as to payment or title.

(Apr. 29, 1941, ch. 81, §1, 55 Stat. 147; June 3, 1955, ch. 129, 69 Stat. 83; Oct. 15, 1966, Pub. L. 89-670, §6(b)(1), 80 Stat. 938.)

AMENDMENTS

1955—Act June 3, 1955, authorized the Secretary of the Treasury to waive requirement of performance and payment bonds in connection with certain Coast Guard contracts, included the Secretary of the Air Force for purposes of clarification, made specific reference to cost-type contracts, and struck out proviso permitting bonds to be required for contracts which on Apr. 29, 1941, would have been subject to provisions of sections 270a to 270d of this title.

TRANSFER OF FUNCTIONS

Coast Guard transferred to Department of Transportation, and all functions, powers, and duties relating to

Coast Guard of Secretary of the Treasury and of other officers and offices of Department of the Treasury transferred to Secretary of Transportation by Pub. L. 89-670, §6(b)(1). Section 6(b)(2) of Pub. L. 89-670, however, provided that notwithstanding such transfer of functions, Coast Guard shall operate as part of Navy in time of war or when President directs as provided in section 3 of Title 14, Coast Guard. See section 108 of Title 49, Transportation.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 10 section 2701; title 39 section 410; title 42 section 9619.

§ 270f. Waiver of sections 270a to 270d-1 with respect to transportation contracts

The Secretary of Transportation may waive sections 270a to 270d-1 of this title, with respect to contracts for the construction, alteration, or repair, of vessels of any kind or nature, entered into pursuant to 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 such contracts as to payment or title.

(Apr. 29, 1941, ch. 81, §2, as added Oct. 21, 1970, Pub. L. 91-469, §39, 84 Stat. 1036; amended Aug. 6, 1981, Pub. L. 97-31, §12(12), 95 Stat. 154.)

REFERENCES IN TEXT

The Merchant Marine Act, 1936, referred to in text, is act June 29, 1936, ch. 858, 49 Stat. 1985, as amended, which is classified principally to chapter 27 (§1101 et seq.) of Title 46, Appendix, Shipping. For complete classification of this Act to the Code, see section 1245 of Title 46 and Tables.

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

CODIFICATION

“Sections 1535 and 1536 of title 31” substituted in text for “the Act of June 30, 1932 (47 Stat. 382, 417-418), as amended [31 U.S.C. 686, 686b]” on authority of Pub. L. 97-258, §4(b), Sept. 13, 1982, 96 Stat. 1067, the first section of which enacted Title 31, Money and Finance.

AMENDMENTS

1981—Pub. L. 97-31 substituted “Transportation” for “Commerce”.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 10 section 2701; title 42 section 9619.

§§ 271, 272. Omitted

CODIFICATION

Section 271, acts Aug. 25, 1919, ch. 52, 41 Stat. 281; Mar. 1, 1929, ch. 423, 45 Stat. 1425, provided relief for certain contractors for losses due to increased costs arising from the entrance of the United States into war on Apr. 6, 1917.

Section 272, act Mar. 6, 1920, ch. 94, 41 Stat. 507, related to losses due to World War I conditions.

§ 273. Repealed. Oct. 31, 1951, ch. 654, §1(92), 65 Stat. 705

Section, act Mar. 3, 1887, ch. 362, 24 Stat. 512, related to contracts for heating apparatus for public buildings. See sections 252 and 253 of Title 41, Public Contracts.

§§ 274 to 276. Repealed. Pub. L. 86-249, § 17(13)-(15), Sept. 9, 1959, 73 Stat. 485

Section 274, act Mar. 2, 1895, ch. 189, 28 Stat. 914, authorized the payment for electric wiring of buildings.

Section 275, act July 1, 1916, ch. 209, 39 Stat. 273, related to payment for gas and electric fixtures for the equipment of public buildings.

Section 276, act June 6, 1900, ch. 791, 31 Stat. 591, authorized payment for engineering and electric-light plants in public buildings.

SAVINGS PROVISION

Sections repealed except as to their application to any project referred to in section 613 of this title, see section 17 of Pub. L. 86-249, set out as a note under section 341 of this title.

§ 276a. Rate of wages for laborers and mechanics

(a) The advertised specifications for every contract in excess of \$2,000, to which the United States or the District of Columbia is a party, for construction, alteration, and/or repair, including painting and decorating, of public buildings or public works of the United States or the District of Columbia within the geographical limits of the States of the Union or the District of Columbia, and which requires or involves the employment of mechanics and/or laborers shall contain a provision stating the minimum wages to be paid various classes of laborers and mechanics which shall be based upon the wages that will be determined by the Secretary of Labor to be prevailing for the corresponding classes of laborers and mechanics employed on projects of a character similar to the contract work in the city, town, village, or other 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; and every contract based upon these specifications shall contain a stipulation that the contractor or his subcontractor shall pay all mechanics and laborers employed directly upon the site of the work, unconditionally and not less often than 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 such laborers and mechanics, and that the scale of wages to be paid shall be posted by the contractor in a prominent and easily accessible place at the site of the work; and the further stipulation that there may be withheld from the contractor so much of accrued payments as may be considered necessary by the contracting officer 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 such laborers and mechanics and not refunded to the contractor, subcontractors, or their agents.

(b) As used in sections 276a to 276a-5 of this title the term “wages”, “scale of wages”, “wage rates”, “minimum wages”, and “prevailing wages” shall include—

- (1) the basic hourly rate of pay; and

(2) the amount of—

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

(B) the rate of costs to the contractor or subcontractor which 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,

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 foregoing, for unemployment benefits, life insurance, disability and sickness insurance, or accident insurance, for vacation and holiday pay, for defraying 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 such benefits:

Provided, That the obligation of a contractor or subcontractor to make payment in accordance with the prevailing wage determinations of the Secretary of Labor, insofar as sections 276a to 276a-5 of this title and other Acts incorporating sections 276a to 276a-5 of this title by reference are concerned may be discharged by the making of payments in cash, by the making of contributions of a type referred to in paragraph (2)(A), or by the assumption of an enforceable commitment to bear the costs of a plan or program of a type referred to in paragraph (2)(B), or any combination thereof, where the aggregate of any such payments, contributions, and costs is not less than the rate of pay described in paragraph (1) plus the amount referred to in paragraph (2).

In determining the overtime pay to which the laborer or mechanic is entitled under any Federal law, his regular or basic hourly rate of pay (or other alternative rate upon which premium rate of overtime compensation is computed) shall be deemed to be the rate computed under paragraph (1), except that where the amount of payments, contributions, or costs incurred with respect to him exceeds the prevailing wage applicable to him under sections 276a to 276a-5 of this title, such regular or basic hourly rate of pay (or such other alternative rate) shall be arrived at by deducting from the amount of payments, contributions, or costs actually incurred with respect to him, the amount of contributions or costs of the types described in paragraph (2) actually incurred with respect to him, or the amount determined under paragraph (2) but not actually paid, whichever amount is the greater.

(Mar. 3, 1931, ch. 411, §1, 46 Stat. 1494; Aug. 30, 1935, ch. 825, 49 Stat. 1011; June 15, 1940, ch. 373, §1, 54 Stat. 399; July 12, 1960, Pub. L. 86-624, §26, 74 Stat. 418; July 2, 1964, Pub. L. 88-349, §1, 78 Stat. 238.)

AMENDMENTS

1964—Pub. L. 88-349 designated existing provisions as subsec. (a) and added subsec. (b).

1960—Pub. L. 86-624 struck out references to Territories of Alaska and Hawaii.

1940—Act June 15, 1940, extended benefits of this section to Territories of Alaska and Hawaii.

1935—Act Aug. 30, 1935, amended section generally.

EFFECTIVE DATE OF 1964 AMENDMENT

Section 4 of Pub. L. 88-349 provided that: "The amendments made by this Act [amending this section, section 1715c of Title 12, Banks and Banking, and section 1114 of former Title 49, Transportation] shall take effect on the ninetieth day after the date of enactment of this Act [July 2, 1964], but shall not affect any contract in existence on such effective date or made thereafter pursuant to invitations for bids outstanding on such effective date and the rate of payments specified by section 1(b)(2) of the Act of March 3, 1931, as amended by this Act [subsec. (b)(2) of this section], shall, during a period of two hundred and seventy days after such effective date, become effective only in those cases and reasonable classes of cases as the Secretary of Labor, acting as rapidly as practicable to make such rates of payments fully effective, shall by rule of regulation provide."

EFFECTIVE DATE OF 1940 AMENDMENT

Section 2 of act June 15, 1940, provided: "The amendments made by this Act [amending this section] shall take effect on the thirtieth day after the date of enactment of this Act [June 15, 1940], but shall not affect any contract in existence on such effective date or made thereafter pursuant to invitations for bids outstanding on the date of enactment of this Act."

SHORT TITLE

Act Mar. 3, 1931, as amended, which enacted sections 276a to 276a-5 of this title, is popularly known as the "Davis-Bacon Act".

CONTRACTING AUTHORITY OF GOVERNMENT AGENCIES IN CONNECTION WITH NATIONAL DEFENSE FUNCTIONS

Provisions of sections 276a to 276a-5 of this title as applicable to Government agencies exercising certain contracting authority in connection with national defense functions, see section 13 of Ex. Ord. No. 10789, set out as a note under section 1431 of Title 50, War and National Defense.

ENFORCEMENT OF LABOR STANDARDS

Labor standards under provisions of this section to be prescribed and enforced by Secretary of Labor, see Reorg. Plan No. 14 of 1950, eff. May 24, 1950, 15 F.R. 3176, 64 Stat. 1267, set out in the Appendix to Title 5, Government Organization and Employees.

FEDERAL RULES OF CIVIL PROCEDURE

Intervention, see rule 24, Title 28, Appendix, Judiciary and Judicial Procedure.

Effect of rule 24 on this section, see note by Advisory Committee under that rule.

ACT REFERRED TO IN OTHER SECTIONS

The Davis-Bacon Act [40 U.S.C. 276a to 276a-5] is referred to in sections 276a-7, 276d-1, 276d-2, 808 of this title; title 10 section 2304; title 12 sections 1701q, 1715c; title 15 section 3152; title 16 section 284c; title 20 sections 954, 956, 1132d-1, 1232b, 4305, 4332, 8509; title 23 section 113; title 25 sections 450e, 458, 1633; title 29 sections 251 to 256, 258, 259, 262, 776, 1553; title 31 section 6703; title 33 section 1372; title 38 sections 8135, 8162; title 39 section 410; title 40 App. section 402; title 41 section 42; title 42 sections 254b, 254c, 291e, 300j-9, 300s-1, 300t-12, 1437j, 1440, 1486, 1592i, 2297b-11, 2297g-3, 2992a, 3027, 3107, 3222, 3936, 4728, 5046, 5196, 5310, 5919, 6042, 6063, 6371j, 6708, 6728, 6881, 6979, 7614, 8013, 9604, 9839, 12836; title 49 sections 5333, 24312, 47112; title 50 App. sections 2095, 2096.

§ 276a-1. Termination of work on failure to pay agreed wages; completion of work by Government

Every contract within the scope of sections 276a to 276a-5 of this title shall contain the further provision that in the event it is found by the contracting officer 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 as aforesaid, the Government may, by written notice to the contractor, terminate his right to proceed with the work or such part of the work as to which there has been a failure to pay said required wages and to prosecute the work to completion by contract or otherwise, and the contractor and his sureties shall be liable to the Government for any excess costs occasioned the Government thereby.

(Mar. 3, 1931, ch. 411, §2, as added Aug. 30, 1935, ch. 825, 49 Stat. 1012.)

ENFORCEMENT OF LABOR STANDARDS

Labor standards under provisions of this section to be prescribed and enforced by Secretary of Labor, see Reorg. Plan No. 14 of 1950, eff. May 24, 1950, 15 F.R. 3176, 64 Stat. 1267, set out in the Appendix to Title 5, Government Organization and Employees.

§ 276a-2. Payment of wages by Comptroller General from withheld payments; listing contractors violating contracts

(a) The Comptroller General of the United States is authorized and directed to pay directly to laborers and mechanics from any accrued payments withheld under the terms of the contract any wages found to be due laborers and mechanics pursuant to sections 276a to 276a-5 of this title; and the Comptroller General of the United States is further authorized and is directed to distribute a list to all departments of the Government giving the names of persons or firms whom he has found to have disregarded their obligations to employees and subcontractors. No contract shall be awarded to the persons or firms appearing on this list or to any firm, corporation, partnership, or association in which such persons or firms have an interest until three years have elapsed from the date of publication of the list containing the names of such persons or firms.

(b) If the accrued payments withheld under the terms of the contract, as aforesaid, are insufficient to reimburse all the laborers and mechanics with respect to whom there has been a failure to pay the wages required pursuant to sections 276a to 276a-5 of this title, such laborers and mechanics shall have the right of action and/or of intervention against the contractor and his sureties conferred by law upon persons furnishing labor or materials, and in such proceedings it shall be no defense that such laborers and mechanics accepted or agreed to accept less than the required rate of wages or voluntarily made refunds.

(Mar. 3, 1931, ch. 411, §3, as added Aug. 30, 1935, ch. 825, 49 Stat. 1012.)

ENFORCEMENT OF LABOR STANDARDS

Labor standards under provisions of this section to be prescribed and enforced by Secretary of Labor, see Reorg. Plan No. 14 of 1950, eff. May 24, 1950, 15 F.R. 3176, 64 Stat. 1267, set out in the Appendix to Title 5, Government Organization and Employees.

§ 276a-3. Effect on other Federal laws

Sections 276a to 276a-5 of this title shall not be construed to supersede or impair any authority otherwise granted by Federal law to provide for the establishment of specific wage rates.

(Mar. 3, 1931, ch. 411, §4, as added Aug. 30, 1935, ch. 825, 49 Stat. 1012.)

§ 276a-4. Effective date of sections 276a to 276a-5

Sections 276a to 276a-5 of this title shall take effect thirty days after August 30, 1935, but shall not affect any contract then existing or any contract that may thereafter be entered into pursuant to invitations for bids that are outstanding on August 30, 1935.

(Mar. 3, 1931, ch. 411, §5, as added Aug. 30, 1935, ch. 825, 49 Stat. 1013.)

§ 276a-5. Suspension of sections 276a to 276a-5 during emergency

In the event of a national emergency the President is authorized to suspend the provisions of sections 276a to 276a-5 of this title.

(Mar. 3, 1931, ch. 411, §6, as added Aug. 30, 1935, ch. 825, 49 Stat. 1013.)

TERMINATION OF WAR AND EMERGENCIES

Joint Res. July 25, 1947, ch. 327, §3, 61 Stat. 451, provided that in the interpretation of this section, the date July 25, 1947, shall be deemed to be the date of termination of any state of war theretofore declared by Congress and of the national emergencies proclaimed by the President on September 8, 1939, and May 27, 1941.

§ 276a-6. Omitted

CODIFICATION

Section, act Mar. 3, 1931, ch. 411, §7, as added Aug. 30, 1935, ch. 825, 49 Stat. 1011, provided that the funds made available by the Emergency Relief Appropriation Act of 1935 (act Apr. 8, 1935, ch. 48, 49 Stat. 115) should be available for the fiscal year ending June 30, 1936, for administrative expenses under sections 276a to 276a-5 of this title.

§ 276a-7. Application of sections 276a to 276a-5 to contracts entered into without regard to section 5 of title 41

The fact that any contract authorized by any Act is entered into without regard to section 5 of title 41, or upon a cost-plus-a-fixed-fee basis or otherwise without advertising for proposals, shall not be construed to render inapplicable the provisions of sections 276a to 276a-5 of this title, if such Act would otherwise be applicable to such contract.

(Mar. 23, 1941, ch. 26, 55 Stat. 53; Aug. 21, 1941, ch. 395, 55 Stat. 658.)

§ 276b. Repealed. June 25, 1948, ch. 645, §21, 62 Stat. 862

Section, act June 13, 1934, ch. 482, §1, 48 Stat. 948, related to extortion from persons employed in construc-

tion of building or works financed by United States. See section 874 of Title 18, Crimes and Criminal Procedure.

EFFECTIVE DATE OF REPEAL

Repeal effective Sept. 1, 1948, pursuant to section 20 of act June 25, 1948.

§ 276c. Regulations governing contractors and subcontractors

The Secretary of Labor shall make reasonable regulations for contractors and subcontractors engaged in the construction, prosecution, completion or repair of public buildings, public works or buildings or works financed in whole or in part by loans or grants from the United States, including a provision that each contractor and subcontractor shall furnish weekly a statement with respect to the wages paid each employee during the preceding week. Section 1001 of title 18 shall apply to such statements.

(June 13, 1934, ch. 482, § 2, 48 Stat. 948; May 24, 1949, ch. 139, § 134, 63 Stat. 108; Aug. 28, 1958, Pub. L. 85-800, § 12, 72 Stat. 967.)

AMENDMENTS

1958—Pub. L. 85-800 substituted “statement” for “sworn affidavit” and inserted sentence making section 1001 of title 18 applicable to statements.

1949—Act May 24, 1949, amended section generally and substituted provision that regulations be made by the Secretary of Labor for provision that regulations be made by the Secretary of the Interior and Secretary of the Treasury jointly.

ENFORCEMENT OF LABOR STANDARDS

Labor standards under provisions of this section to be prescribed and enforced by Secretary of Labor, see Reorg. Plan No. 14 of 1950, eff. May 24, 1950, 15 F.R. 3176, 64 Stat. 1267, set out in the Appendix to Title 5, Government Organization and Employees.

CROSS REFERENCES

Public library construction, application of section to, see section 355c of Title 20, Education.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 330, 808 of this title; title 20 sections 954, 956, 1232b, 4305, 4332, 8509; title 25 sections 450e, 450j; title 29 sections 776, 1553; title 31 section 6703; title 33 section 1372; title 39 section 410; title 40 App. section 402; title 42 sections 254b, 254c, 291e, 300j-9, 300s-1, 300t-12, 1440, 1486, 1592i, 2297b-11, 2297g-3, 2992a, 3027, 3107, 3222, 5046, 5196, 5310, 5919, 6042, 6063, 6371j, 6708, 6728, 6881, 6979, 7614, 9604; title 49 section 5333; title 50 App. sections 2095, 2096.

§ 276d. Purpose

It is the purpose of sections 276d to 276d-3 of this title to promote and provide opportunities for people 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 are funded, in whole or in part, with Federal financial assistance authorized under certain Federal programs and that might not otherwise be possible without the use of volunteers.

(Pub. L. 103-355, title VII, § 7302, Oct. 13, 1994, 108 Stat. 3382.)

REFERENCES IN TEXT

Sections 276d to 276d-3 of this title, referred to in text, was in the original “this subtitle”, meaning subtitle C (§§ 7301-7306) of title VII of Pub. L. 103-355, Oct. 13, 1994, 108 Stat. 3382, which enacted this section, sections 276d-1 to 276d-3 of this title, and provisions set out as notes below. For complete classification of this Act to the Code, see Short Title note below and Tables.

EFFECTIVE DATE

For effective date and applicability of section, see section 10001 of Pub. L. 103-355, set out as an Effective Date of 1994 Amendment note under section 251 of Title 41, Public Contracts.

SHORT TITLE

Section 7301 of title VII of Pub. L. 103-355 provided that: “This subtitle [subtitle C (§§ 7301-7306) of title VII of Pub. L. 103-355, enacting this section, sections 276d-1 to 276d-3 of this title, and provisions set out below] may be cited as the ‘Community Improvement Volunteer Act of 1994.’”

REPORT ON USE OF VOLUNTEERS BY FOR-PROFIT ENTITIES

Section 7306 of title VII of Pub. L. 103-355 provided that: “Not later than December 31, 1997, the Secretary of Labor shall prepare and submit to the appropriate committees of Congress a report that—

“(1) to the maximum extent practicable—

“(A) identifies and assesses the barriers that prevent private for-profit entities from using volunteers permitted under this subtitle [subtitle C (§§ 7301-7306) of title VII of Pub. L. 103-355, see Short Title note above]; and

“(B) assesses whether private for-profit entities should be permitted to use volunteers on projects relating to the construction, repair, or alteration of public buildings and public works if—

“(i) such volunteers are performing services for civic, charitable, humanitarian or educational reasons;

“(ii) the contribution of such services is not for the direct or indirect benefit of the private for-profit entity that is performing or seeking to perform work on such projects; and

“(iii) such projects would not otherwise be possible without the use of volunteers; and

“(2) contains recommendations with respect to other Acts related to the Davis-Bacon Act [40 U.S.C. 276a et seq.] that may be considered in legislation to permit volunteer work.”

§ 276d-1. Waiver for individuals who perform volunteer services for public entities

(a) In general

The requirement that certain laborers and mechanics be paid in accordance with the wage-setting provisions of the Act of March 3, 1931 (commonly known as the “Davis-Bacon Act”) (40 U.S.C. 276a et seq.) as set forth in any of the Acts or provisions described in section 276d-3 of this title shall not apply to an individual—

(1) who volunteers—

(A) to perform a service directly to a State or local government or a public agency for civic, charitable, or humanitarian reasons, without promise, expectation, or receipt of compensation for services rendered, other than expenses, reasonable benefits, or a nominal fee (as defined in subsection (b) of this section), but solely for the personal purpose or pleasure of the individual; and

(B) to provide such services 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 is not otherwise employed by the same public agency to perform the same type of services as those for which the individual proposes to volunteer.

(b) Expenses

Payments of expenses, reasonable benefits, or a nominal fee may be provided to volunteers described in subsection (a) of this section only in accordance with regulations issued by the Secretary of Labor. In prescribing the regulations, the Secretary shall take into consideration 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—

(1) 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 for the cost or expense of meals and transportation;

(2) 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

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

The decision as to what constitutes a nominal fee for purposes of paragraph (3) shall be determined based on the context of the economic realities of the situation involved and shall be made by the Secretary of Labor.

(c) Economic reality

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

(Pub. L. 103-355, title VII, §7303, Oct. 13, 1994, 108 Stat. 3382.)

REFERENCES IN TEXT

Act of March 3, 1931, referred to in subsec. (a), is act Mar. 3, 1931, ch. 411, 46 Stat. 1494, as amended, known as the Davis-Bacon Act, which is classified generally to section 276a to 276a-5 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 276a of this title and Tables.

EFFECTIVE DATE

For effective date and applicability of section, see section 10001 of Pub. L. 103-355, set out as an Effective

Date of 1994 Amendment note under section 251 of Title 41, Public Contracts.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 276d, 276d-3 of this title.

§ 276d-2. Waiver for individuals who perform volunteer services for nonprofit entities

The requirement that certain laborers and mechanics be paid in accordance with the wage-setting provisions of the Act of March 3, 1931 (commonly known as the "Davis-Bacon Act") (40 U.S.C. 276a et seq.) as set forth in any of the Acts or provisions described in section 276d-3 of this title shall not apply to any individual—

(1) who volunteers—

(A) to perform a service directly to a public or private nonprofit recipient of Federal assistance for civic, charitable, or humanitarian reasons, without promise, expectation, or receipt of compensation for services rendered, but solely for the personal purpose or pleasure of the individual; and

(B) to provide such services 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 is not otherwise employed by the recipient of Federal assistance to perform the same type of services as those for which the individual proposes to volunteer.

(Pub. L. 103-355, title VII, §7304, Oct. 13, 1994, 108 Stat. 3383.)

REFERENCES IN TEXT

Act of March 3, 1931, referred to in text, is act Mar. 3, 1931, ch. 411, 46 Stat. 1494, as amended, known as the Davis-Bacon Act, which is classified generally to section 276a to 276a-5 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 276a of this title and Tables.

EFFECTIVE DATE

For effective date and applicability of section, see section 10001 of Pub. L. 103-355, set out as an Effective Date of 1994 Amendment note under section 251 of Title 41, Public Contracts.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 276d, 276d-3 of this title.

§ 276d-3. Contracts affected

For purposes of sections 276d-1 and 276d-2 of this title, the Acts or provisions described in this section are—

(1) the Library Services and Construction Act (20 U.S.C. 351 et seq.);

(2) the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.);

(3) section 254b of title 42;

- (4) section 254c of title 42;
- (5) the Indian Health Care Improvement Act (25 U.S.C. 1601 et seq.); and
- (6) the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.).

(Pub. L. 103-355, title VII, §7305, Oct. 13, 1994, 108 Stat. 3384.)

REFERENCES IN TEXT

The Library Services and Construction Act, referred to in par. (1), is act June 19, 1956, ch. 407, 70 Stat. 293, as amended, which is classified generally to chapter 16 (§351 et seq.) of Title 20, Education. For complete classification of this Act to the Code, see Short Title note set out under section 351 of Title 20 and Tables.

The Indian Self-Determination and Education Assistance Act, referred to in par. (2), is Pub. L. 93-638, Jan. 4, 1975, 88 Stat. 2203, as amended, which is classified principally to subchapter II (§450 et seq.) of chapter 14 of Title 25, Indians. For complete classification of this Act to the Code, see Short Title note set out under section 450 of Title 25 and Tables.

The Indian Health Care Improvement Act, referred to in par. (5), is Pub. L. 94-437, Sept. 30, 1976, 90 Stat. 1400, as amended, which is classified principally to chapter 18 (§1601 et seq.) of Title 25. For complete classification of this Act to the Code, see Short Title note set out under section 1601 of Title 25 and Tables.

The Housing and Community Development Act of 1974, referred to in par. (6), is Pub. L. 93-383, Aug. 22, 1974, 88 Stat. 633, as amended. For complete classification of this Act to the Code, see Short Title note set out under section 5301 of Title 42, The Public Health and Welfare, and Tables.

EFFECTIVE DATE

For effective date and applicability of section, see section 10001 of Pub. L. 103-355, set out as an Effective Date of 1994 Amendment note under section 251 of Title 41, Public Contracts.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 276d, 276d-1, 276d-2 of this title.

§ 277. Repealed. Pub. L. 86-249, § 17(16), Sept. 9, 1959, 73 Stat. 485

Section, act Aug. 5, 1892, ch. 380, 27 Stat. 351, placed a limitation on the amount of compensation payable to persons employed outside of the District of Columbia whose compensation is paid from appropriations for public buildings in course of construction.

SAVINGS PROVISION

Section repealed except as to its application to any project referred to in section 613 of this title, see section 17 of Pub. L. 86-249, set out as a note under section 341 of this title.

§ 277a. Omitted

CODIFICATION

Section, acts June 27, 1942, ch. 450, title I, 56 Stat. 407; June 26, 1943, ch. 145, title I, 57 Stat. 178; June 27, 1944, ch. 286, title I, 58 Stat. 368; May 3, 1945, ch. 106, title I, 59 Stat. 114; Mar. 28, 1946, ch. 113, title I, 60 Stat. 67; July 30, 1947, ch. 359, title I, 61 Stat. 594; Apr. 20, 1948, ch. 219, title I, 62 Stat. 183; June 30, 1949, ch. 288, title I, §103, 63 Stat. 380; Aug. 24, 1949, ch. 506, title I, 63 Stat. 640, related to compensation of per diem employees, at rates approved by the Administrator of General Services, out of appropriations for salaries and expenses, public buildings and grounds in and outside the District of Columbia, and for national industrial reserve; and to emergency employment such persons subject to the Administrator's confirmation. While similar provisions,

with respect to such compensation, were contained in the Independent Offices Appropriation Act, 1951, act Sept. 6, 1950, ch. 896, Ch. VIII, title I, 64 Stat. 697, they are broader in scope, and the language of this section was not repeated therein in toto. It would seem that the provisions expire from year to year with the particular appropriation acts of which they are a part.

§ 278. Repealed. Pub. L. 86-249, § 17(17), Sept. 9, 1959, 73 Stat. 485

Section, act Mar. 3, 1887, ch. 362, 24 Stat. 512, related to the employment of persons for supervision and care of buildings where buildings are completed with the exception of heating apparatus and approaches.

SAVINGS PROVISION

Section repealed except as to its application to any project referred to in section 613 of this title, see section 17 of Pub. L. 86-249, set out as a note under section 341 of this title.

§ 278a. Repealed. Pub. L. 100-678, § 7, Nov. 17, 1988, 102 Stat. 4052

Section, acts June 30, 1932, ch. 314, §322, 47 Stat. 412; Mar. 3, 1933, ch. 212, title II, §15, 47 Stat. 1517, related to limitations on amount to be expended for rental of buildings for Government purposes.

Section was formerly classified to section 40a of this title.

EXEMPTION ON 15 PERCENT LIMITATION FOR LEASES

Pub. L. 98-151, §101(f) [H.R. 4139, title IV, §6], Nov. 14, 1983, 97 Stat. 973; Pub. L. 100-202, §106, Oct. 22, 1987, 101 Stat. 1329-433, provided that: "Funds made available by this or any other Act for the payment of rent shall be hereafter available for the purpose of leasing space without regard to section 322 of the Act of June 30, 1932, as amended (40 U.S.C. 278a)." Similar provisions were contained in the following prior appropriation acts: Pub. L. 98-107, §101(d) [H.R. 4139, title IV, §6], Oct. 1, 1987, 97 Stat. 736, as amended by Pub. L. 98-151, §140, Nov. 14, 1983, 97 Stat. 981; Pub. L. 97-377, §101(a) [incorporating H.R. 4121, title IX, §7, for FY 1982], Dec. 21, 1982, 96 Stat. 1830; Pub. L. 97-92, §101(a) [H.R. 4121, title IV, §7], Dec. 15, 1981, 95 Stat. 1183.

§ 278b. Omitted

CODIFICATION

Section, act Apr. 28, 1942, ch. 249, 56 Stat. 247, provided for nonapplicability of section 278a of this title during war or national emergency.

§ 278c. Omitted

CODIFICATION

Section, act Sept. 6, 1950, ch. 896, Ch. VIII, title I, 64 Stat. 708, excepted the provisions of section 278a of this title from any lease entered into by or transferred to the General Services Administration for the housing of agencies specifically exempted from said section 278a, and was not repeated in subsequent appropriation acts.

§ 279. Appropriations for buildings available for use in temporary rented quarters

Unless otherwise specifically provided by law, whenever the Administrator of General Services is authorized to secure temporary quarters for the use of Government officials pending the alteration, improvement, or repairs to, or the remodeling, reconstruction, or enlargement of, any public building belonging to the United States under the control of the Administrator of General Services the appropriation for vaults, safes, and locks for public buildings shall be

available, if necessary, in connection with such portions of the premises as may be rented for or occupied by such officials in the same manner, for the same purpose, and to the same extent as if the title to such premises were vested in the United States.

(Mar. 3, 1905, ch. 1483, 33 Stat. 1161; 1939 Reorg. Plan No. 1, §§ 301, 303, eff. July 1, 1939, 4 F.R. 2729, 53 Stat. 1426, 1427; June 30, 1949, ch. 288, title I, § 103(a), 63 Stat. 380.)

CODIFICATION

Section is based on Sundry Civil Appropriation Act Mar. 3, 1905, fiscal year 1906.

TRANSFER OF FUNCTIONS

Functions of Federal Works Agency and of all agencies thereof, together with functions of Federal Works Administrator transferred to Administrator of General Services by section 103(a) of act June 30, 1949, which is classified to section 753(a) of this title. Federal Works Agency and office of Federal Works Administrator abolished by section 103(b) of act June 30, 1949.

“Federal Works Agency,” as formerly used in this section, originally read “Treasury Department,” and “Federal Works Administrator” originally read “Secretary of the Treasury.” By Reorg. Plan No. 1 of 1939, Public Buildings Branch of Procurement Division of Treasury Department transferred to Public Buildings Administration, Federal Works Agency, and functions of Secretary of the Treasury relating to Public Buildings Branch of Procurement Division and to selection of location and sites for public buildings transferred to Federal Works Administrator.

EFFECTIVE DATE OF TRANSFER OF FUNCTIONS

Transfer of functions by act June 30, 1949, effective July 1, 1949, see section 605 of act June 30, 1949, set out as an Effective Date note under section 471 of this title.

§ 280. Operating supplies, operating force, and repairs

Unless otherwise specifically provided by law, whenever the Administrator of General Services is authorized to secure temporary quarters for the use of the Government officials pending the alteration, improvement, or repairs to, or the remodeling, reconstruction, or enlargement of any public building under the control of the Administrator of General Services, including the customhouse at Washington, District of Columbia, but excluding any other public building under the control of the Administrator of General Services within the District of Columbia, and excluding also marine hospitals and quarantine stations, mints and branch mints, appropriations for operating force and operating supplies for public buildings shall be available, if necessary, in connection with such portions of the premises as may be rented for or occupied by such officials in the same manner, for the same purpose, and to the same extent as if the title to such premises were vested in the United States.

(Aug. 24, 1912, ch. 355, 37 Stat. 432; June 23, 1913, ch. 3, 38 Stat. 22; 1939 Reorg. Plan No. 1, §§ 301, 303, eff. July 1, 1939, 4 F.R. 2729, 53 Stat. 1426, 1427; June 30, 1949, ch. 288, title I, § 103(a), 63 Stat. 380.)

CODIFICATION

Section is based on provisos in the Sundry Civil Appropriation Acts Aug. 24, 1912, and June 23, 1913, respectively, fiscal years 1913 and 1914.

TRANSFER OF FUNCTIONS

Functions of office of Commissioner of Public Buildings and Public Buildings Administration transferred to Administrator of General Services by section 103(a) of act June 30, 1949, which is classified to section 753(a) of this title. Federal Works Agency and office of Federal Works Administrator abolished by section 103(b) of act June 30, 1949.

“Federal Works Agency,” as formerly used in this section, originally read “Treasury Department,” and “Federal Works Administrator” originally read “Secretary of the Treasury.” By Reorg. Plan No. 1 of 1939, Public Buildings Branch of Procurement Division of Treasury Department transferred to Public Buildings Administration, Federal Works Agency, and functions of Secretary of the Treasury relating to Public Buildings Branch of Procurement Division and to selection of location and sites for public buildings transferred to Federal Works Administrator.

EFFECTIVE DATE OF TRANSFER OF FUNCTIONS

Transfer of functions by act June 30, 1949, effective July 1, 1949, see section 605 of act June 30, 1949, set out as an Effective Date note under section 471 of this title.

§ 281. Furniture and repairs

Unless otherwise specifically provided by law, whenever the Administrator of General Services is authorized to secure temporary quarters for the use of Government officials pending the alteration, improvement, or repairs to, or the remodeling, reconstruction, or enlargement of any public building under the control of the Administrator of General Services, excluding marine hospitals and quarantine stations, mints and branch mints, appropriations for furniture and repairs of furniture, shall be available, if necessary, in connection with such portions of the premises as may be rented for or occupied by such officials in the same manner, for the same purpose, and to the same extent as if the title to such premises were vested in the United States.

(June 23, 1913, ch. 3, 38 Stat. 22; 1939 Reorg. Plan No. 1, §§ 301, 303, eff. July 1, 1939, 4 F.R. 2729, 53 Stat. 1426, 1427; June 30, 1949, ch. 288, title I, § 103(a), 63 Stat. 380.)

CODIFICATION

Section is based on a proviso in Sundry Civil Appropriation Act June 23, 1913, fiscal year 1914.

TRANSFER OF FUNCTIONS

Functions of Federal Works Agency and of all agencies thereof, together with functions of Federal Works Administrator transferred to Administrator of General Services by section 103(a) of act June 30, 1949, which is classified to section 753(a) of this title. Federal Works Agency and office of Federal Works Administrator abolished by section 103(b) of act June 30, 1949.

“Federal Works Agency,” as formerly used in this section, originally read “Treasury Department,” and “Federal Works Administrator” originally read “Secretary of the Treasury.” By Reorg. Plan No. 1 of 1939, Public Buildings Branch of Procurement Division of Treasury Department transferred to Public Buildings Administration, Federal Works Agency, and functions of Secretary of the Treasury relating to Public Buildings Branch of Procurement Division and to selection of location and sites for public buildings transferred to Federal Works Administrator.

EFFECTIVE DATE OF TRANSFER OF FUNCTIONS

Transfer of functions by act June 30, 1949, effective July 1, 1949, see section 605 of act June 30, 1949, set out as an Effective Date note under section 471 of this title.

§ 282. Repealed. Pub. L. 86-249, § 17(14), Sept. 9, 1959, 73 Stat. 485

Section, act July 1, 1916, ch. 209, 39 Stat. 273, provided that appropriations for care, maintenance, and repair shall be available for assay offices assigned quarters in Federal buildings.

SAVINGS PROVISION

Section repealed except as to its application to any project referred to in section 613 of this title, see section 17 of Pub. L. 86-249, set out as a note under section 341 of this title.

§ 283. Furniture for new buildings

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

(May 27, 1908, ch. 200, 35 Stat. 327; Ex. Ord. No. 6166, §1, eff. June 10, 1933; 1939 Reorg. Plan No. 1, §§301, 303, eff. July 1, 1939, 4 F.R. 2729, 53 Stat. 1426, 1427; June 30, 1949, ch. 288, title I, §103(a), 63 Stat. 380.)

CODIFICATION

Section is based on act May 27, 1908, popularly known as the "Sundry Civil Appropriation Act, fiscal year 1909".

TRANSFER OF FUNCTIONS

Functions of Federal Works Agency and of all agencies thereof, including Public Buildings Administration, together with functions of Federal Works Administrator transferred to Administrator of General Services by section 103(a) of act June 30, 1949, which is classified to section 753(a) of this title. Federal Works Administrator, Public Buildings Administration, and Public Buildings Administration abolished by section 103(b) of act June 30, 1949.

Office of Supervising Architect of Treasury Department transferred to Public Buildings Branch of Procurement Division of Treasury Department under Ex. Ord. No. 6166. By Reorg. Plan No. 1 of 1939, Public Buildings Branch of Procurement Division of Treasury Department transferred to Public Buildings Administration, Federal Works Agency, and functions of Secretary of the Treasury relating to Public Buildings Branch of Procurement Division and to selection of location and sites for public buildings transferred to Federal Works Administrator.

EFFECTIVE DATE OF TRANSFER OF FUNCTIONS

Transfer of functions by act June 30, 1949, effective July 1, 1949, see section 605 of act June 30, 1949, set out as an Effective Date note under section 471 of this title.

§ 284. Omitted

CODIFICATION

Section, acts Feb. 17, 1922, ch. 55, 42 Stat. 387; Jan. 3, 1923, ch. 22, 42 Stat. 1108; Apr. 4, 1924, ch. 84, title I, 43 Stat. 82; Jan. 22, 1925, ch. 87, title I, 43 Stat. 781; Mar. 2, 1926, ch. 43, title I, §1, 44 Stat. 153; Jan. 26, 1927, ch. 58, title I, §1, 44 Stat. 1044; Mar. 5, 1928, ch. 126, title I, §1, 45 Stat. 185; Dec. 20, 1928, ch. 39, title I, §1, 45 Stat. 1048; May 15, 1930, ch. 289, title I, §1, 46 Stat. 358; Feb. 23, 1931, ch. 277, title I, §1, 46 Stat. 1234; July 5, 1932, ch. 430, title I, §1, 47 Stat. 596; Mar. 3, 1933, ch. 212, title I, §1, 47 Stat. 1505; Mar. 15, 1934, ch. 70, title I, §1, 48 Stat. 441, 449; May 14, 1935, ch. 110, title I, 49 Stat. 233; June 23, 1936, ch. 725, title I, 49 Stat. 1843; May 14, 1937, ch. 180, titles I, II, 50 Stat. 153, 163; Mar. 28, 1938, ch. 55, titles I, II, 52 Stat. 137, 147; May 6, 1939, ch. 115, title I, §1, 53 Stat. 672, 682; Mar. 25, 1940, ch. 71, title II, 54 Stat. 77; May 31, 1941, ch. 156, title II, §1, 55 Stat. 234; Mar.

10, 1942, ch. 178, title II, §1, 56 Stat. 169; June 27, 1942, ch. 450, 56 Stat. 407; June 26, 1943, ch. 145, title I, §1, 57 Stat. 178; June 30, 1943, ch. 179, title II, §201, 57 Stat. 243; Apr. 22, 1944, ch. 175, title II, §1, 58 Stat. 214; June 27, 1944, ch. 286, title I, §1, 58 Stat. 368; Apr. 24, 1945, ch. 92, title II, 59 Stat. 74; May 3, 1945, ch. 106, title I, §1, 59 Stat. 114; Mar. 28, 1946, ch. 113, title I, §101, 60 Stat. 67; July 20, 1946, ch. 588, title II, §201, 60 Stat. 585; July 1, 1947, ch. 186, title II, §201, 61 Stat. 233; July 30, 1947, ch. 359, title I, §101, 61 Stat. 593; Apr. 20, 1948, ch. 219, title I, §101, 62 Stat. 183; June 14, 1948, ch. 466, title II, §201, 62 Stat. 421; June 30, 1949, ch. 286, title II, §201, 63 Stat. 380; Aug. 24, 1949, ch. 506, title I, §101, 63 Stat. 640, which related to the use of old furniture owned by the United States in certain public buildings, was not repealed in the Independent Offices Appropriation Act, 1951, act Sept. 6, 1950, ch. 896, ch. VIII, title I, §101, 64 Stat. 697, and apparently expired with the appropriation acts of which it was a part. See, however, section 471 et seq. of this title.

§ 285. Buildings under control of Administrator of General Services

All courthouses, customhouses, appraiser's stores, barge offices, and other public buildings outside of the District of Columbia and outside of military reservations which have been purchased or erected, or are in course of construction, or which may be erected or purchased out of any appropriation under the control of the Administrator of General Services, together with the site or sites thereof, are expressly declared to be under the exclusive jurisdiction and control and in the custody of the Administrator of General Services, who shall have full power to take possession of and assign and reassign rooms therein to such Federal officials, clerks, and employees as in his judgment and discretion should be furnished with offices or rooms therein.

(July 1, 1898, ch. 546, §1, 30 Stat. 614; May 29, 1920, ch. 214, §1, 41 Stat. 654; Ex. Ord. No. 6166, §1, eff. June 10, 1933; 1939 Reorg. Plan No. 1, §§301, 303, eff. July 1, 1939, 4 F.R. 2729, 53 Stat. 1426, 1427; June 30, 1949, ch. 288, title I, §103(a), 63 Stat. 380.)

CODIFICATION

Section is based on act July 1, 1898, popularly known as the "Sundry Civil Appropriation Act, fiscal year 1899".

Originally this section contained, among the buildings mentioned, reference to subtreasuries and post offices. Act May 29, 1920, ch. 214, §1, 41 Stat. 654, discontinued subtreasuries.

TRANSFER OF FUNCTIONS

Functions of Federal Works Agency and of all agencies thereof, together with functions of Federal Works Administrator transferred to Administrator of General Services by section 103(a) of act June 30, 1949, which is classified to section 753(a) of this title. Federal Works Agency and office of Federal Works Administrator abolished by section 103(b) of act June 30, 1949.

Ex. Ord. No. 6166 transferred administration of post office buildings to Post Office Department.

"Federal Works Agency," as formerly used in this section, originally read "Treasury Department," and "Federal Works Administrator" originally read "Secretary of the Treasury." By Reorg. Plan No. 1 of 1939, Public Buildings Branch of Procurement Division of Treasury Department transferred to Public Buildings Administration, Federal Works Agency, and functions of Secretary of the Treasury relating to Public Buildings Branch of Procurement Division and to selection of location and sites for public buildings transferred to Federal Works Administrator.

EFFECTIVE DATE OF TRANSFER OF FUNCTIONS

Transfer of functions by act June 30, 1949, effective July 1, 1949, see section 605 of act June 30, 1949, set out as an Effective Date note under section 471 of this title.

§ 285a. Washington City post office under control of United States Postal Service

The United States Postal Service shall have exclusive jurisdiction, control, and custody of the Washington City post office and the additions thereto, located at North Capitol Street and Massachusetts Avenue, to be operated and maintained by it the same as other public buildings under its custody and control.

(Mar. 1, 1933, ch. 162, 47 Stat. 1419; Ex. Ord. No. 6166, §1, eff. June 10, 1933; Aug. 12, 1970, Pub. L. 91-375, §§4(a), 6(o), 84 Stat. 773, 783.)

CHANGE OF NAME

“United States Postal Service” substituted in text for “Post Office Department” pursuant to Pub. L. 91-375, §§4(a), 6(o), Aug. 12, 1970, 84 Stat. 773, 783, which are set out as notes preceding section 101 of Title 39, Postal Service, and under section 201 of Title 39, respectively, which abolished the Post Office Department, transferred its functions to the United States Postal Service, and provided that references in other laws to the Post Office Department shall be considered a reference to the United States Postal Service.

TRANSFER OF FUNCTIONS

Ex. Ord. No. 6166 transferred administration of post office building from Secretary of the Treasury as provided by act Mar. 1, 1933, to Post Office Department.

§ 286. Buildings not to be draped in mourning

On and after March 3, 1893, no building owned, or used for public purposes, by the Government of the United States, shall be draped in mourning and no part of the public fund shall be used for such purpose.

(Mar. 3, 1893, ch. 211, §3, 27 Stat. 715.)

CODIFICATION

Section is based on act Mar. 3, 1893, popularly known as the “Legislative, Executive, and Judicial Appropriation Act, fiscal year 1894”.

§ 287. Repealed. Oct. 31, 1951, ch. 654, §1(93), 65 Stat. 705

Section, act June 6, 1900, ch. 791, 31 Stat. 592, related to inclusion in annual reports information with respect to public buildings. See section 492 of this title.

§ 288. Customhouse wharf at Charleston, South Carolina

The United States customhouse wharf at Charleston, South Carolina, shall be in the custody and under the control of the Department of the Army, and all branches of the public service using said wharf on January 11, 1922, shall be permitted to continue their use of the same.

(Jan. 11, 1922, ch. 27, 42 Stat. 356; July 26, 1947, ch. 343, title II, §205(a), 61 Stat. 501.)

CHANGE OF NAME

Department of War designated Department of the Army and title of Secretary of War changed to Secretary of the Army by section 205(a) of act July 26, 1947, ch. 343, title II, 61 Stat. 501. Section 205(a) of act July 26, 1947, was repealed by section 53 of act Aug. 10, 1956,

ch. 1041, 70A Stat. 641. Section 1 of act Aug. 10, 1956, enacted “Title 10, Armed Forces” which in sections 3010 to 3013 continued Department of the Army under administrative supervision of Secretary of the Army.

§ 289. Buildings for departments; control of space; compensation

The control of assignment of space in the buildings authorized by the Act of February 27, 1929, chapter 354, section 5, 45 Statutes 1342, shall be vested in the Administrator of General Services. Compensation for such occupancy, space, and facilities as are utilized by the Mayor of the District of Columbia shall be on a rental basis on terms to be fixed by a board consisting of the Administrator of General Services and the Mayor of the District of Columbia.

(Feb. 27, 1929, ch. 354, §6, 45 Stat. 1343; Ex. Ord. 6166, §§1, 2, eff. June 10, 1933; Mar. 2, 1934, ch. 38, §1, 48 Stat. 389; 1939 Reorg. Plan No. I, §§301, 303, eff. July 1, 1939, 4 F.R. 2729, 53 Stat. 1427; June 30, 1949, ch. 288, title I, §103(a), 63 Stat. 380; 1967 Reorg. Plan No. 3, §§401, 503(b), eff. Nov. 3, 1967, 32 F.R. 11669, 81 Stat. 951, 979; Dec. 24, 1973, Pub. L. 93-198, title IV, §421, 87 Stat. 789.)

REFERENCES IN TEXT

Section 5 of Act February 27, 1929, referred to in text, read as follows: “That the Director of Public Buildings and Public Parks of the National Capital be, and he is hereby, authorized and directed to acquire by purchase, condemnation, or otherwise, such sites and additions to sites, in the vicinity of United States Reservations 17B, 17C, 17D, or 113, as may be necessary, and is authorized and directed to construct, on the sites so acquired or on other land in said District belonging to the United States not needed for other purposes, the location to be subject to the approval of the National Capital Park and Planning Commission, a building or buildings of fireproof warehouse type, with approximately four hundred thousand square feet of floor space, to provide storage space and facilities and the necessary offices connected therewith, for use of the General Supply Committee of the Treasury Department, of other departments or Independent Establishments of the United States Government, and of the municipal government of the District of Columbia.”

CODIFICATION

Section is based on section 6 of act Feb. 27, 1929, which read: “That the control of assignment of space in (said building or buildings) shall be vested in the Public Buildings Commission, established by section 10 of the Act approved March 1, 1919. Compensation for such occupancy, space, and facilities as are utilized by the Commissioners of the District of Columbia shall be on a rental basis on terms to be fixed by a board consisting of the director of Public Buildings and Public Parks of the National Capital, the engineer commissioner of the District of Columbia, and the Supervising Architect of the Treasury.”

Section was formerly classified to section 289a of this title.

TRANSFER OF FUNCTIONS

Except as otherwise provided in Reorg. Plan No. 3 of 1967, functions of Board of Commissioners of District of Columbia transferred to Commissioner of District of Columbia by section 401 of Reorg. Plan No. 3 of 1967. Office of Commissioner of District of Columbia, as established by Reorg. Plan No. 3 of 1967, abolished as of noon Jan. 2, 1975, by Pub. L. 93-198, title VII, §711, Dec. 24, 1973, 87 Stat. 818, and replaced by office of Mayor of District of Columbia by section 421 of Pub. L. 93-198, classified to section 1-241 of the District of Columbia Code. Accordingly, “Mayor” substituted in text for “Commissioners”.

Functions of Federal Works Agency and of all agencies thereof, together with functions of Federal Works Administrator transferred to Administrator of General Services by section 103(a) of act June 30, 1949, which is classified to section 753(a) of this title. Federal Works Agency and office of Federal Works Administrator abolished by section 103(b) of act June 30, 1949.

Control of assignment of space under this section was originally in Public Buildings Commission. Ex. Ord. No. 6166, §2, abolished Public Buildings Commission and transferred its functions to Office of National Parks, Buildings, and Reservations in Department of the Interior. Name of Office of National Parks, Buildings, and Reservations changed to "National Park Service" by act Mar. 2, 1934. Functions of National Park Service in District of Columbia in connection with general assignment of space, etc., transferred to Public Buildings Administration, Federal Works Agency, by Reorg. Plan No. 1 of 1939.

Office of Public Buildings and Public Parks of National Capital abolished and functions thereof and those of Director thereof transferred to Office of National Parks, Buildings, and Reservations of Department of the Interior by Ex. Ord. No. 6166. Name of latter office changed to "National Park Service" by act Mar. 2, 1934.

Functions of Director of National Park Service relating to public buildings transferred to Federal Works Administrator by section 303(b) of Reorg. Plan No. 1 of 1939.

Office of Supervising Architect of Treasury Department transferred to Public Buildings Branch of Procurement Division of Treasury Department under Ex. Ord. No. 6166, §1. By Reorg. Plan I of 1939, Public Buildings Branch of Procurement Division of Treasury Department transferred to Public Buildings Administration, Federal Works Agency, and functions of Secretary of the Treasury relating to Public Buildings Branch of Procurement Division and to selection of location and sites for public buildings transferred to Federal Works Administrator.

EFFECTIVE DATE OF TRANSFER OF FUNCTIONS

Transfer of functions by act June 30, 1949, effective July 1, 1949, see section 605 of act June 30, 1949, set out as an Effective Date note under section 471 of this title.

TRANSFER OF SPACE ASSIGNMENT AND LEASING FUNCTIONS

Transfer of space assignment and leasing functions to Administrator of General Services, see Reorg. Plan No. 18 of 1950, §1, eff. July 1, 1950, 15 F.R. 3177, 64 Stat. 1270, set out as a note under section 490 of this title.

§ 289a. Transferred

CODIFICATION

Section, act Feb. 27, 1929, ch. 354, §6, 45 Stat. 1343, which related to control of space in buildings for use of General Supply Committee of the Treasury, was transferred to section 289 of this title.

§ 290. State workmen's compensation laws; extension to buildings and works of United States

Whatsoever constituted authority of each of the several States is charged with the enforcement of and requiring compliances with the State workmen's compensation laws of said States and with the enforcement of and requiring compliance with the orders, decisions, and awards of said constituted authority of said States shall have the power and authority to apply such laws to all lands and premises owned or held by the United States of America by deed or act of cession, by purchase or otherwise, which is within the exterior boundaries of any State and to all projects, buildings, construc-

tions, improvements, and property belonging to the United States of America, which is within the exterior boundaries of any State, in the same way and to the same extent as if said premises were under the exclusive jurisdiction of the State within whose exterior boundaries such place may be.

For the purposes set out in this section, the United States of America vests in the several States within whose exterior boundaries such place may be, insofar as the enforcement of State workmen's compensation laws are affected, the right, power, and authority aforesaid: *Provided, however*, That by the passage of this section the United States of America in no wise relinquishes its jurisdiction for any purpose over the property named, with the exception of extending to the several States within whose exterior boundaries such place may be only the powers above enumerated relating to the enforcement of their State workmen's compensation laws as herein designated: *Provided further*, That nothing in this section shall be construed to modify or amend subchapter I of chapter 81 of title 5.

(June 25, 1936, ch. 822, §§1, 2, 49 Stat. 1938, 1939.)

CODIFICATION

In the last par., "subchapter I of chapter 81 of title 5" substituted for "the United States Employees' Compensation Act as amended from time to time (Act of September 7, 1916, 39 Stat. 742, U.S.C., title 5 and supplement, sec. 751 et seq.)" on authority of Pub. L. 89-554, §7(b), Sept. 6, 1966, 80 Stat. 631, the first section of which enacted Title 5, Government Organization and Employees.

§ 291. Admission of guide dogs accompanied by blind masters

Seeing-eye dogs or other guide dogs, especially trained and educated for that purpose, accompanied by their blind masters, shall be admitted to any building or other property owned or controlled by the United States, upon the same terms and conditions, and subject to the same regulations as generally govern the admission of the public to such property: *Provided*, That such dogs shall not be permitted to run free or roam in or on such property, and shall be in guiding harness or on leash and under the control of their blind masters at all times while in or on such property. The head of each department or other agency of the United States may make such rules and regulations as he deems necessary in the public interest to carry out the provisions of this section in its application to any such building or other property subject to his jurisdiction.

(Dec. 10, 1941, ch. 563, 55 Stat. 796.)

§ 292. Omitted

CODIFICATION

Section, acts May 3, 1945, ch. 106, title I, 59 Stat. 114; Mar. 28, 1946, ch. 113, title I, 60 Stat. 67; July 30, 1947, ch. 359, title I, 61 Stat. 594; Apr. 20, 1948, ch. 219, title I, 62 Stat. 183; June 30, 1949, ch. 288, title I, §103, 63 Stat. 380; Aug. 24, 1949, ch. 506, title I, 63 Stat. 640, which related to availability to the Administrator of General Services of appropriations (for salaries and expenses, public buildings and grounds in and outside the District of Columbia) for communication services serving gov-

ernmental activities and services to motor vehicles, and reimbursement, was not repeated in subsequent appropriation acts.

§ 293. Working capital fund for blueprinting, photostating, and duplicating services in General Services Administration; reimbursement

For the establishment of a working capital fund there is appropriated \$50,000, without fiscal year limitation, for the payment of salaries and other expenses necessary to the operation of a central blue-printing, photostating, and duplicating service; said fund to be reimbursed in order to insure continuous operation, from available funds 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 of General Services on the basis of estimated or actual charges for personal services, materials, equipment (including maintenance, repair, and depreciation on existing as well as new equipment) and other expenses: *Provided*, That at the close of each fiscal year any excess of funds resulting from such operation, after making adequate provision for the replacement of mechanical and other equipment and for accrued annual leave of employees engaged in this work by the establishment of reserves therefor, shall be covered into the Treasury of the United States as miscellaneous receipts.

(May 3, 1945, ch. 106, title I, 59 Stat. 115; June 30, 1949, ch. 288, title I, §103(a), 63 Stat. 380.)

TRANSFER OF FUNCTIONS

Functions of Federal Works Agency and of all agencies thereof, together with functions of Federal Works Administrator, and functions of Commissioner of Public Buildings and Public Buildings Administration transferred to Administrator of General Services by section 103(a) of act June 30, 1949, which is classified to section 753(a) of this title. Federal Works Agency, office of Federal Works Administrator, office of Commissioner of Public Buildings, and Public Buildings Administration abolished by section 103(b) of act June 30, 1949.

EFFECTIVE DATE OF TRANSFER OF FUNCTIONS

Transfer of functions by act June 30, 1949, effective July 1, 1949, see section 605 of act June 30, 1949, set out as an Effective Date note under section 471 of this title.

§ 294. Repealed. Oct. 31, 1951, ch. 654, §1(94), 65 Stat. 705

Section, act June 14, 1946, ch. 404, §5, 60 Stat. 258, related to maintenance of survey of Government-owned or leased office space, determination of economical use thereof, and reports of findings. See section 487 of this title.

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

The Administrator of General Services is authorized to provide and operate public utility communications services serving one or more governmental activities, in and outside the District of Columbia, where it is found that such services are economical and in the interest of the Government. This section does not apply to communications systems for handling messages of a confidential or secret nature, or to the oper-

ation of cryptographic equipment or transmission of secret, security, or coded messages, or to buildings operated or occupied by the United States Postal Service, except upon request of the department or agency concerned.

(June 14, 1946, ch. 404, §7, 60 Stat. 258; June 30, 1949, ch. 288, title I, §103(a), 63 Stat. 380; Aug. 12, 1970, Pub. L. 91-375, §§4(a), 6(o), 84 Stat. 773, 783.)

CHANGE OF NAME

“United States Postal Service” substituted in text for “Post Office Department” pursuant to Pub. L. 91-375 which abolished Post Office Department, transferred its functions to United States Postal Service, and provided that references in other laws to Post Office Department shall be considered a reference to United States Postal Service.

TRANSFER OF FUNCTIONS

Functions of office of Commissioner of Public Buildings and Public Buildings Administration transferred to Administrator of General Services by section 103(a) of act June 30, 1949, which is classified to section 753(a) of this title. Office of Commissioner of Public Buildings and Public Buildings Administration abolished by section 103(b) of act June 30, 1949.

EFFECTIVE DATE OF TRANSFER OF FUNCTIONS

Transfer of functions by act June 30, 1949, effective July 1, 1949, see section 605 of act June 30, 1949, set out as an Effective Date note under section 471 of this title.

§ 296. Transfer of administrative expenses into special account

In the prosecution of construction projects or planning programs assigned to the Administrator of General Services for which funds are provided by direct appropriation or transferred under authority contained in section 265 of this title, an amount administratively determined as necessary for the payment of salaries and expenses of personnel engaged upon the preparation of plans and specifications, field supervision, and general office expense, may be transferred and consolidated on the books of the Treasury Department into a special account for direct expenditure in the prosecution of said work, such expenditures to be subsequently allocated and reported upon by projects in accordance with procedures prescribed by the General Accounting Office.

(June 14, 1946, ch. 404, §9, 60 Stat. 259; June 30, 1949, ch. 288, title I, §103(a), 63 Stat. 380.)

REFERENCES IN TEXT

Section 265 of this title, referred to in text, was repealed by Pub. L. 86-249, §17(11), Sept. 9, 1959, 73 Stat. 485.

TRANSFER OF FUNCTIONS

Functions of office of Commissioner of Public Buildings and Public Buildings Administration transferred to Administrator of General Services by section 103(a) of act June 30, 1949, which is classified to section 753(a) of this title. Office of Commissioner of Public Buildings and Public Buildings Administration abolished by section 103(b) of act June 30, 1949.

EFFECTIVE DATE OF TRANSFER OF FUNCTIONS

Transfer of functions by act June 30, 1949, effective July 1, 1949, see section 605 of act June 30, 1949, set out as an Effective Date note under section 471 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 490, 490a of this title.

§§ 297 to 298. Repealed. Pub. L. 86-249, § 17(18), Sept. 9, 1959, 73 Stat. 486

Section 297, act June 16, 1949, ch. 218, title III, § 301, 63 Stat. 198, related to renovation and improvement of Federal buildings outside District of Columbia. See section 601 et seq. of this title.

Section 297a, act June 16, 1949, ch. 218, title III, § 302, 63 Stat. 198, authorized appropriations for carrying out purposes of section 297 of this title.

Section 298, act June 16, 1949, ch. 218, title IV, § 401, 63 Stat. 198, provided for employment of architectural, professional, or technical firms or individuals, and authorized holding of competitions for project designs. See section 601 et seq. of this title.

SAVINGS PROVISION

Sections repealed except as to their application to any project referred to in section 613 of this title, see section 17 of Pub. L. 86-249, set out as a note under section 341 of this title.

§ 298a. Acceptance of gifts of real, personal, or other property

The Administrator of General Services, together with the United States Postal Service where his office is concerned, is authorized to accept on behalf of the United States unconditional gifts of real, personal, or other property in aid of any project or function within their respective jurisdictions.

(June 16, 1949, ch. 218, title IV, § 404, 63 Stat. 199; June 30, 1949, ch. 288, title I, § 103(a), 63 Stat. 380; Aug. 12, 1970, Pub. L. 91-375, § 4(a), 84 Stat. 773.)

TRANSFER OF FUNCTIONS

Functions of Federal Works Agency and of all agencies thereof, together with functions of Federal Works Administrator transferred to Administrator of General Services by section 103(a) of act June 30, 1949, which is classified to section 753(a) of this title. Federal Works Agency and office of Federal Works Administrator abolished by section 103(b) of act June 30, 1949.

“United States Postal Service” substituted for “Postmaster General” in text pursuant to Pub. L. 91-375 which abolished office of Postmaster General of Post Office Department and transferred its functions to United States Postal Service.

EFFECTIVE DATE OF TRANSFER OF FUNCTIONS

Transfer of functions by act June 30, 1949, effective July 1, 1949, see section 605 of act June 30, 1949, set out as an Effective Date note under section 471 of this title.

REPEAL OF INCONSISTENT ACTS

Section 413 [formerly section 411] of act June 16, 1949, 63 Stat. 200, as redesignated by acts July 22, 1954, ch. 560, § 101, 68 Stat. 518, and July 12, 1955, ch. 331, 69 Stat. 297, provided that: “All Acts and parts of Acts inconsistent or in conflict with the foregoing provisions [enacting this section and sections 37a, 297, 297a, 298, 298b to 298d, and 352 to 356a of this title and amending section 345 of this title] are hereby repealed to the extent of such inconsistency or conflict.”

§ 298b. Administrator of General Services to furnish services in continental United States to international bodies

The provisions of sections 1535 and 1536 of title 31, are extended to authorize the Administrator of General Services to furnish services in the continental United States, on the basis of full reimbursement, at the request of the State Department, to any international body with which the United States Government is affiliated.

(June 16, 1949, ch. 218, title IV, § 405, 63 Stat. 199; June 30, 1949, ch. 288, title I, § 103(a), 63 Stat. 380.)

CODIFICATION

“Sections 1535 and 1536 of title 31” substituted in text for “section 601 of the Economy Act, approved June 30, 1932, as amended [31 U.S.C. 686]” on authority of Pub. L. 97-258, § 4(b), Sept. 13, 1982, 96 Stat. 1067, the first section of which enacted Title 31, Money and Finance.

TRANSFER OF FUNCTIONS

Functions of office of Commissioner of Public Buildings Administration transferred to Administrator of General Services by section 103(a) of act June 30, 1949, which is classified to section 753(a) of this title. Office of Commissioner of Public Buildings and Public Buildings Administration abolished by section 103(b) of act June 30, 1949.

EFFECTIVE DATE OF TRANSFER OF FUNCTIONS

Transfer of functions by act June 30, 1949, effective July 1, 1949, see section 605 of act June 30, 1949, set out as an Effective Date note under section 471 of this title.

§ 298c. Repealed. Pub. L. 86-249, § 17(18), Sept. 9, 1959, 73 Stat. 486

Section, act June 16, 1949, ch. 218, title IV, § 406, 63 Stat. 199, authorized expenditure of not more than \$1,800 for landscaping of grounds of any public building.

SAVINGS PROVISION

Section repealed except as to its application to any project referred to in section 613 of this title, see section 17 of Pub. L. 86-249, set out as a note under section 341 of this title.

§ 298d. Naming and renaming of buildings

The Administrator of General Services is authorized, notwithstanding any other provision of law, to name, rename, or otherwise designate any building under the custody and control of the General Services Administration, regardless of whether it was previously named by statute.

(June 16, 1949, ch. 218, title IV, § 410, 63 Stat. 200; June 30, 1949, ch. 288, title I, § 103(a), 63 Stat. 380; July 18, 1958, Pub. L. 85-542, 72 Stat. 399.)

AMENDMENTS

1958—Pub. L. 85-542 struck out requirement of approval by Bureau of the Budget for change or recharge of name or designation.

TRANSFER OF FUNCTIONS

Functions of Federal Works Agency and of all agencies thereof, together with functions of Federal Works Administrator transferred to Administrator of General Services by section 103(a) of act June 30, 1949, which is classified to section 753(a) of this title. Federal Works Agency and office of Federal Works Administrator abolished by section 103(b) of act June 30, 1949.

EFFECTIVE DATE OF TRANSFER OF FUNCTIONS

Transfer of functions by act June 30, 1949, effective July 1, 1949, see section 605 of act June 30, set out as an Effective Date note under section 471 of this title.

CHAPTER 4—THE PUBLIC PROPERTY

- | | |
|--------------|---|
| Sec. | |
| 301. | Charge of property transferred to the United States. |
| 302 to 303a. | Repealed. |
| 303b. | Lease of buildings by Government; money consideration. |
| 303c. | Maintenance and repair of Government improvements under concession contracts. |