

(a) a failure to comply with any term or condition of the grant, or

(b) a nonuse of the easement for a consecutive two-year period for the purpose for which granted, or

(c) an abandonment of the easement.

If such a provision is included, it shall require that written notice of such termination shall be given to the grantee, or its successors or assigns. The termination shall be effective as of the date of such notice.

(Pub. L. 87-852, § 2, Oct. 23, 1962, 76 Stat. 1129.)

#### REPEALS

*Section repealed by Pub. L. 94-579, title VII, § 706(a), Oct. 21, 1976, 90 Stat. 2793, effective on and after Oct. 21, 1976, insofar as applicable to the issuance of rights-of-way over, upon, under, and through the public lands and lands in the National Forest System.*

#### SAVINGS PROVISION

Repeal by Pub. L. 94-579 insofar as applicable to the issuance of rights-of-way not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, set out as a note under section 1701 of Title 43, Public Lands.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 319, 319b, 319c of this title.

### § 319b. Additional easement authority

The authority conferred by sections 319 to 319c of this title shall be in addition to, and shall not affect or be subject to, any other law under which an executive agency may grant easements.

(Pub. L. 87-852, § 3, Oct. 23, 1962, 76 Stat. 1129.)

#### REPEALS

*Section repealed by Pub. L. 94-579, title VII, § 706(a), Oct. 21, 1976, 90 Stat. 2793, effective on and after Oct. 21, 1976, insofar as applicable to the issuance of rights-of-way over, upon, under, and through the public lands and lands in the National Forest System.*

#### SAVINGS PROVISION

Repeal by Pub. L. 94-579 insofar as applicable to the issuance of rights-of-way not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, set out as a note under section 1701 of Title 43, Public Lands.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 319, 319c of this title.

### § 319c. Definitions for easement provisions

As used in sections 319 to 319c of this title—

(a) The term “State” means the States of the Union, the District of Columbia, the Commonwealth of Puerto Rico, and the possessions of the United States.

(b) The term “executive agency” means any executive department or independent establishment in the executive branch of the Government, including any wholly owned Government corporation.

(c) The term “person” includes any corporation, partnership, firm, association, trust, estate, or other entity.

(d) The term “real property of the United States” excludes the public lands (including minerals, vegetative, and other resources) in the United States, including lands reserved or dedicated for national forest purposes, lands administered or supervised by the Secretary of the Interior in accordance with sections 1, 2, 3, and 4 of title 16, as amended and supplemented, Indian-owned trust and restricted lands, and lands acquired by the United States primarily for fish and wildlife conservation purposes and administered by the Secretary of the Interior, lands withdrawn from the public domain primarily under the jurisdiction of the Secretary of the Interior, and lands acquired for national forest purposes.

(Pub. L. 87-852, § 4, Oct. 23, 1962, 76 Stat. 1129.)

#### REPEALS

*Section repealed by Pub. L. 94-579, title VII, § 706(a), Oct. 21, 1976, 90 Stat. 2793, effective on and after Oct. 21, 1976, insofar as applicable to the issuance of rights-of-way over, upon, under, and through the public lands and lands in the National Forest System.*

#### SAVINGS PROVISION

Repeal by Pub. L. 94-579 insofar as applicable to the issuance of rights-of-way not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, set out as a note under section 1701 of Title 43, Public Lands.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 319, 319b of this title.

## CHAPTER 5—HOURS OF LABOR AND SAFETY ON PUBLIC WORKS

### SUBCHAPTER I—GENERAL PROVISIONS

Sec.

321 to 326. Repealed or Omitted.

### SUBCHAPTER II—CONTRACT WORK HOURS AND SAFETY STANDARDS

327. “Secretary” defined.
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329. Contracts subject to this subchapter; workers covered; exceptions.
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- (a) Reports of inspectors; determination of amount of unpaid wages and liquidated damages; authorization for direct payments by Comptroller General.
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331. Limitations, variations, tolerances, and exemptions.

- Sec.  
332. Violations; penalties.  
333. Health and safety standards in building trades and construction industry.
- (a) Condition of contracts; proceedings for promulgation of regulations; hearing, consultation with Advisory Committee.
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  - (c) Jurisdiction; cause shown; enforcement of compliance.
  - (d) Finding of ineffective protection against violations; transmission of names of violators to Comptroller General; contract awards prohibition; termination of restriction and notification of Comptroller General and Government agencies; judicial review.
  - (e) Advisory Committee on Construction Safety and Health; establishment; membership; appointment; representation of interests; advice in formulation of standards, regulations, and policy matters; appointment of experts or consultants; compensation, travel expenses, etc.
  - (f) Safety programs: promotion; prevention of injuries through reports, data, and consultations with employers.
334. Contractor certification or contract clause in acquisition of commercial items.

SUBCHAPTER I—GENERAL PROVISIONS

**§§ 321, 322. Repealed. Pub. L. 87-581, title II, § 203, Aug. 13, 1962, 76 Stat. 360**

Section 321, acts Aug. 1, 1892, ch. 352, §1, 27 Stat. 340; Mar. 3, 1913, ch. 106, 37 Stat. 726, related to an eight-hour day on public works or dredging or rock excavation performed for the United States or the District of Columbia. See section 328 of this title.

Section 322, acts Aug. 1, 1892, ch. 352, §2, 27 Stat. 340; Mar. 3, 1913, ch. 106, 37 Stat. 726, related to violation of these provisions and the penalties thereof. See section 332 of this title.

EFFECTIVE DATE OF REPEAL

Repeal effective 60 days after Aug. 13, 1962, but shall not affect contracts existing or thereafter entered into pursuant to invitations for bids outstanding on Aug. 13, 1962, see section 204 of Pub. L. 87-581, set out as an Effective Date note under section 327 of this title.

SAVINGS PROVISION

Section 203 of Pub. L. 87-581 provided in part that: "The provisions of such statutes [sections 321, 322, and 324 to 326 of this title] shall, notwithstanding, continue to apply with respect to contracts existing on the effective date of this Act [see Effective Date note set out under section 327 of this title] or entered into pursuant to invitations for bids that are outstanding at the time of the enactment of this Act [Aug. 13, 1962]."

**§ 323. Omitted**

CODIFICATION

Section, acts Aug. 1, 1892, ch. 352, §3, 27 Stat. 340; Mar. 3, 1913, ch. 106, 37 Stat. 727, provided that sections 321

and 322 of this title should not affect contracts entered into prior to Aug. 1, 1892.

**§§ 324 to 326. Repealed. Pub. L. 87-581, title II, § 203, Aug. 13, 1962, 76 Stat. 360**

Section 324, acts June 19, 1912, ch. 174, §1, 37 Stat. 137; June 25, 1948, ch. 646, §19, 62 Stat. 989, required public contracts to provide for an eight-hour day and stipulate penalties for violations, inspectors were to report violations, penalties were to be withheld by payor of moneys under contract, administrative appeals were available to parties aggrieved by penalties, and provided that final administrative decisions could be taken to Court of Claims. See section 330 of this title.

Section 325, act June 19, 1912, ch. 174, §2, 37 Stat. 138, related to excepted contracts, work which was included, waiver by President in time of war, conditions whereby penalties would not be imposed, and provided that it should be construed so as not to affect eight-hour law. See section 329 of this title.

Section 325a, act Sept. 9, 1940, ch. 717, title III, §303, 54 Stat. 884, related to computation of wages on basic day rate of eight hours, and at one and one-half times basic rate for overtime compensation. See section 328 of this title.

Section 326, act Mar. 4, 1917, ch. 180, 39 Stat. 1192, related to suspension of eight-hour law in case of national emergency, and provided that overtime rates be paid at not less than time and one-half for work exceeding eight hours. See section 331 of this title.

EFFECTIVE DATE OF REPEAL

Repeal effective 60 days after Aug. 13, 1962, but not affecting contracts existing or thereafter entered into pursuant to invitations for bids outstanding on Aug. 13, 1962, see section 204 of Pub. L. 87-581, set out as an Effective Date note under section 327 of this title.

SAVINGS PROVISION

The provisions of sections 321, 322, and 324 to 326 of this title applicable with respect to certain contracts, see section 203 of Pub. L. 87-581, set out as a note under section 321 of this title.

SUBCHAPTER II—CONTRACT WORK HOURS AND SAFETY STANDARDS

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in title 28 section 1499; title 39 section 410.

**§ 327. "Secretary" defined**

As used herein, the term "Secretary" means the Secretary of Labor, United States Department of Labor.

(Pub. L. 87-581, title I, §101, Aug. 13, 1962, 76 Stat. 357.)

REFERENCES IN TEXT

Herein, referred to in text, means title I of Pub. L. 87-581, Aug. 13, 1962, 76 Stat. 357, as amended, which enacted sections 327 to 333 of this title. For complete classification of title I to the Code, see Short Title note below and Tables.

EFFECTIVE DATE

Section 204 of Pub. L. 87-581 provided that: "This Act [see Short Title note below] shall take effect sixty days after its enactment, 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 at the time of the enactment of this Act [Aug. 13, 1962]."

SHORT TITLE

Section 1 of Pub. L. 87-581, as amended by Pub. L. 91-54, §2, Aug. 9, 1969, 83 Stat. 98, provided: "That this